



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case:	Z2019094 – 18507 W Van Buren St
Hearing Date:	July 23, 2020
Supervisor District:	4
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Applicant & Owner:	Brian Smith
Request:	Special Use Permit (SUP) for Interim Industrial Uses in the Rural-43 Zoning District
Site Location:	Generally located approx. 1,146' south of the SEC of Perryville Rd. & Van Buren St. in the Goodyear area
Site Size:	Approx. 1.2 acres
Density:	N/A
County Island:	Yes, Goodyear
County Plan:	White Tank/Grand Avenue – Small Lot Residential (2-5 d.u./ac)
Municipal Plan:	Goodyear General Plan - Neighborhood
Municipal Comments:	None received to date
Support/Opposition:	None received to date
Recommendation:	Approve with conditions

Project Summary:

1. The applicant is requesting a SUP for Interim Industrial Uses. This is a construction yard where workers will store their trucks and tools on site. The interim period will run for the length of the SUP approval or ten years at which point a new SUP will need to be obtained. The subject property is located in the Goodyear area south of Van Buren St. between Perryville Rd. and Citrus Ave. and is designated as Small Lot Residential (2-5 d.u./acre) in the White Tank/Grand Avenue Area Plan.
2. The subject site is currently utilized as a Construction Yard. A violation case is present on the site (V201802214) for a home occupation without a Special Use Permit. The applicant has entered into a Compliance Agreement with Code Compliance that requires them to apply and receive a Special Use Permit for this site. All fees associated with the compliance agreement and violation case have been paid to date. The subject site is developed with existing structures (office, gate and accessory storage) associated with interim industrial uses. The total lot coverage is 3,092 square feet.
3. The subject site is zoned Rural-43. The base and requested zoning standards for this district are listed below:

REGULATION	BASE ZONING DISTRICT STANDARDS (Rural-43)	PROPOSED STANDARDS (Rural-43 SUP)
Height	30'	30'
Front Yard	40'	40'
Side Yard	30'	30'
Rear Yard	40'	40'
Lot Area	43,560	43,560
Lot Width	145'	145'
Lot Area per Dwelling Unit	43,560	43,560
Lot Coverage	25%	25%
Pavement for Parking Spaces & Internal Driveways	Required	May be waived with acceptance of dust control plan by Maricopa County Air Quality Control except for ADA parking spaces
Sight Visibility Triangle	Required	Not Required

4. The applicant is requesting to vary the paved parking requirement with the acceptance of a dust control plan by Maricopa County Air Quality Control as there is existing regular dust control treatment that takes place on site. Based upon a review of the online Air Quality Control portal, there does not appear to be an approved dust control plan in place. The applicant is requesting to waive the requirement for the four sight visibility triangles (two at the north side access point and two at the south side access point) as the site has existed in its current formation for years and has not presented sight visibility issues or issues associated with access.

Exhibit 1 – 2020 Aerial Map

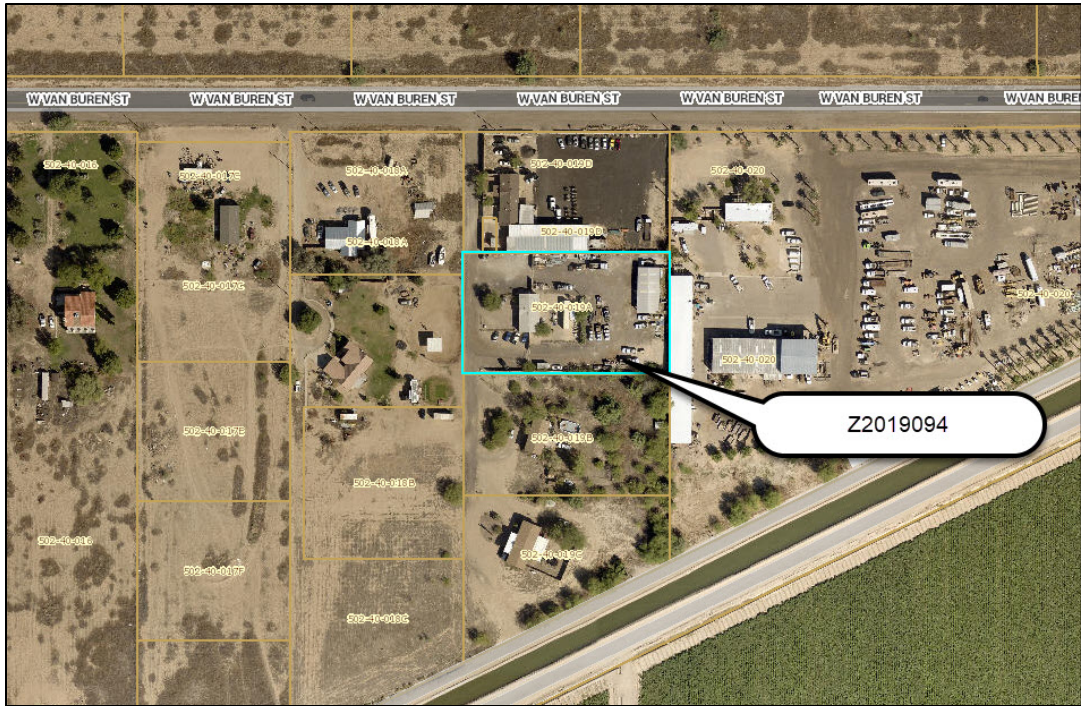


Exhibit 2 – Rural-43 Zoning District and Surrounding Zoning Districts

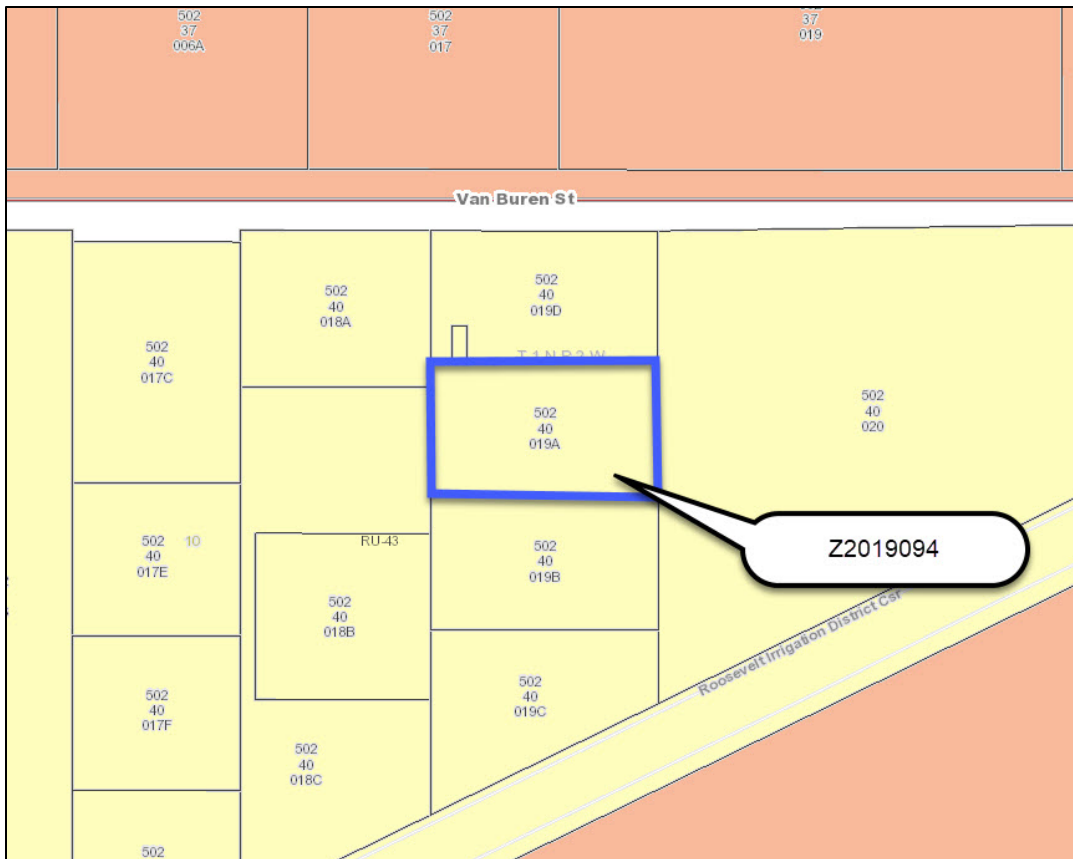
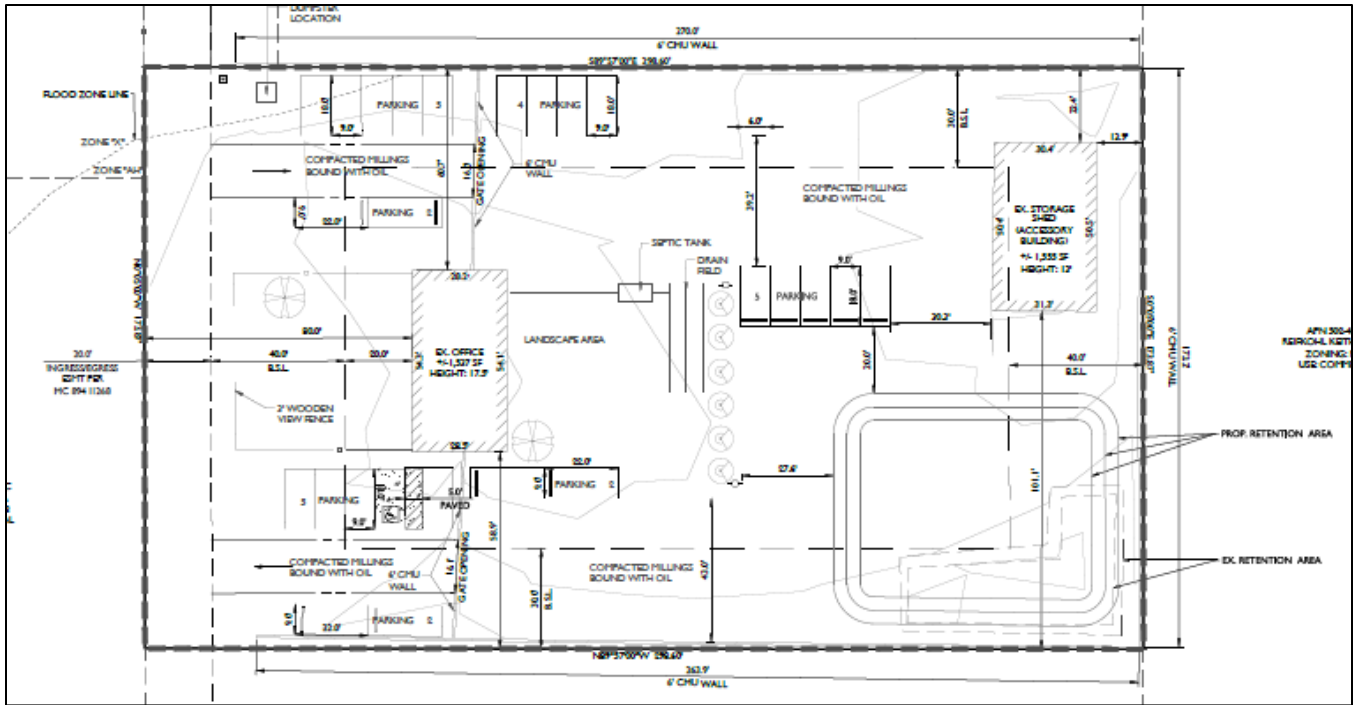


Exhibit 3 – Site Plan



Existing On-Site and Adjacent Zoning / Land Use:

- 5. On-site: Rural-43 / Industrial
- North: Rural-43 / Industrial
- South: Rural-43 / Residential
- East: Rural-43 / Industrial
- West: Rural-43 / Residential

Utilities and Services:

- 6. Water: On-Site Well
- Wastewater: On-Site Septic
- Fire: Buckeye Valley Fire District
- 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*	Existing Classification	Future Classification
Van Buren St.	40'	65'	Principal Arterial	Minor Arterial

*This site does not front Van Buren St. and is not required to dedicate additional R/W to MCDOT.

Adopted Plan:

8. **White Tank/Grand Avenue Area Plan** (Adopted: 2000): This plan identifies the subject area as Small Lot Residential (2-5 d.u./ac). The Small Lot Residential category identifies areas where increased residential density development is appropriate and urban services such as sewer, water, schools, parks and fire protection are available.

Goodyear 2025 General Plan (Adopted: 2014): The subject property is designated as a Neighborhood land use in the Goodyear General Plan. The Neighborhood category provides areas for the growth and development of neighborhoods. Neighborhoods include a wide range of densities and housing products, public and community facilities such as schools and places of worship, and commercial uses at appropriate intensities and locations.

Public Participation Summary:

9. The applicant complied with the Maricopa County Citizen Review Process with the required posting of the site and notification by first class mail to adjacent property owners within 300' of the subject parcel and interested parties. The applicant submitted a Public Participation Results Report. No concerns were shared in the Results Report regarding the SUP request.

Outstanding Concerns from Reviewing Agencies:

10. N/A

Staff Analysis:

11. Staff is supportive of this SUP request for interim industrial uses. The request meets most district standards and there are properties north and east of the site with similar uses. The site is appropriately screened from abutting residential properties. Van Buren St. is a principal arterial for the area and the ingress/egress easement to the site is limited to serving the subject site and only a couple of neighboring properties. The applicant is requesting two standards to be varied including the paved parking requirement and sight visibility triangle requirement. Staff finds the requests reasonable in that the applicant has agreed to adhere to a Maricopa County Air Quality Control approved dust control plan and the one-way closed circulation pattern already present on the site makes the sight visibility triangle unnecessary. Staff believes that the applicant has acted in good faith to notify nearby owners of the proposed change and to provide ample opportunity to make comments. The violation case (V201802214) is for the operation of a commercial business in a Rural zoning district. Based upon historical aerial photography, it appears that the business has been in operation for at least 12 years under two separate owners. The current owner purchased the property in 2011. The owner signed a compliance agreement with Code Compliance in 2020 that required the owner pay a non-compliance fee and apply and receive a special use permit. The owner has complied with the requirements of the compliance agreement.

Recommendation:

12. For the reasons outlined in this report, staff recommends the Commission motion for **Approval**, subject to conditions 'a' – 'h'.
 - a. Development of the site shall be in substantial conformance with the Site Plan entitled "Special Use Permit for 18507 W Van Buren St", consisting of 2 full-size sheets, dated June 4, 2020, and stamped received June 23, 2020, except as modified by the following conditions.
 - b. Development of the site shall be in substantial conformance with the Narrative Report entitled "18507 W Van Buren St., Goodyear, AZ 85338", consisting of 4 pages, dated June 4, 2020, and stamped received June 23, 2020 except as modified by the following conditions.
 - c. The following Planning Engineering conditions shall apply:
 1. Building and floodplain use permits for the site work shown on the approved plans must be applied for within six (6) months of BOS approval; and completed within six (6) months thereafter.
 2. Any renovation to existing buildings on site must comply with the Flood Control District's and FEMA's Substantial Improvement requirements.
 3. Any volume displacement for new construction within the FEMA Zone AH floodplain shall be equally compensated from within the same ponding area.
 4. Engineering review of planning and/or zoning cases is for conceptual design only. 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.
 5. Detailed Grading and Drainage Plans must be submitted with the application for building permits.
 - d. This special use permit shall expire on August 19, 2030, or upon termination of the use for a period of 120 or more days, whichever occurs first. All site improvements associated with the special use permit shall be removed within 120 days of such expiration or termination of use.
 - e. The following Rural-43 Zoning District standards shall apply:
 1. Pavement for Parking Spaces and Internal Driveways – May be waived with acceptance of dust control plan by Maricopa County Air Quality Control except for ADA parking spaces
 2. Sight Visibility Triangle – Not required

- 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. 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: Adam Cannon, Planner
Reviewed by: Matthew Holm, AICP, Planning Supervisor

Attachments: Case Map (1 page)
Site Plan (reduced 8.5"x11", 2 pages)
Narrative Report (4 pages)
Engineering comments (1 page)
MCESD comments (1 page)