



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: Z2019129 – 303 and Olive

Hearing Date: July 23, 2020

Supervisor District: 4

Applicant: William E. Lally, Tiffany & Bosco, P.A.

Owner: Jetsri Properties, Desert Forest Nursery, Cromer LLC, Family First Invest, FHF LLC

Request: Zone Change with Overlay from Rural-43 to C-2 CUPD

Site Location: Generally located approximately 500' south of the SEC of Olive Ave. & Cotton Ln.

Site Size: Approx. 38 acres

Density: N/A

County Island: City of Glendale

County Plan: White Tank/Grand Ave Area Plan – Rural Densities (0 – 1 d.u./ac.) and part of the Olive Avenue Scenic Corridor

Municipal Plan: City of Glendale 2040 – Regional Mixed Use (RMU)

Municipal Comments: **City of Glendale** - no concerns per email

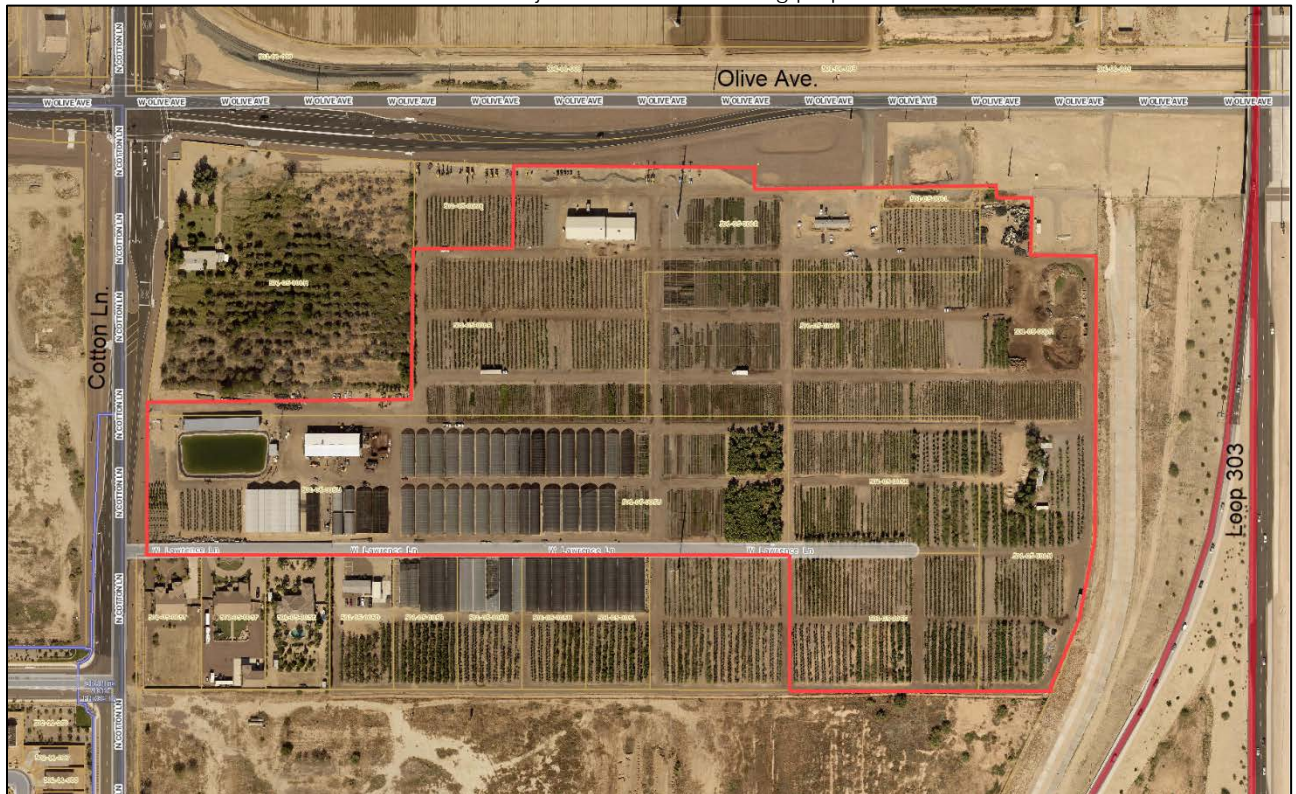
Support/Opposition: None known

Recommendation: **Approve** with conditions

Project Summary:

1. The applicant is requesting a Zone Change with Overlay from Rural-43 to C-2 CUPD for the subject site. The property is approximately 38 acres and is located south and east of the southeast corner of Olive Ave. and Cotton Ln. in the Glendale area. The site consists of six separate parcels: 501-05-005R, 501-05-006L, 501-05-006M, 501-05-006R, 501-66-005S, and 501-05-005U (portion of).
2. The proposed Zone Change does not have a pending Plan of Development as part of this submittal. The subject site is currently being used as a wholesale nursery and where the C-2 zoning would allow a future retail component to the nursery as well as a real estate office, equipment rentals, and offsite signage. There is an approved Agricultural Exemption for the existing nursery under LU20120016 where the applicant is currently in the process of submitting for a new exemption since the parcels and boundaries have changed over the years.

2020 aerial of subject site and surrounding properties



3. As part of the request, the applicant is proposing a 10.43-acre area of the 12.69 parcel for 501-05-005U in addition to the other five mentioned parcels. This would limit the commercial zoning along the southern boundary of the site where there is undeveloped Rural-43 zoned land to the south. There are several residences located south of the site along Cotton Ln. that have not responded to this request. There was also a recent approval for a Special Use Permit (SUP) for a Rural-Metro Fire Station under case Z2019135 on APN 501-05-006Q, which is adjacent to the northwest corner of the subject site.
4. The proposed CUPD zoning overlay is to amend the offsite signage (billboards) development standards. The intent is to place the future signage along the eastern

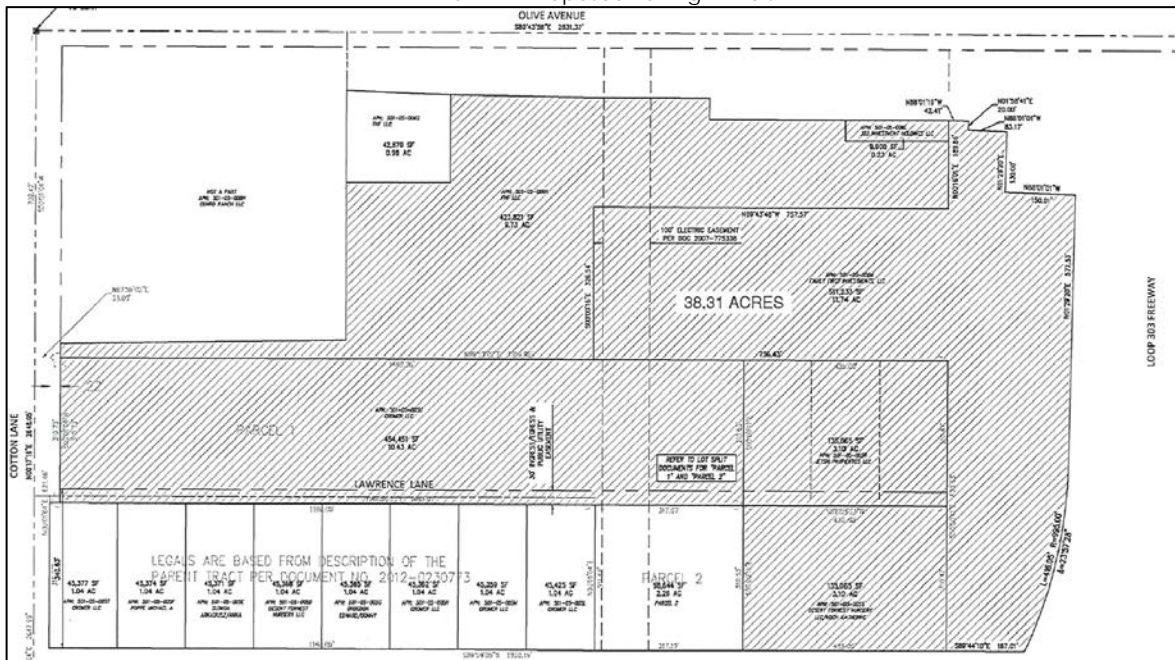
portion of the site so they can be viewed by the adjacent Loop 303. The proposed CUPD standards are listed below. In addition to these standards, the applicant is proposing to prohibit certain land uses as mentioned within the narrative report and provided below:

- Medical Marijuana facilities
- Adult Oriented facilities
- Automobile repair shops and garages
- Drive-thru restaurants

Z2019129 Proposed Offsite Sign Development Standards

Commercial Unit Plan of Development – Billboards Only		
Regulation	Base Zoning District Regulations (C-2)	Proposed Zoning District Regulations (C-2 CUPD)
Off-Site Sign Height	30'	45'
Off-Site Sign Max Size	300 square feet	672'
Rear (East) Yard Setback (Only for parcel 501-05-006M) (billboard only)	25'	0'
Setback to RU-43 (billboard only)	100'	0' East and North 50' South
Setback to RU-43 for illuminated off-site sign	150'	0' East and North 50' South
Min 6' height screening adjacent to rural or residential zoning boundary	6' height along residential zoning	Zero screening unless POD submitted for use other than billboard or nursery

Z2019129 Proposed Zoning Exhibit



Street Name	Half-width Existing R/W	Half-width Proposed R/W	Future Classification
Olive Ave.	varies – 126' to 190'	has already been obtained by the County as part of MCDOT Transportation Improvement Project	Principal Arterial
Cotton Ln.	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 Rural Densities (0 – 1 d.u./ac.).
9. **City of Glendale 2040 General Plan (Adopted 2016):** The City of Glendale General Plan designates the site as Regional Mixed Use (RMU).

Public Participation Summary:

10. The applicant 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 an email from the City of Glendale (attached) which states that they do not have any comments on this request. However, they are interested in assisting with annexation of the property. The applicant noted in the narrative report that they will reach out to the City once ready to fully develop the property.

Outstanding Concerns from Reviewing Agencies:

12. N/A

Staff Analysis:

13. Staff recommends approval of the subject request given that the site is located adjacent to the Loop 303, which would allow for easy access from Olive Ave. Although there is commercial zoning (C-3) located on each corner of the nearby Olive Ave. and Cotton Ln. intersection, this rezone would allow for intermediate commercial land uses to develop in a larger capacity along this corridor where Olive Ave. is also expanding its road within the right-of-way.
14. The request for the offsite sign (billboard) varied development standards is justified given that the signage is intended to be added on the eastern portion of the site adjacent to the Loop 303. The site is located within the Olive Avenue Scenic Corridor where there are signage guidelines. However, staff is in support of these requested standards since there are no other private properties between the Loop 303 and the eastern boundary of the subject property.

- b. Development of the site shall be in general conformance with the Narrative Report entitled "303 & Olive Property Rezone", consisting of 11 pages, stamped received July 7, 2020, except as modified by the following conditions.
- c. The CUPD overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.
- d. The C-2 CUPD shall prohibit the following land uses: Medical Marijuana facilities, Adult Oriented facilities, Automobile repair shops and garages, and Drive-thrus for restaurants.
- e. The following C-2 CUPD standards shall apply for the offsite (billboard) signage:
 - 1. Maximum height: 45'
 - 2. Maximum sign area: 672 sq. ft.
 - 3. Rear yard setback for APN 501-05-006M: 0' (east)
 - 4. Setback to Rural-43 zoning: 0' east and north/50' south
 - 5. Setback to Rural-43 zoning for illuminated sign: 0' east and north/50' south
 - 6. Screening: no screening for billboard or nursery
- f. The following Engineering conditions shall apply:
 - 1. Without the submittal of a precise plan of development, no development approval is inferred by this review, including, but not limited to drainage design, access and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.
 - 2. Dedication of additional right-of-way along Cotton Lane may be required as part of future site entitlements (i.e. plan of development).
 - 3. A Traffic Impact Study must be submitted with the application for future entitlements (i.e. plan of development).
 - 4. An application for a CLOMR may be required concurrent with any future entitlement application that would impact the FEMA Floodplain along Cotton Lane.
 - 5. Engineering design for site development 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.
- 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, 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 Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

- h. All buildings subject to noise attenuation as per ARS § 28-8482(B) and Maricopa County requirements.
- i. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

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

Attachments: Case Map (1 page)
Zoning Exhibit (1 page)
Narrative Report (11 pages)
Engineering Memo (1 page)
MCESD Memo (1 page)
City of Glendale Email (1 page)
ADOT Email (1 page)