



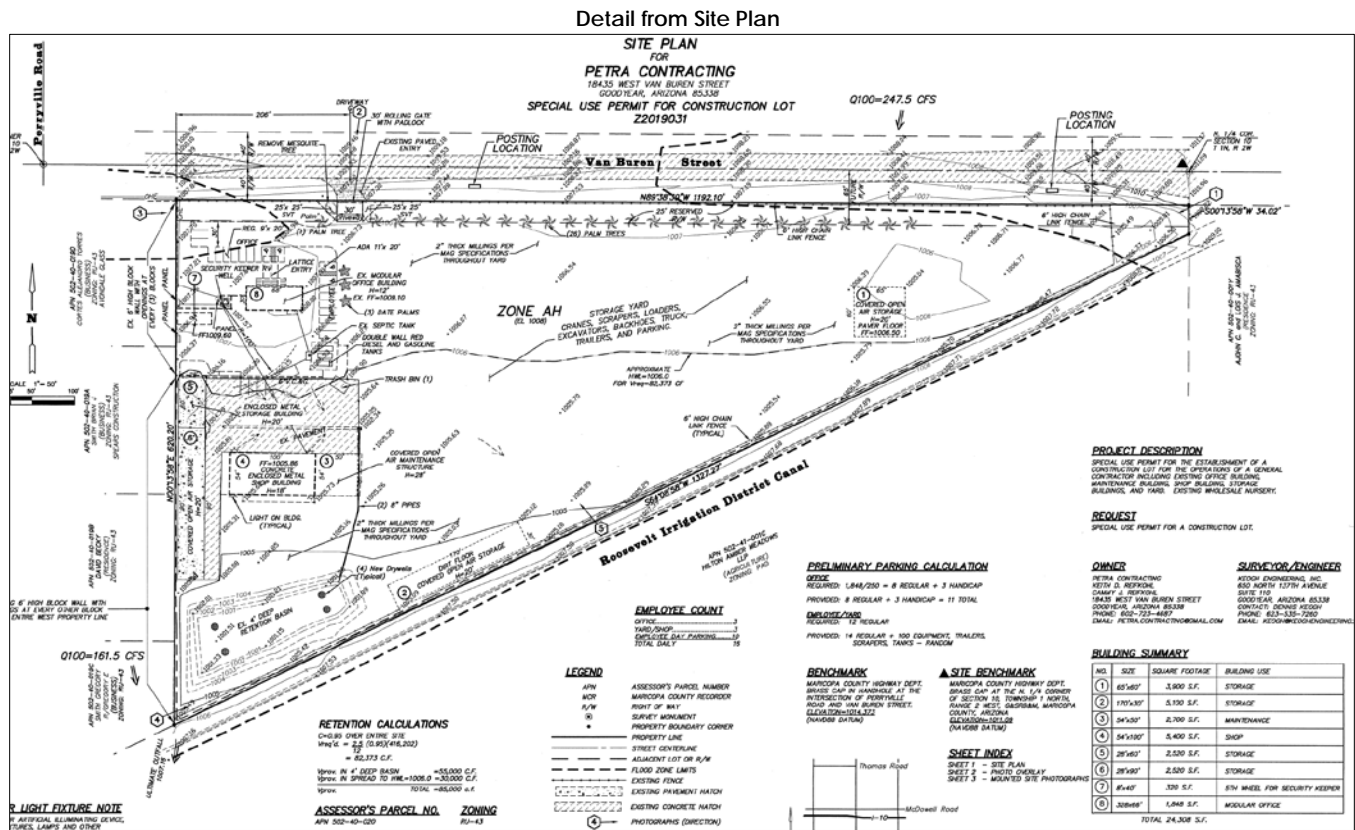
Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case:	Z2019031 – Riefkohl Construction Yard
Hearing Date:	January 30, 2020
Supervisor District:	4
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Applicant & Owner:	Keith Riefkohl, Petra Contracting
Request:	Special Use Permit (SUP) for a construction yard in the Rural-43 zoning district
Site Location:	Generally located south of Van Buren St., approx. 1,500 ft. east of Perryville Road in the Goodyear area
Site Size:	Approx. 8.46 acres
Density:	N/A
County Island:	Yes (City of Goodyear)
County Plan:	Rural Development Area (0-1 d.u./ac)
Municipal Plan:	City of Goodyear – Neighborhoods (wide range of densities and housing products at appropriate densities and locations)
Municipal Comments:	None known
Support/Opposition:	None known
Recommendation:	Approve with conditions

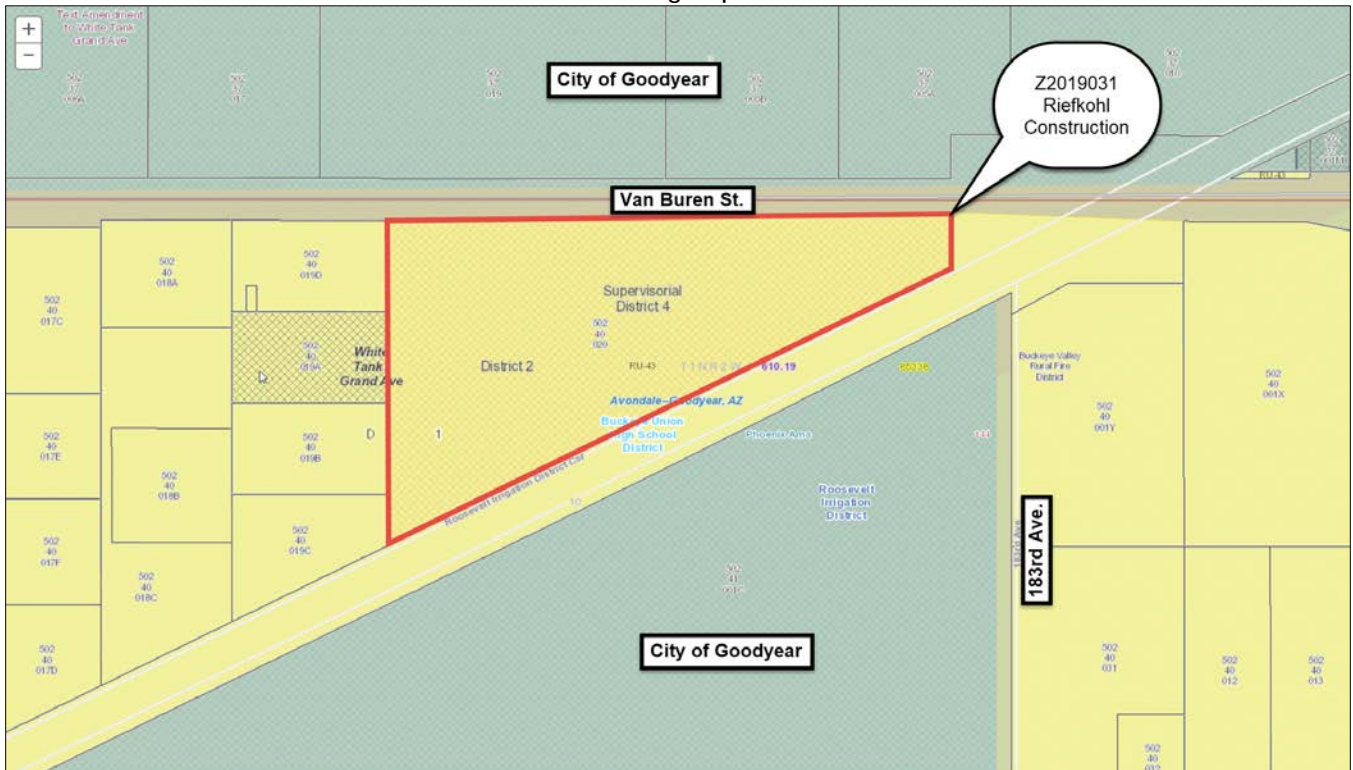
Project Summary:

1. Owner Keith Riefkohl of Petra Contracting has submitted a request for a SUP for 8.46 acre construction/contractor yard located at 184535 W. Van Buren Street in the Goodyear area. The request is in response to a zoning violation (V201902206) for a business operation on a property in the Rural-43 zoning district.
2. The owner purchased the parcel from a trucking company in 1998 and operated a wholesale nursery and constructed an office building. Currently, there are some wholesale nursery operations in addition to storage of equipment, plants and vehicles. The owner later built various structures and used the open yard for storage and maintenance of their equipment, vehicles, materials and daily operations.

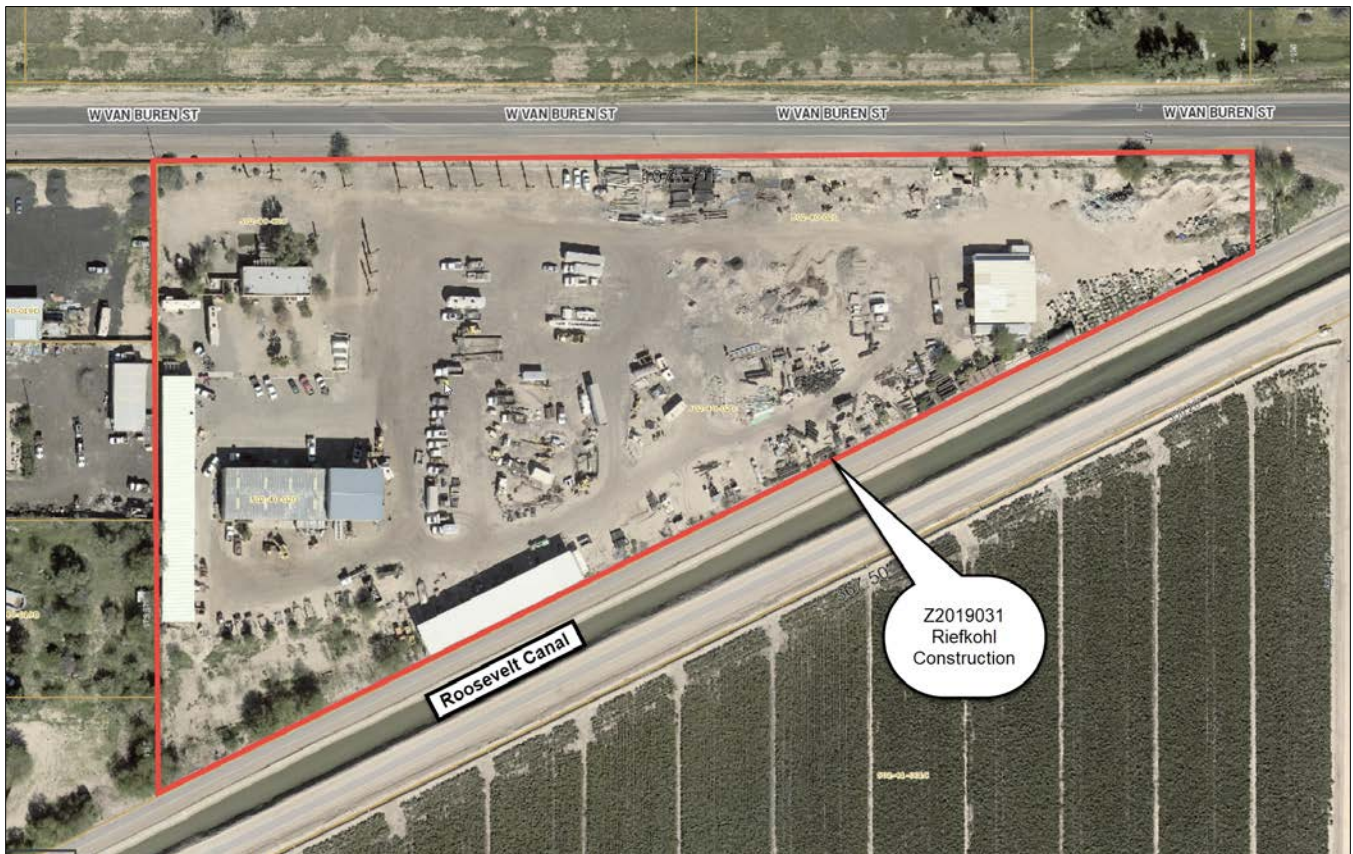


3. Presently, operations for the construction yard employ about 60 people. The business hours at the site are 5:00am to 5:00pm. About 6 employees are at the site throughout the day. The remaining employees visit the site, obtain their equipment and go to the construction sites. Some workers go immediately to the work site without visiting the operations site.
4. The site has restrooms in the office building. Some of the site is paved with the remainder covered with asphalt millings for dust control. The site has a 30' wide paved driveway off Van Buren Street with a padlocked rolling gate. The west property line has a 6' (h) CMU block wall with drainage openings. The remainder of the site is surrounded by 6' (h) chain link fence.

Zoning Map



Aerial Photo



Existing On-Site and Adjacent Zoning / Land Use:

- 5. On-site: Rural-43 / Construction yard
- North: Planned Area Development (City of Goodyear)/ Vacant
- South: Planned Area Development (City of Goodyear) / Agriculture
- East: Rural-43/ Agriculture
- West: Rural-43 / Single family residences and outdoor storage

Utilities and Services:

- 6. Water: On-site well
- Wastewater: On-site septic
- School Districts: Liberty Elementary, Buckeye Union High
- Fire: Rural Metro
- 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
Van Buren Street	40'	65'	Principal Arterial

Adopted Plan:

- 8. **White Tank Grand Ave. Area Plan (adopted December 2000):** Designates subject property for Small Lot Residential (2-5 d.u./ac.).
- 9. **Goodyear 2025 General Plan (adopted November 2014):** Designates subject property for Neighborhoods, which allows for a wide range of densities and housing products and appropriate densities and locations).

Public Participation Summary:

- 10. The applicant 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. Furthermore, the initial submittal was routed to the City of Goodyear. As of the date of this report, staff has not received any letters of opposition, despite the complaint that initiated the violation (V201902206).

Outstanding Concerns from Reviewing Agencies:

- 11. N/A.

Staff Analysis:

12. Staff believes that the SUP is both reasonable and necessary to close the land use violation (V201902206). With the current zoning of Rural-43, outdoor storage operations is not allowed without an interim industrial SUP for a duration of no more than 10 years, which is a common time limit for an SUP if associated with a zoning violation. The wholesale nursery is a permitted use within the Rural-43 zone.
13. With exception to the parcels to the west, the adjacent parcels are undeveloped. There is a 6' (h) CMU block wall to the west, while the rest of the site is surrounded by a 6' (h) CMU block wall. Van Buren Street to the north and the Roosevelt Canal to the south also assist in provided buffers from neighboring properties.

Recommendation:

14. For the reasons outlined in this report, staff recommends the Commission motion for **Approval**, subject to conditions 'a' – 'g':
 - a. Development of the site shall be in substantial conformance with the Site Plan entitled "Site Plan for Petra Contracting", consisting of 3 full-size sheets, dated April 2019, and stamped received August 9, 2019 except as modified by the following conditions.
 - b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Petra Contracting", consisting of 6 pages, dated April 2019 and stamped received August 9, 2019, except as modified by the following conditions.
 - c. The following Planning Engineering conditions shall apply:
 1. As noted in the Pre-Application summary, there are several open (unresolved) Floodplain Use Permits on this site. The recommended solution is that a single site-wide floodplain use permit be initiated for this site to encompass all prior work performed on the site, including unpermitted work, and that the open permits be subsequently closed.
 2. As part of the overall Floodplain Use Permit, elevation certificates (ECs) will be required for any buildings that do not already have them, including buildings 4 (enclosed metal shop building) and 5 (enclosed metal storage building) as shown on the Site Plan. If the building 6 (covered open air storage) has more than 1 wall, it will also need an EC, if it is supported by posts and a maximum of 1 wall, then it will not. There is already an EC for 8 (modular office building).
 3. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.

4. Engineering 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 Drainage Policies and Standards; Floodplain Regulations for Maricopa County; and the MCDOT Roadway Design Manual.
 5. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for approval and acquisition of building permits.
- d. This Special Use Permit shall expire on February 26, 2030.
 - e. Prior to occupying the existing residence or any portion thereof for any use associated with the Special Use Permit, the applicant shall obtain Building Permits to retrofit the existing buildings to meet current commercial building code requirements as applicable and shall obtain a Certificate of Occupancy for the retrofitted building prior to occupancy.
 - 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 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: Farhad Tavassoli, AICP, CFM, Planner
Reviewed by: Matthew Holm, AICP, Planning Supervisor

Attachments: Case Map (1 page)
Sheet 1 of Site Plan (reduced 8.5"x11", 1 page)
Narrative Report (3 pages)
Engineering comments (3 pages)
MCESD comments (1 page)