



## Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

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**Case:** Z2020015 – NWC Sossaman Road & San Tan Boulevard - Construction Yard Facility

**Hearing Date:** July 23, 2020

**Supervisor District:** 1

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**Applicant:** Chris Webb – Rose Law Group PC

**Owner:** Sun American Development LLC

**Request:** Special Use Permit (SUP) for Construction Yard Facility in the C-3 and R1-35 RUPD Zoning Districts

**Site Location:** Generally located at the NWC of Sossaman Rd. & San Tan Blvd.

**Site Size:** Approx. 5.34 acres

**Density:** N/A

**County Island:** No

**County Plan:** Queen Creek Area Plan – Suburban Residential (0-2 d.u./ac)

**Municipal Plan:** Queen Creek General Plan - Rural

**Municipal Comments:** No Comments

**Support/Opposition:** 1 Support Letter

**Recommendation:** **Approve** with conditions

**Project Summary:**

1. Sun American Development LLC is requesting a SUP for a Construction Yard Facility. The subject property is located in the Queen Creek area at the northwest corner of Sossaman Rd. and San Tan Blvd. and is designated as Suburban Residential (0-2 d.u./acre) in the Queen Creek Area Plan.
2. The subject site will be utilized as a Construction Yard Facility for construction worker truck and equipment storage. The hours of operation will be 4:00 a.m. to 9:00 p.m. daily. This would be an interim industrial use. No violation cases are present on the site. The subject site will have no structures. Security fencing will be installed on the interior of the site to designate storage areas and screening (mesh privacy screen along right-of-ways, existing block wall along the northern property line and existing 6' metal screen fence) will be placed around the perimeter of the site.
3. The subject site is zoned C-3 and R1-35 RUPD. The base and requested zoning standards for these districts are listed below:

REGULATION	BASE ZONING DISTRICT REGULATIONS (C-3)	BASE ZONING DISTRICT REGULATIONS (R1-35 RUPD) <sup>2</sup>	PROPOSED SUP ZONING REGULATIONS
Height	40'	30'	<b>40'</b>
Front Yard (South) <sup>1</sup>	25'	40'	<b>15'</b>
Side Yard (West) <sup>1</sup>	10'	20'	<b>5'</b>
Street-side Yard (East) <sup>1</sup>	3'	20'	<b>10'</b>
Rear Yard (North) <sup>1</sup>	25'	40'	<b>25'</b>
Lot Area	6,000 sq. ft.	35,000 sq. ft.	<b>6,000 sq. ft.</b>
Lot Width	60'	145'	<b>60'</b>
Lot Area per Dwelling Unit	Not Permitted	35,000 sq. ft.	<b>Not Permitted</b>
Lot Coverage	60%	30%	<b>60%</b>
Parking Spaces Required	1 per 250 sq. ft. of floor area	2 per dwelling unit	<b>1 per 600 sq. ft. of floor area</b>
Screening	6' solid masonry wall adjacent to or abutting any rural or residential zone boundary	N/A	<b>6' solid masonry wall along north property line 6' view-obscuring fencing along east, west and south property lines</b>
Landscaping	5' landscaping strip abutting road right-of-way	N/A	<b>Shared 10' public utility easement will also serve as a non-irrigated desert landscaping strip abutting Sossaman Road right-of way</b>

			<b>Landscaping strip not required along San Tan Boulevard</b>
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<sup>1</sup> A 1' V.N.A.E. will be recorded along the east property line such that the south property line becomes the front of the lot, the north property line becomes the rear of the lot and the east and west property lines become the sides of the lot.

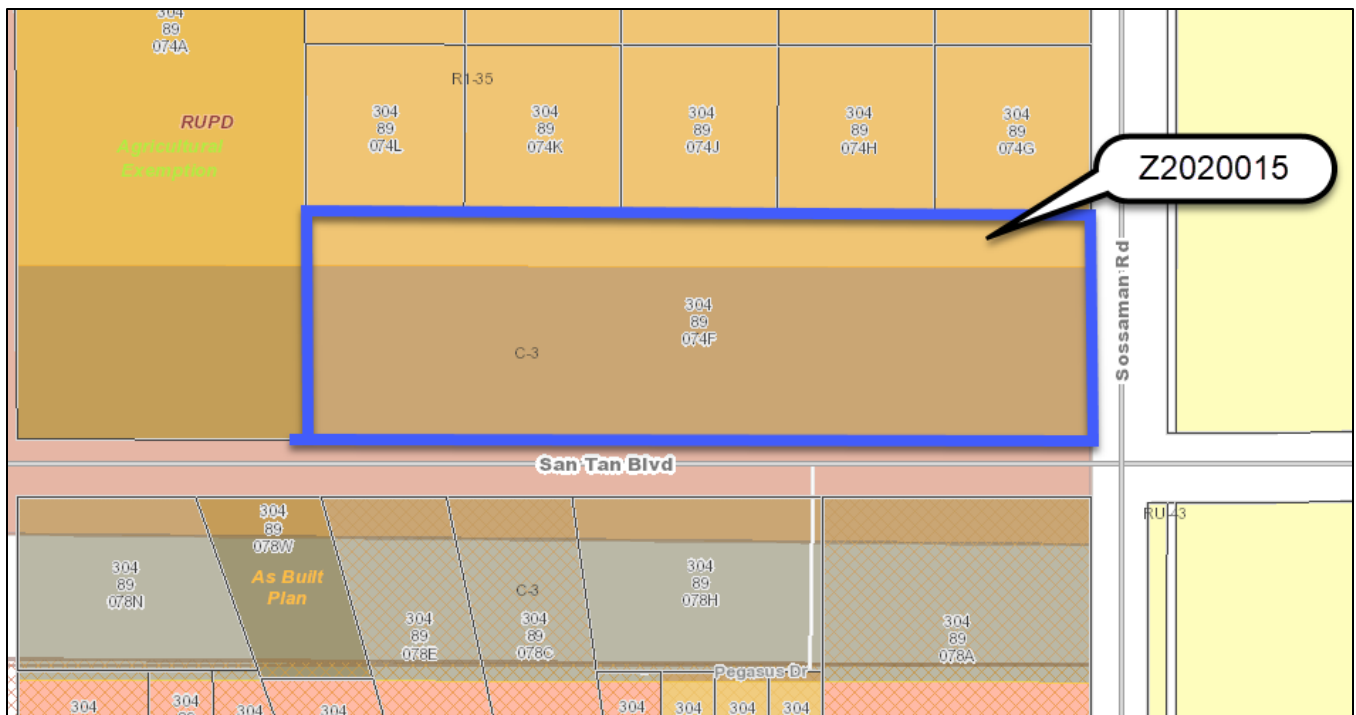
<sup>2</sup> An RUPD was applied through a Commission Initiative (Z90-59) in 1990; however, the base zoning district regulations for an R1-35 district were left unchanged for the portion of this property that is zoned R1-35 RUPD.

4. The applicant is requesting to vary height, setbacks, lot area, lot coverage, lot width and parking spaces required because this site will be used for a construction yard (interim industrial use). The proposed standards are consistent with other commercial/industrial uses in the immediate area and are designed for consistency with the existing C-3 zoning district or to mirror IND-2 district standards as modified by the MCDOT-required V.N.A.E. Likewise, County staff is requiring the applicant to vary the standard for lot area per dwelling unit as dwelling units are not typically allowed for similar commercial/interim industrial uses.
  
5. The applicant is requesting to vary required screening as there is an existing 6' metal screen fence abutting the residential district on the west property line and an existing 6' block wall that serves as effective screening to residential properties to the north. The applicant is requesting a mesh privacy screen for the remainder of the site as it provides for more effective security of the construction yard.
  
6. The applicant is also requesting to vary the requirement for a 5' landscaping strip abutting road right-of-way. The length of the site presents cost-prohibitive challenges for water delivery for landscaping along San Tan Boulevard. The applicant has instead proposed having the 10' P.U.E. serve as a non-irrigated desert landscaping strip along Sossaman right-of-way.

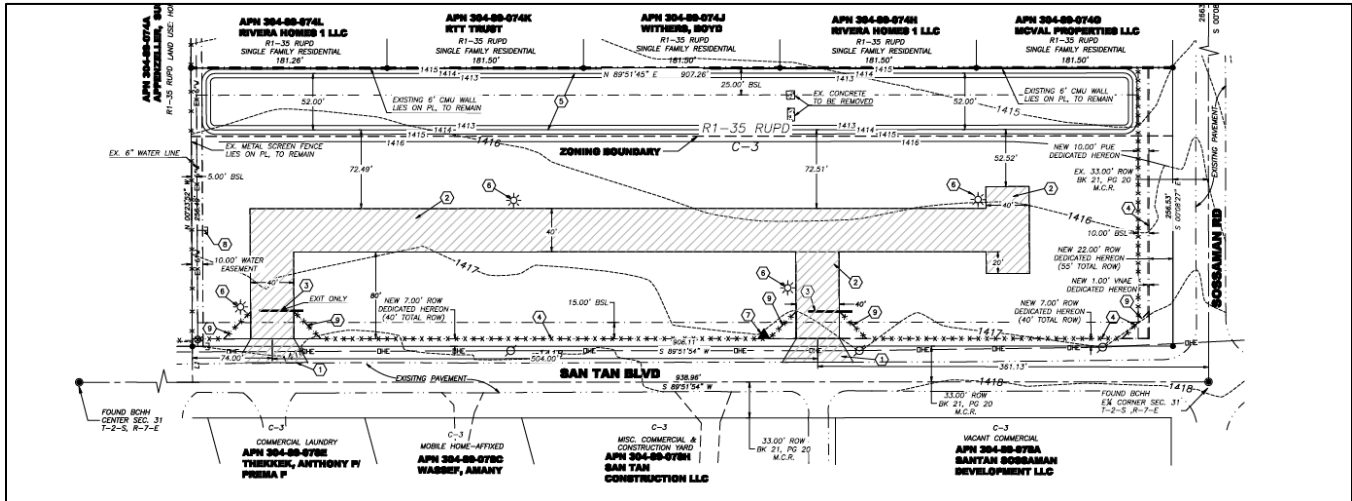
Exhibit 1 – 2020 Aerial Map



Exhibit 2 – C-3/R1-35 RUPD Zoning District and Surrounding Zoning Districts



## Exhibit 3 – Site Plan



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

- 7. On-site: C-3 & R1-35 RUPD / Vacant
- North: R1-35 RUPD / Residential
- South: C-3 / Commercial and Industrial
- East: Rural-43 / Commercial
- West: C-3 & R1-35 RUPD / Agricultural

### Utilities and Services:

- 8. Water: Chandler Heights Citrus Irrigation District
- Wastewater: None
- Fire: Rural Metro
- Police: MCSO

### Right-of-Way:

- 9. 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
San Tan Blvd.	33'	40'	Major Collector	Major Collector
Sossaman Rd.*	33'	55' with Dedicated P.U.E	Major Collector	Minor Arterial

\*MCDOT granted the applicant a 10' ROW waiver with the dedication of a 10' P.U.E. along Sossaman Road.

### Adopted Plan:

- 10. **Queen Creek Area Plan** (Adopted: 1992): The Queen Creek Area Plan identifies this site as Suburban Residential (0-2 d.u./acre). The Suburban Residential category denotes areas where single family residential development is desirable and urban services (sewer,

water, law enforcement, fire protection, schools, parks, etc.) are available or will be provided.

**Town of Queen Creek General Plan** (Adopted: 2018): The subject property is designated as a Rural land use in the Queen Creek General Plan. The Rural designation indicates the area is desirable for rural residential and agricultural uses primarily. High density building is discouraged in this category.

**Public Participation Summary:**

11. 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 also submitted a letter of support signed by four adjacent owners. The applicant submitted a Citizens Participation Results Report. No concerns were shared regarding the SUP request.

**Outstanding Concerns from Reviewing Agencies:**

12. N/A

**Staff Analysis:**

13. Staff is supportive of this SUP request for a construction yard facility that will serve to store worker trucks and tools. The interim period will run for the length of the SUP approval or ten years at which point a new entitlement will need to be obtained. The property abuts other commercial/industrial type uses including another construction yard across San Tan Boulevard. The site has sufficient existing screening from abutting residential properties. Due to the site having multiple zones, it is necessary for a multitude of standards be varied for this request as the use is of a commercial/industrial nature. In regards to landscaping, the owner will be providing drought-tolerant plants along the Sossaman Road frontage in the landscaping strip. The applicant has provided a support letter from the owners of abutting residentially-zoned properties. 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.

**Recommendation:**

14. 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 "Construction Yard Facility", consisting of 2 full-size sheets, dated July 9, 2020, and stamped received July 9, 2020, except as modified by the following conditions.
  - b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Special Use Permit Narrative", consisting of 9 pages, dated July 9, 2020, and stamped received July 9, 2020 except as modified by the following conditions.

- c. The following Planning Engineering conditions shall apply:
1. Retention basin(s) must drain within 36 hours.
  2. The access drive(s) to the site must be paved with asphalt millings compacted with a liquid asphaltic binder, or equivalent.
  3. Right-of-way dedication(s) must occur prior to issuance of any construction (building) permits on the site as follows:
    - a. Sossaman Road: 22 feet to provide a total ½ width of 55 feet (to include a 10' wide PUE west of the R/W); and
    - b. San Tan Blvd.: 7 feet to provide a total ½ width of 40 feet.

The applicant is referred to <https://www.mcdot.maricopa.gov/744/Right-of-Way-Dedications> for more information on the dedication process.
  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. Unless renewed by the Maricopa County Board of Supervisors, 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 C-3/R1-35 RUPD Zoning District standards shall apply:
1. Height – 40'
  2. Front Yard (South) – 15'
  3. Side Yard (West) – 5'
  4. Street-side Yard (East) – 10'
  5. Rear Yard (North) – 25'
  6. Lot Area – 6,000 sq. ft.
  7. Lot Width – 60'
  8. Lot Area per Dwelling Unit – Not Permitted
  9. Lot Coverage – 60%
  10. Parking Spaces Required – 1 per 600 sq. ft. of floor area
  11. Screening – 6' solid masonry wall along north property line, 6' view-obscuring fencing along east, west and south property lines

12. Landscaping – Shared 10' public utility easement will also serve as a non-irrigated desert landscaping strip abutting Sossaman Road right-of-way, landscaping strip not required along San Tan Boulevard

- 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 (9 pages)  
Letter of Support (1 page)  
Engineering comments (3 pages)  
MCESD comments (1 page)  
Town of Gilbert comments (2 pages)