CITY OF BUCKEYE
PLANNING AND ZONING COMMISSION
REGULAR MEETING AGENDA
MAY 12, 2015

NOTICE OF POSSIBLE QUORUM OF THE BUCKEYE CITY COUNCIL

In accordance with Title 38, Chapter 3, Article 3.1, Arizona Revised Statutes, a majority of the City Council may attend the regular meeting of the Buckeye Planning and Zoning Commission but there will be no voting taking place by the City Council. Council members may participate in the discussion of any item on the agenda.

Accessibility for all persons with disabilities will be provided upon request. Please telephone your accommodation request to (623)349-6911, 72 hours in advance if you need a sign language interpreter or alternate materials for a visual or hearing impairment. [TDD (623)234-9507]

City of Buckeye
Council Chambers
530 East Monroe Avenue
Buckeye, AZ 85326

Workshop: None
Regular Meeting: 6:00 pm

At Large	District 1	District 2	District 3	District 4	District 5	District 6
Jim Zwerg	Jeffrey Nagy	Preston Hundley	Carol Kempiak *Chairperson*	Clayton Bedoya	Reverend Gregory Clemmons	Nick Hudec *Vice Chairperson*
Thomas Marcinko *(Alternate)*	Jesse Knight *(Alternate)*	Richard Burrell *(Alternate)*	Deanna Kupcik *(Alternate)*	Vacant *(Alternate)*	Bill Elliott *(Alternate)*	Duane Mitry *(Alternate)*
Council Liaison: Councilmember Craig Heustis						

1.	**CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL**	
2.	**APPROVAL OF MINUTES FROM MARCH 24, 2014 PLANNING AND ZONING COMMISSION REGULAR MEETING**	***Action required:*** *Motion*
3.	**CONSENT AGENDA** *No Items*	

PLEASE SILENCE ALL ELECTRONIC DEVICES (INCLUDING CELL PHONES AND PAGERS) BEFORE THE MEETING IS CALLED TO ORDER. THANK YOU.

4.	**CONTINUANCE AGENDA** *No Items*	
5.	**REGULAR AGENDA**	
5A.	**Subject:** Public Works Activities **Summary:** Presentation of City of Buckeye public works department priorities and direction **Presented by:** Scott Lowe, Public Works Director	***Action required:*** *Discussion only*
5B.	**Subject:** Paradise RV Inc. (RZ14-03) **Applicant:** Jeff Vanderpool **Location:** 513 E Centre Avenue **Request:** Rezone from Planned Residential (PR) district to Downtown Commercial (DC) district **Recommendation:** Approval with stipulations **Presented by:** Andrea Marquez, Planner II	***Action required:*** *Discussion and motion*
5C.	**Subject:** Paradise RV Inc. (CUP14-02) **Applicant:** Jeff Vanderpool **Location:** 513 E Centre Avenue **Request:** Conditional Use Permit (CUP) to allow the type of use, Major Vehicle Service and Repair, in the Downtown Commercial zoning. **Recommendation:** Approval with stipulations **Presented by:** Andrea Marquez, Planner II	***Action required:*** *Discussion and motion*
5D.	**Subject:** Tobacco Retailer Amendment **Applicant:** City of Buckeye **Location:** Citywide **Request:** Amendments to the Development Code with respect to Tobacco Oriented Retailers **Presented by:** Ed Boik, AICP, Senior Planner	***Action required:*** *Discussion and motion*
6.	**COMMENTS FROM THE PUBLIC** Members of the audience may comment on non-agenda items. However, State Open Meetings Law does not permit the Commission to discuss items not specifically on the agenda.	***Action required:*** *None*
7.	**REPORT FROM STAFF**	***Action required:*** *None*
8.	**COMMENTS FROM THE PLANNING AND ZONING COMMISSION**	
9.	**ADJOURNMENT**	***Action required:*** *Motion*

PLEASE SILENCE ALL ELECTRONIC DEVICES (INCLUDING CELL PHONES AND PAGERS) BEFORE THE MEETING IS CALLED TO ORDER. THANK YOU.

CITY OF BUCKEYE
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES DRAFT
MARCH 24, 2015

City of Buckeye
530 East Monroe Avenue
Buckeye, AZ 85326

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL
Chairperson Carol Kempiak called the meeting to order at 6:00 p.m.

Members present: Commissioner Jim Zwerg, Commissioner Jeff Nagy, Alternate Thomas Marcinko seated for District 2, Chairperson Carol Kempiak, Commissioner Clayton Bedoya, Commissioner Gregory Clemmons, Vice Chairperson Nick Hudec, Alternate Deanna Kupcik, Alternate Bill Elliott, Alternate Duane Mitry

Members absent: Commissioner Preston Hundley, Alternate Jesse Knight, Alternate Richard Burrell

Staff present: Planning Manager Terri Hogan, Planner Sean Banda, Planner Andrea Marquez, Deputy City Engineer Jason Mahkovtz, City Engineer Scott Zipprich, Marketing and Communications Manager Jennifer Rogers, City Attorney Chris Schmaltz, Administrative Assistant Keri Hernandez

2. APPROVAL OF MINUTES FROM FEBRUARY 24, 2015 PLANNING AND ZONING COMMISSION REGULAR MEETING
A motion was made by Vice Chair Hudec and seconded by Commissioner Nagy to approve the minutes of the February 24, 2015 Planning and Zoning Commission Regular meeting as presented. Motion carried.

3. CONSENT AGENDA
No items

4. CONTINUANCE AGENDA
No items

5. REGULAR AGENDA
5A. MARKETING AND COMMUNICATIONS ACTIVITY
Marketing and Communications Manager Jennifer Rogers presented and was available to answer questions from the Commission.

5B. VERRADO MARKETSIDE DISTRICT (SP14-17)
Planner Sean Banda presented and was available to answer questions from the Commission.
Mr. Hudec asked if McDowell Road will continue eastbound to connect with Jackrabbit Trail. Mr. Banda confirmed that they will ultimately connect, although there currently is no projected timeframe for such work. Ms. Kempiak asked why the stipulation refers to the development code and not the CMP. Mr. Schmaltz stated that the current development code incorporates the CMP that governs the development of Verrado.
Kurt Jones of Tiffany Bosco presented and was available to answer questions from the Commission.
A public hearing was opened at 6:26 pm. With there being no comments, the public hearing was closed at 6:26 pm.

A motion was made by Vice Chair Hudec and seconded by Commissioner Zwerg to approve with presented stipulations. Motion carried.

5C. BUCKEYE SENIOR CARE AND LIVING CAMPUS (CMPA14-02)

Planner Andrea Marquez presented and was available to answer questions from the Commission.
The Commission was concerned with the height of buildings on this site. Staff confirmed that the height variation will apply only to this particular site and not the entire CMP for Sundance. Ms. Hogan asked for the Commission to consider adding a specific statement to the stipulation to remove the general conformance, and stating that this approval will be in conformance with presented narrative; following with within fifteen days of approval, the applicant shall revise the narrative to include an illustration for specific buildings and maximum height for the site.
A public hearing was opened at 6:55 pm.
Norma Bell of 22521 West Moonlight Path, Buckeye Arizona spoke of her support and concerns with the building height and site access.
Everett Kelley of 638 South 231st Drive, Buckeye Arizona spoke of his concerns with the building height and site access.
Jim Happ of 839 South 229th Drive, Buckeye Arizona spoke of his support for this project.
Jeff Schwartz of 22535 West Moonlight Path, Buckeye Arizona spoke of his support for this project.
Teresa Giori-Mayo of 22944 West Micah Way, Buckeye Arizona spoke of her concerns with the building height of this project.
With there being no further comments, the public hearing was closed at 7:15 pm.
A motion was made by Commissioner Zwerg and seconded by Commissioner Nagy to recommend the CMP amendment to the Council with the modified stipulation. Motion Carried.

5D. BUCKEYE TRANSIT UPDATE

Planner Sean Banda presented and was available to answer questions from the Commission. Mr. Zwerg asked if there is potential to have additional service for special events. Mr. Banda informed the Commission that there is indeed special event service provided by Valley Metro.

6. COMMENTS FROM THE PUBLIC

None

7. REPORT FROM STAFF

Ms. Hogan updated the Commission on recently approved Council items that the Commission previously approved. Ms. Hogan spoke to the Commission of possible ideas for future workshops.

8. COMMENTS FROM THE PLANNING AND ZONING COMMISSION

Mr. Hudec commended staff on the work being done.
Mr. Marcinko commended the Commission on their role in the community.

9. ADJOURNMENT

A motion was made by Commissioner Zwerg and seconded by Vice Chairperson Hudec to adjourn at 7:51 pm. Motion carried.

_____
Carol Kempiak, Chairperson

ATTEST:

_____
Keri Hernandez, Administrative Assistant

I hereby certify that the foregoing is a true and correct copy of the Planning and Zoning Commission Regular Meeting held on the 24th day of March, 2015. I further certify that a quorum was present.

_____
Keri Hernandez, Administrative Assistant

BUCKEYE, AZ

Rezone and Conditional Use Permit

Report to the Planning and Zoning Commission

CASE NUMBER:	**RZ14-03 (PLZ-14-00102) and CUP14-02 (PLZ-14-00105)**
TITLE:	**Paradise RV Inc.**
MEETING DATE:	**May 12, 2015**
AGENDA ITEMS:	**1. 5B**
	2. 5C

Applicant/Owner:	**Jeff Vanderpool**
Requests:	**1. Rezone from Planned Residential (PR) district to Downtown Commercial (DC) district** **2. Conditional Use Permit (CUP) to allow the type of use, Major Vehicle Service and Repair, in the Downtown Commercial zoning**
Location:	**Downtown Buckeye area, specifically the Buckeye BLK 22-27, 34-36 subdivision at 513 E Centre Avenue, Buckeye Arizona, APN(s): 400-29-016, 400-29-018 and 400-29-020**
Site size:	**23,375 square feet / .54± acre**
Density:	**N/A**
Public input:	**Neighborhood meeting held in December with supporters**
Recommendations:	**1. Approval with stipulations**
	2. Approval with stipulations

PROJECT DESCRIPTION

1. The subject property is located in the historic downtown Buckeye area south of MC85 and lies east of 1st/Miller Street and 5th Street.

2. A code violation notification for the vehicle storage on the subject property triggered the property owner to request a Temporary Use Permit (Case No. TUP14-05 Paradise RV Incorporated). Staff reviewed and approved the Temporary Use Permit (TUP) request on December 16, 2014. The TUP allowed for the temporary storage of vehicles, and the continued commercial use for the property. The TUP stipulates the property owner is responsible for rezoning the property to allow the current commercial use in addition to obtaining a CUP due to the type of use. Currently, the property is zoned Planned Residential (PR) and the property is being used as a commercial business for repairing and prepping recreational vehicles for auction. Existing improvements include one (1) building and covered work area. Storage and/or major mechanical repairs are not allowed uses in the designated PR zoning.

AREA CONTEXT

3. ***Table 1:*** *Existing Land Use, General Plan Designation, and Zoning District*

	LAND USE	GENERAL PLAN	ZONING
Subject Property	**Vacant**	**Downtown Buckeye**	PR, Planned Residential
North	Developed	**Downtown Buckeye**	MR, Mixed Residential
South	Residential Development	**Downtown Buckeye**	PR, Planned Residential
East	BESD Facility	**Downtown Buckeye**	SU, Special Use
West	Residential Development	**Downtown Buckeye**	PR, Planned Residential

PUBLIC PARTICIPATION SUMMARY:

4. The applicant held a neighborhood meeting on December 30, 2014, with two (2) supporters.

5. ***Table 2:*** *Public Notice*

Notification Element	Date
Published in Buckeye Valley News	April 23, 2015
Site Posted	May 4, 2015
Mailing to Property Owners w/in 300'	May 4, 2015

BACKGROUND:

6. *Annexation and Relevant Case History*

   Annexation: *Hearing held May 8, 1929, June 7, 1929.*

   Zoning, *reference Zoning Map 2005 Adopted: March 2005.*

   Temporary Use Permit, TUP14-05 Paradise RV Inc. approved December 16, 2014.

   Conditional Use Permit, CUP14-02 Paradise RV Inc., pending approval of rezone.

ANALYSIS:

7. The property is zoned as Planned Residential. The current use is considered a non-conforming use. Rezoning the property to Downtown Commercial (DC) will allow future development such as single family residential, multifamily, and various commercial uses as listed in the Development Code.

8. Rezoning is necessary to allow the proposed use of Recreational Vehicle and Boat repair. The applicant will sell the finished goods via-online auction. These vehicles will remain on site until purchased. Due to the type of vehicles to be serviced and repaired staff has determined the use will be categorized as "Vehicle service and repair, major," below is the definition:

   Vehicle Service and Repair, Major

   An establishment engaged in the major repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, recreational vehicles, mobile homes, or snowmobiles. Services include engine, transmission, or differential repair or replacement; body, fender, or upholstery work; tire replacement; and painting.

Staff recommends the Downtown Commercial (DC) zoning. Definition for the proposed DC zoning:

> **Downtown Commercial (DC)**
>
> The DC district is intended to provide for and encourage development and redevelopment that preserves and enhances the unique character and vitality of the Buckeye downtown. Public uses, offices, retail, service, and upper-story residential uses are allowed. Design standards focus on creating a human-scaled, pedestrian- oriented and walkable downtown that invites commercial development and complementary residential opportunities. Continuous retail frontages, largely uninterrupted by driveways and parking, are encouraged.

9. The Downtown Commercial (DC) zoning identifies the proposed use type, Vehicle service and repair, major, as a conditional use. Therefore, the applicant will also be required to go through a conditional use permit process to allow the major vehicle and repair. The DC zoning is beneficial to the applicant in that it will allow the proposed use and is flexible for future uses; such as office use, retail, and residential in the Downtown area.

Table 3.1-1: TABLE OF ALLOWED USES

P=Permitted C=Conditional Use

Use Category	Use Type		RESIDENTIAL									MIXED-USE				NON-RESIDENTIAL							
		AG	SF 43	SF 18	SF 10	SF 6	SF 3	SF 1	MF 1	MF 2	MH	NMU	CMU	RMU	DC	PO	C1	C2	C3	BP	I1	I2	Use Standards
	Vehicle service and repair, major											C	P	P	C			P	P		P	P	
	Vehicle service and repair, minor											P	P	P	C		P	P	P		P	P	
	Vehicle storage																		C		P	P	

10. The type of vehicles to be serviced is limited to Recreational and boats and shall not include repairs that include major overhaul, engine or transmission type of repair. Staff has determined the proposed use will be categorized as "Vehicle service and repair, major, and held to the conditional uses stated as well as stipulated.

11. <u>Conformance with the General Plan:</u> The General Plan Land Use Map specifies the area at the site as Downtown Buckeye. The proposed Downtown Commercial (DC) zoning district is consistent with the General Plan Land Use, reference TABLE 2.1-1: Zoning

Districts Established. The proposed rezone, if approved, will also implement the policies of the General Plan, primarily under:

Goals 1.0 Aspire for Quality Neighborhoods, more specifically refer to Policy 1.8 which promotes, "...infill development and targeted redevelopment in Downtown Buckeye and surrounding neighborhoods to improve existing physical conditions, enhance sustainability by making efficient use of existing community amenities and infrastructure, provide choice of housing types and densities, and maintain compatibility with adjacent land uses".

TABLE 2.1-1: ZONING DISTRICTS ESTABLISHED		
Abbreviation	**New District Name**	**Associated General Plan Land Use District**
AG	Agricultural	Very Low Density (VLD) or Low Density (LD)
RESIDENTIAL		
SF-43	Single-Family Residential 43	Very Low Density (VLD) Low Density (LD)
SF-18	Single-family 18	Low Density (LD)
SF-10	Single-family 10	Medium Density (MD)
SF-6	Single-family 6	Medium Density (MD) and Medium High Density (MHD)
SF-3	Single-Family 3	Medium High Density (MHD)
SF-1	Single-Family 1	Medium High Density (MHD)
MF-1	Multi-family 1	High Density (HD)
MF-2	Multi-family 2	Urban Density (UD)
MH	Manufactured Home/RV Park	Any residential district except High Density (HD) and Urban Density (UD)
MIXED USE		
NMU	Neighborhood Mixed Use	Mixed Use (MU)
CMU	Community Mixed Use	Mixed Use (MU)
RMU	Regional Mixed Use	Mixed Use (MU)
DC	Downtown Commercial	Downtown Buckeye (DB)
OFFICE AND COMMERCIAL		
PO	Office	Professional Office (PO)
C-1	Neighborhood Commercial	Neighborhood Commercial (NC)
C-2	Community Commercial	Community Commercial (CC)
C-3	Regional Commercial	Regional Commercial (RC)
BP	Business Park	Business Park (BP)
INDUSTRIAL		
I-1	Light Industrial	Industrial (I)
I-2	Heavy Industrial	Industrial (I)
OVERLAY		
PAD	Planned Area Development (10 to 639 acres)	Any Land Use District
CMP	Community Master Plan (640-acre minimum)	Master Planned Community (MPC)

RECOMMENDATIONS:

12. Staff recommends the Planning and Zoning Commission take the following motion to recommend **approval to the City Council with stipulations a - l** of case RZ14-03 (PLZ-14-00102) for the following reasons:

- Conformance with General Plan
- Conformance with Development Code
- Proposed use is allowed under a conditional use approval

a) Development of the property shall be in general conformance to the project narrative entitled "513 E Centre Ave Buckeye AZ 85326" consisting of one (1) page, dated November 20, 2014 and stamped received November 24, 2014.
b) All development must be in accordance with the City of Buckeye Development Code, as amended.
c) Prior to and during the time in which the site is being developed, the Developer shall maintain the site in weed-free and debris-free manner and in accordance with Ordinance 14-08 relating to dust control.
d) When any building or construction permit is obtained for the parcel, at the same time as performing the work described in the permit, the Property Owner/Developer shall bring the parcel and all structures thereon up to current code standards and there shall be no "grandfathering" of any nonconforming uses or development standards.
e) The property owner/s and their successor waive any and all claims for diminution in value of the property with regard to any action taken by City of Buckeye as result of this approval.
f) The Property Owner/Developer is responsible for providing, at their sole cost and expense, all public infrastructure necessary to serve the project including, without limitation, water and wastewater service in accordance with Ordinance No. 86-06. This includes water supply, infrastructure, and capacity for the production, treatments and delivery of water to the project and the collection, treatment and disposal, including recharge and/or reuse, of wastewater generated at the project. Notwithstanding any authority of the City to create a special district for purposes of funding infrastructure in the City, to meet its obligations under this Stipulation and under Ordinance No. 86-06, the Property Owner/Developer may participate jointly with other property owners/developers in the provision of the necessary regional public infrastructure to serve the subject Property and, in such event, shall pay its pro-rata share of the costs of providing such infrastructure and shall provide documentation satisfactory to the City of such participation and payment of its pro rata share.
g) The Property Owner/Developer is responsible for providing water at the project for construction purposes including obtaining the necessary water rights for the water supply to be used for construction purposes.

h) If the property is located within the City's water service area, to the extent allowed by law, all Type-I Non-irrigation and Irrigation Grandfathered Rights associated with the property shall be properly extinguished and the resulting extinguishment credits conveyed to the City of Buckeye or pledged to the City of Buckeye account at the Arizona Department of Water Resources prior to the issuance of any building permits.

i) If the property is located within the City's water service area, the Property Owner/Developer shall allocate any surface water rights to the City prior to the issuance of any building permits.

j) If the Development is within the City of Buckeye's Water Service Area, the Property Owner/Developer shall notify the City's Water Resources Department of the location of any registered and unregistered wells on the property and the Property Owner/Developer and the City's Water Resources Department shall meet and confer to determine if the wells are beneficial or whether they shall be abandoned. Wells shall be abandoned by the Property Owner/Developer if the City's Water Resources Department determines that they present a health and safety hazard or are contributing to groundwater contamination and are not able to be rehabilitated, modified, or re-drilled to prevent the health and safety hazard or groundwater contamination.

   a. Abandonment of wells shall be performed pursuant to and in compliance with State law and shall be completed prior to the issuance of any building permits.

11. If the Planning and Zoning Commission recommends approval of Rezone RZ14-03 (RZ14-03/PLZ-14-00102) then staff recommends the Planning and Zoning Commission **motion for approval with stipulations a – q**, of case (CUP14-02/PLZ-13-00105) for the following reasons:

- Conformance with General Plan
- Conformance with Development Code

a) Development of the property shall be in general conformance with the Site Plan exhibit consisting of one (1) page, undated and stamped received December 04, 2014.

b) Development of the property shall be in conformance to the project narrative entitled "Jeff Vanderpool Rezoning and CUP" consisting of one (1) page, dated November 20, 2014 and stamped received December 04, 2014.

c) The Conditional Use Permit (CUP14-02/PLZ-13-00105) is contingent on the City Council approval of the Rezone Case (RZ14-03/PLZ-14-00102).

d) The type of vehicles to be serviced is limited to Recreational Vehicles and boats and shall not include repairs that include major overhaul, engine or transmission type of repair.
e) All development must be in accordance with the City of Buckeye Development Code, as amended.
f) Prior to and during the time in which the site is being developed, the Developer shall maintain the site in weed-free and debris-free manner and in accordance with Ordinance 14-08 relating to dust control.
g) When any building or construction permit is obtained for the parcel, at the same time as performing the work described in the permit, the Property Owner/Developer shall bring the parcel and all structures thereon up to current code standards and there shall be no "grandfathering" of any nonconforming uses or development standards.
h) Steel shipping storage containers are not allowed on site.
i) Conditional Use Permit is subject to revocation if at any time during the life of the Conditional Use Permit if there is a violation of the stipulations of approval, the zoning ordinance, or any other statutes.
j) The property owner/s and their successor waive any and all claims for diminution in value of the property with regard to any action taken by City of Buckeye as result of this approval.
k) No vehicles can park along 6th Street or Center Avenue due to sight visibility.
l) The site must have at least 1 ADA compliant parking stall with a hardened surface to the building.
m) The applicant must provide a hardened surface at all access / egress points from the roadway to the property. This is to mitigate dust and track out material onto the roadway.
n) The Property Owner/Developer is responsible for providing, at their sole cost and expense, all public infrastructure necessary to serve the project including, without limitation, water and wastewater service in accordance with Ordinance No. 86-06. This includes water supply, infrastructure, and capacity for the production, treatments and delivery of water to the project and the collection, treatment and disposal, including recharge and/or reuse, of wastewater generated at the project. Notwithstanding any authority of the City to create a special district for purposes of funding infrastructure in the City, to meet its obligations under this Stipulation and under Ordinance No. 86-06, the Property Owner/Developer may participate jointly with other property owners/developers in the provision of the necessary regional public infrastructure to serve the subject Property and, in such event, shall pay its pro-rata share of the costs of

providing such infrastructure and shall provide documentation satisfactory to the City of such participation and payment of its pro rata share.

o) Property Owner agrees to sign agreement between the property owner and the Fire Department.

p) Provide Fire Extinguishers

q) No Hot Work under Steel or Fabric Roof Building.

EXHIBITS

REZONE CASE

Exhibit A	Narrative/Site
Exhibit B	Vicinity/Project Map
Exhibit C	Land Use Map
Exhibit D	Zoning Map

CUP CASE

Exhibit A	Narrative
Exhibit B	Site Plan
Exhibit C	Letter of Agreement with Fire Department

Prepared By:
Andrea M. Marquez, Planner II

Reviewed By:
Terri Hogan, AICP, Planning Manager

Exhibits for REZONE

Jeff Vanderpool
re zoning for

513 E CENTRE AVE
BUCKEYE AZ 85326

Project Narrative

November 20, 2014

City of Buckeye

Current Site has been used as commercial water irrigation sales lot and left abandon , The current structure will remain as it is and lot is graveled for parking , the work area cover will be a fabric roof to satisfy Fire dept requirements
The lot is completely Fenced with 4 gates on 3 sides of the property, 2 of which will most likely not be used
Currently this property is zoned PR but has been used as commercial for its entirety .
The Maricopa Tax assessor has it taxed as commercial as does the city of Buckeye water dept and APS
It is Located across from the pre school and kitty corner to the elementary school in the Buckeye downtown

My request is to zoned as Downtown Commercial to use my property as a staging area for my Rvs to get ready for sale
I will be open the hours 8:30 to 4:30 Monday thru Friday
Water is supplied from COB as is Garbage ,Police , Fire and sewer

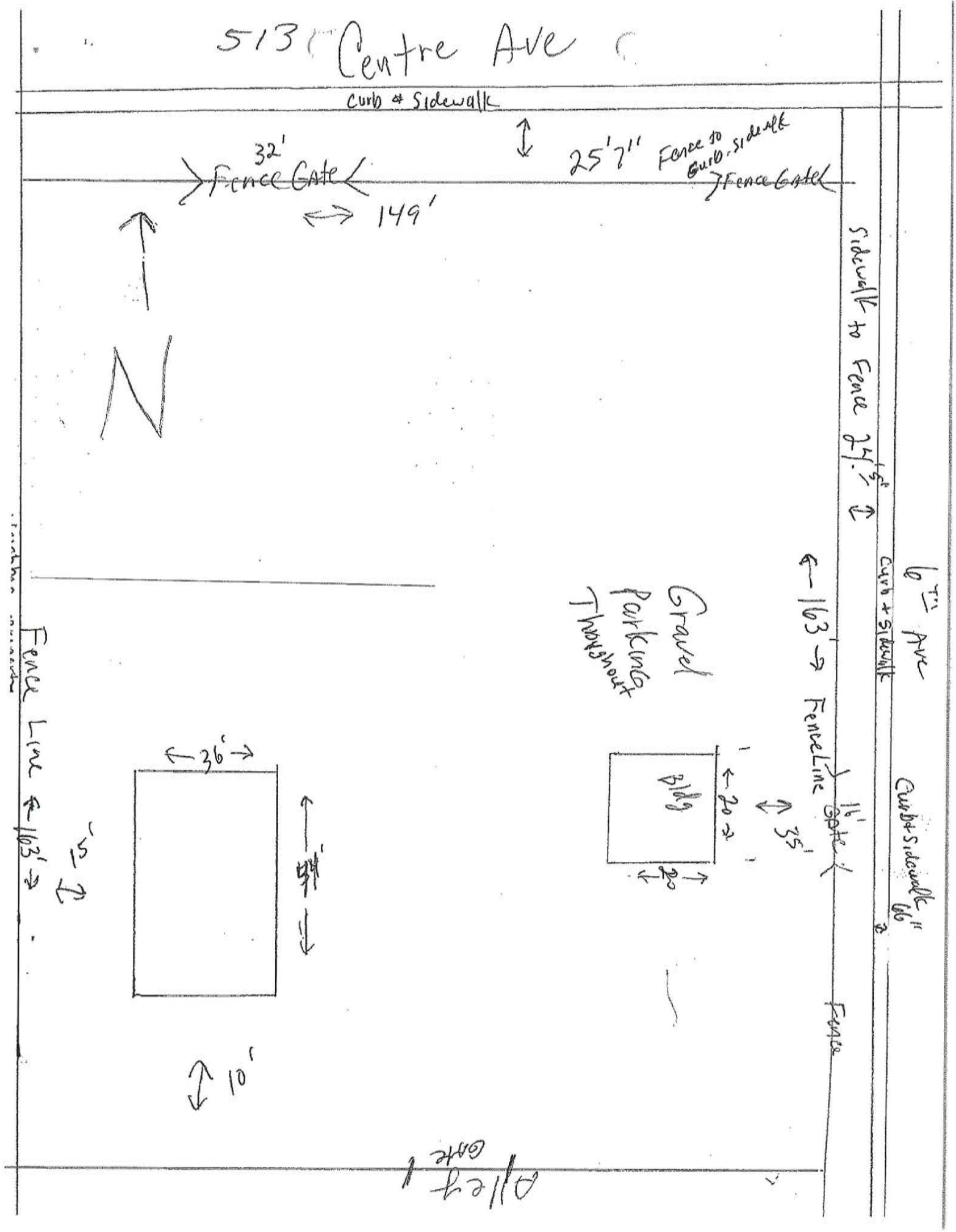
The 3 lots will be combined to 1 per COB and I will start tha t process this week

I have no proposed Trails or park due to the size of the property

Sincerely,

Received
NOV 24 2014
City of Buckeye by:

PLZ-14-00102


513 Centre Ave
Curb & Sidewalk
32'
Fence Gate
25'7" Fence to Curb-Sidewalk
Fence Gate
149'
N
Sidewalk to Fence 24.5'
6th Ave
Curb + Sidewalk
Curb + Sidewalk 6"
163
Fence Line
16' Gate
35'
Gravel Parking Throughout
Bldg
20
20
Fence
Fence Line 163'
36'
54'
15'
10'
Alley Gate

RZ14-03

VICINITY MAP

© OpenStreetMap (and) contributors, CC-BY-SA, Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

12/31/2014

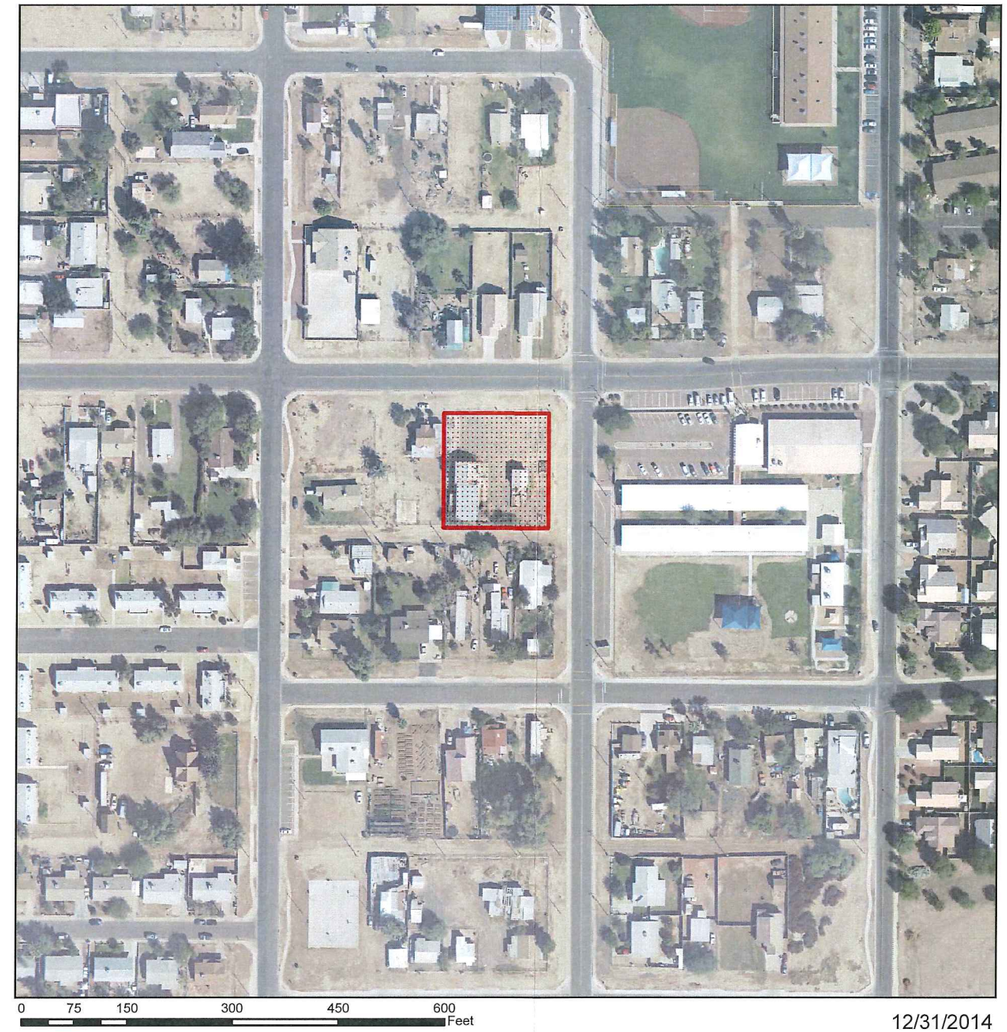
Case: RZ14-03 (PLZ14-00102)

Title: Paradise RV Inc. Jeff Vanderpool

BUCKEYE, AZ

RZ14-03

PROJECT MAP



12/31/2014

Subject Property: Paradise RV

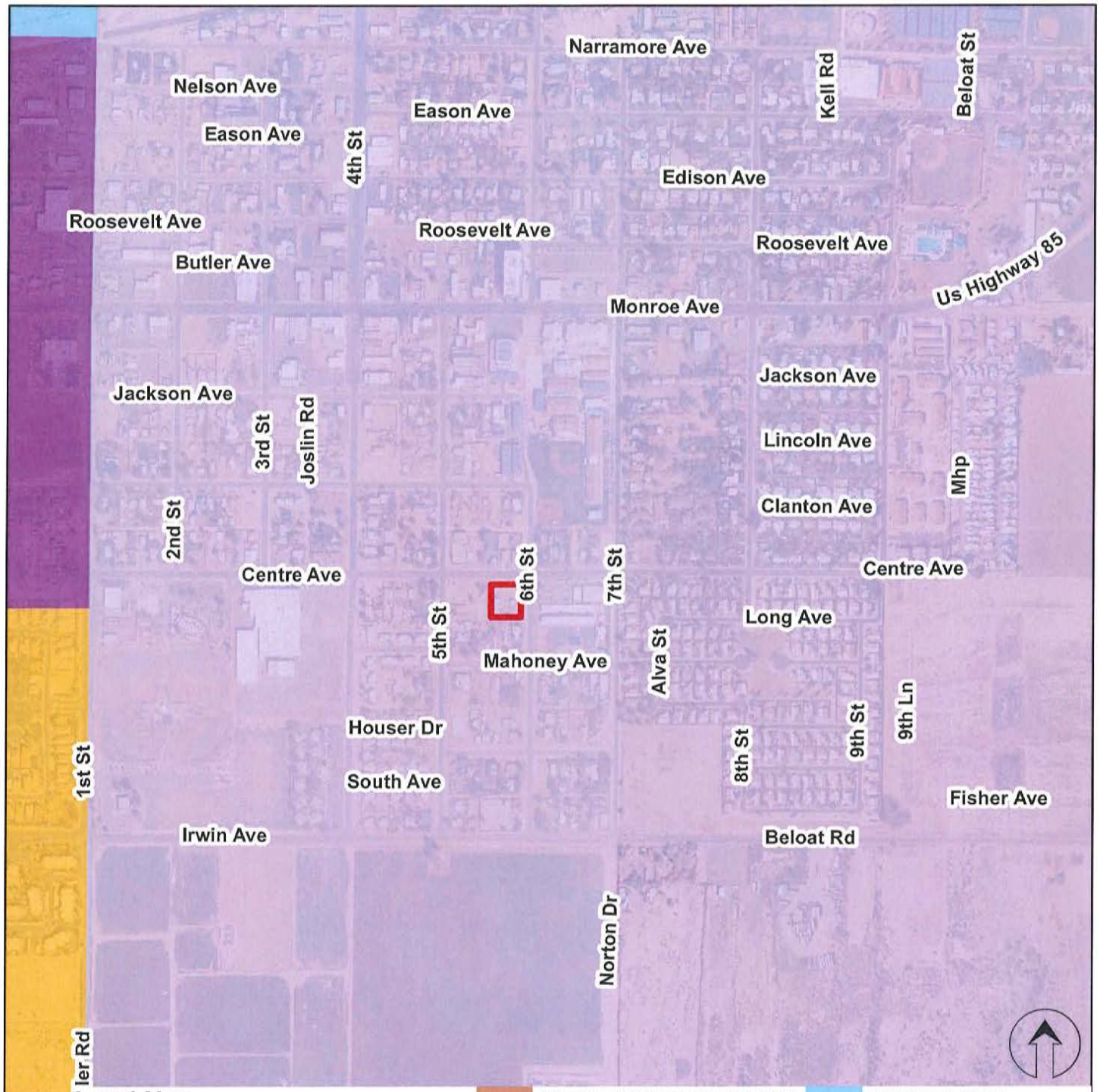
Municipal Planning Area

BUCKEYE, AZ

Land Use

BUCKEYE, AZ

Exhibit C



Land Use

- Very Low Density 0-1 du/ac
- Low Density 1.01-3 du/ac
- Medium Density 3.01-6 du/ac
- Medium High Density 6.01-10 du/ac
- High Density 10.01-15 du/ac
- Master Planned Community
- Mixed Use
- Government Center
- Military
- Open Space
- Professional Office
- Business Park
- Industrial
- Downtown Buckeye
- Community Commercial
- Regional Commercial

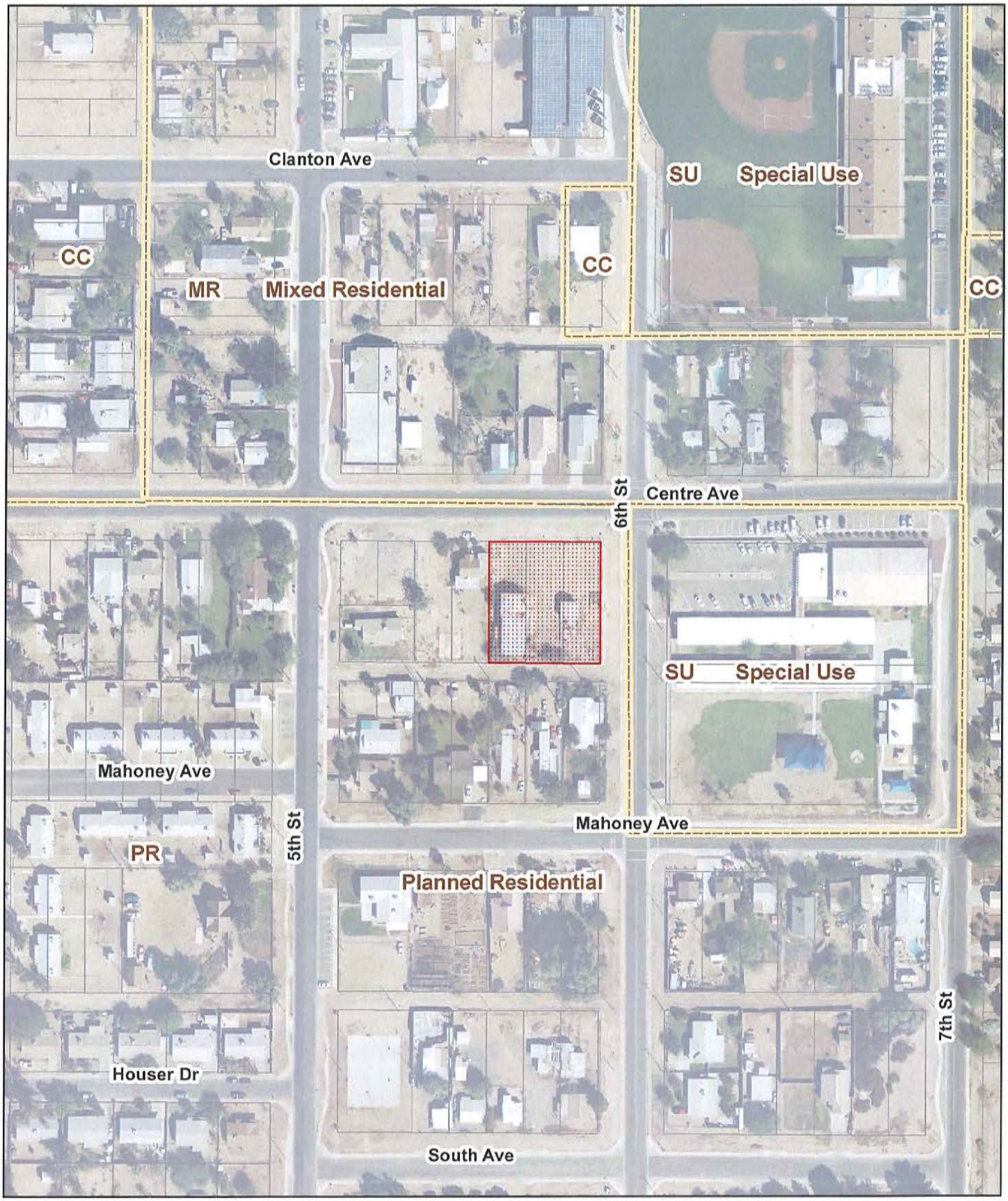
Case: RZ14-03 (PLZ14-00102)

Title: Paradise RV Inc. Jeff Vanderpool

Zoning

BUCKEYE, AZ

Exhibit D



Case: RZ14-03 (PLZ14-00102)

Title: Paradise RV Inc. Jeff Vanderpool

Exhibits for CUP

EXHIBIT A

JEFF VANDERPOOL
RE ZONING FOR AND CUP

513 E CENTRE AVE
BUCKEYE AZ 85326

Project Narrative

November 20, 2014

City of Buckeye

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Water is supplied from COB as is Garbage ,Police , Fire and sewer

I have no proposed Trails or park due to the size of the property

Sincerely,

Received
DEC 04 2014
City of Buckeye by:____

1st Submittal

PLZ-14-00105

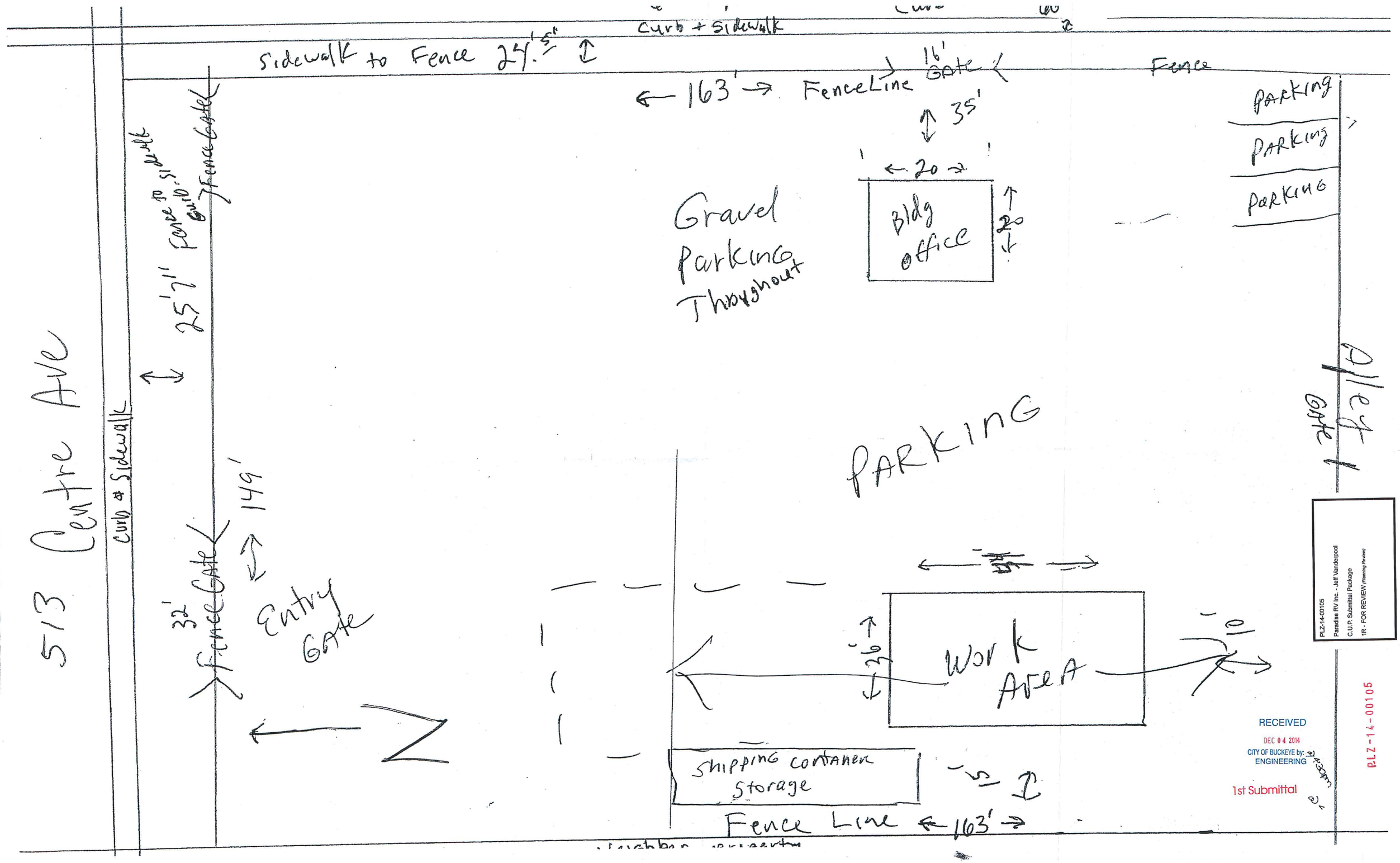
Curb + Sidewalk
Sidewalk to Fence 24'.5"
16' Gate
Fence
163'
Fence Line
35'
20
Bldg office
20
Gravel Parking Throughout
Parking
Parking
Parking
Alley
Gate
513 Centre Ave
Curb & Sidewalk
25'7" Fence to Bldg. Sidewalk
Fence Gate
149'
32'
Fence Gate
Entry Gate
N
PARKING
Work Area
26'
10'
Shipping container storage
Fence Line 163'
PLZ-14-00105
Paradise RV Inc. - Jeff Vanderpool
C.U.P. Submittal Package
1R - FOR REVIEW (Planning Review)
RECEIVED
DEC 04 2014
CITY OF BUCKEYE by:
ENGINEERING
1st Submittal
PLZ-14-00105

EXHIBIT B

EXHIBIT C

BUCKEYE FIRE DEPARTMENT

1. Jeffrey Vanderpool ("Owner") is the owner of parcel numbers 400-26-016, 400-26-018, and 400-26-020 (513 E. Centre Ave., Buckeye, AZ 85326).

2. The City of Buckeye Fire Department inspected this property on January 7, 2015 at approximately 10 a.m.

3. The City of Buckeye Fire Department has found that the parcels are not code compliant as there are no fire sprinklers, fire alarm, or knox box installed on any structure located at the above-referenced location.

4. The City of Buckeye Fire Department recognizes the benefit to the City of Buckeye to have businesses operate within the City. More specifically, it recognizes the benefit to the downtown/historic area of Buckeye.

In exchange for allowing the Owner to operate a business at the above-referenced location prior to passing a fire inspection, the parties agree as follows:

1. The Owner agrees to have plans for the installation of fire sprinklers, fire alarm, and knox box **submitted and approved** within six (6) months from the date this contract is signed.

2. Once plans are approved for installation of fire sprinklers, alarm and knox box, said plans must be **completely installed** within one (1) year from the date this contract is signed.

3. The City of Buckeye Fire Department must be notified of any lease agreement that the Owner may enter into and will have the right to review said lease agreement before the agreement is signed by both parties. Any review of said lease agreement will be for the single purpose of ensuring that the terms of this contract are adhered to.

4. The Owner agrees that he is responsible for ensuring the terms of this contract are met within the required timeframes.

5. Any business operated at the above-referenced location must have an address visible from the street.

6. Any business operated at the above-referenced location **must not**:

   a. Maintain storage of any flammable or combustible liquid or solid; or

   b. Perform any repairs with items that utilize an open flame.

c. Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a lot line. Recreational vehicles, watercrafts, and other vehicles need a minimum of 10 feet separation between each storage location.

7. The City of Buckeye Fire Department may enter the property for the purposes of inspection and/or enforcement of this agreement at any time.

8. If at any time, the Buckeye Fire Department finds that the Owner and/or operator of any business at the above-referenced location is not in compliance with this agreement, the Buckeye Fire Department will take steps to have the operation of the business immediately ceased and the Owner and/or operator of the business immediately evicted.

9. If after one (1) day or more following the six (6) months from the date this contract was signed, the Owner and/or operator of any business at the above-referenced location does not have plans submitted and approved for the installation of the fire sprinklers, fire alarm, and knox box, the Buckeye Fire Department will takes steps to have the operation of the business immediately ceased and the Owner and/or operator of the business to be immediately evicted.

10. If after one (1) day or more following one (1) year from the date this contract was signed, the Owner and/or operator of any business at the above-referenced location has not completed the installation of the fire sprinklers, fire alarm, and knox box, the Buckeye Fire Department will takes steps to have the operation of the business immediately ceased and the Owner and/or operator of the business to be immediately evicted.

11. Both parties understand that this agreement is between the City of Buckeye Fire Department and the Owner of the above-referenced location. As such, the Owner of the above-referenced location is still required to comply with any determination made by any other department within the City of Buckeye such as Community Development Services, Engineering, Planning and Zoning, or any other department within the City of Buckeye which may determine the property to not be in compliance with any portion of the City of Buckeye Municipal Code.

12. If at any time, the Owner and/or operator of a business located at the above-referenced location is found to be conducting illegal activity, this agreement is immediately null and void.

13. Both parties have read and fully understand the terms of this agreement. Further, both parties are aware that either party has the option to hire an attorney and can review this agreement with said attorney prior to signing this agreement. By signing said agreement, both parties waive the option to hire an attorney prior to setting forth their signatures below.

BUCKEYE FIRE DEPARTMENT

Nate Ryan, Fire Marshal City of Buckeye Fire Department 21699 W. Yuma Rd. Ste. 101 Buckeye, AZ 85326	Date
Jeffrey Vanderpool, Owner Parcel Nos. 400-26-016; 400-26-018; and 400-26-020 513 E. Centre Ave. Buckeye, AZ 85326	Date

DEVELOPMENT CODE AMENDMENT

Report to the Planning and Zoning Commission

CASE NUMBER:	**DCA14-03 (PLZ-14-00094)**
TITLE:	**Tobacco Retailers Amendment**
MEETING DATE:	**May 12, 2015**
AGENDA ITEM:	**5D**

Applicant:	**City of Buckeye**
Request:	**An Amendment to Article 3 & Article 10 to establish use standards for Tobacco Retailers and Define the use**
Location:	**Citywide**
Public input:	**None Known**
Recommendation:	**Recommend Approval**

UPDATE

1. At the April 28, 2015 Planning Commission meeting, the commission directed staff to incorporate larger buffer/separation standards similar to the City of Tempe's standards. Staff has incorporated this change to be 1,000 feet which is identical to separation requirements for medical marijuana related uses. Additionally, staff has modified the definition of tobacco retailer to include electronic cigarette sales and vapor products (vaping). The remainder of the staff report has been modified accordingly.

PROJECT DESCRIPTION

2. The purpose of this amendment is to establish standards to regulate the location of Tobacco Retailers (smoke shops, cigar bars, hookah lounges and other similar uses) with respect to public schools, private schools, charter schools, and potentially other uses which substantially involve children.

3. Tobacco Retailers are "retail commercial" and unless the code and/or findings defines specific characteristics or impacts of tobacco related uses which create a compelling interest, the regulations should be the same as other retail uses.

4. Knowing that tobacco consumption is a habit forming and poses significant health risks, there is a desire to limit the exposure of children and other sensitive populations from these businesses.

5. Tobacco retailers typically dedicate a significant percentage of their floor area to tobacco and tobacco related accessories. This could include pipes, papers, loose tobacco, cigars, cigarettes, flavored herbs, lighters, electronic cigarettes, vapors, and other accessories. State law loosely defines tobacco retailers and allows smoking within tobacco retailers through the Smoke Free Arizona Act.

6. Some valley communities have taken steps to define tobacco retailers to include all tobacco related uses including smoke shops, cigar lounges, hookah bars, and other retailers that derive a significant portion of their sales from cigarettes. These codes exempt gas station/convenience stores, drug stores, grocery & department stores and other retailers which do not primarily engage in tobacco sales.

BACKGROUND:

7. The topic was introduced at the March 10, 2015 Planning and Zoning Commission meeting. The Commission initiated the amendment and recommended staff to explore other uses similar to tobacco retailers and recommend regulations common to all uses.

8. Staff also informed the Commission of a House Bill (HB 2579) which was being considered at State legislature which would restrict cities and counties from adopting ordinances which allowed tobacco retailers within 300-feet of day care facilities, public playgrounds, schools, or recreational facilities. The bill was not voted on and did not go into effect before the legislative session ended.

9. Staff has also introduced the proposed amendments to the Developer Partnering Group and no concerns were voiced.

ANALYSIS:

Request to Review Other Similar Use

10. Staff explored the options of including other uses with this amendment and recommends that they not be included. Other similar uses could include liquor stores, bars, taverns, medical marijuana facilities, adult-oriented businesses, or other uses which are age-restricted. Each of these uses is unique and has their own unique impacts. Each of the uses is also regulated by separate statutes and in many cases the statute restricts location. The City has established use standards for medical marijuana

facilities and adult uses. Lastly, staff reviewed other community's developments codes and found no consistency in standards or application.

11. Staff strongly recommends that each use be reviewed and regulated through separate actions to prevent confusion of the impacts and standards of each use. Staff will continue research best practices and prepare to discuss the "other similar uses" with the Commission as part of future development code amendment work plans.

Tobacco Retailers

12. Staff considered all the above and researched nearby communities to determine best practices and industry standards.

- **Goodyear:** No specific use definitions or separation requirements.
- **Surprise:** No specific use definitions or separation requirements.
- **Glendale:** No specific use definitions or separation requirements.
- **Peoria:** Tobacco Retailer is a permitted use in all commercial zoning districts.

  DEFINITION: Tobacco Retailer means a business which allows for the smoking of tobacco on premise and sells tobacco and/or tobacco accessories. These businesses are also subject to the Smoke Free Arizona Act, A.R.S. § 36-601.01 and R9-2-101 of the Arizona Administrative Code. Hookah, Tobacco, Cigar, and Shisha Lounges or Bars are considered Tobacco Retailers for the purposes of the Zoning Ordinance.

- **Phoenix:** Tobacco Oriented Retailers are Permitted Uses in the C-2 district but subject to use standards. They must be at least 500-feet from another tobacco retailer, public, private or charter school, parks/playgrounds, or licensed day care facilities. The separation distance is measured from property line to property line.

  DEFINITION: A Tobacco Oriented Retailer is an establishment engaged in the sale and/or display of tobacco related products, including, but not limited to: cigarettes, chewing and dipping tobacco, cigarette papers, or any other instrument or paraphernalia for the smoking or ingestion of tobacco and products prepared from tobacco. This includes uses such as, but not limited to, a cigar store, head shop or hookah lounge. A tobacco oriented retailer shall not include any establishment over 10,000 square feet in gross floor area, or any establishment devoting less than 15 percent of its floor space to the sale/display of tobacco related products.

- **Avondale:** Tobacco Uses are Conditional Uses in the C-2 (Community Commercial) and C-3 (Freeway Commercial) districts. They must be at least ¼ mile from another tobacco retailer, tattoo parlor, body piercing studio, plasma center, liquor store, or non-chartered financial intuition (payday loan), or sexually-oriented business. The separation distance is measured from property line to property line and applies to businesses within or not within Avondale.

  DEFINITION: Cigar Bar/Tobacco Lounge/Smoke Shop: An establishment that specializes in the sale of cigars and other tobacco-related paraphernalia, and allows patrons to smoke tobacco products on-site. The consuming of tobacco products on-site shall conform to the Arizona law.

Recommended Code

13. The best practices from the above communities along with consideration of local needs has led staff to propose the following:

    - **Definition:** *A Tobacco Oriented Retailer is an establishment engaged in the sale and/or display of tobacco related products, including, but not limited to: cigarettes, electronic cigarettes & vapor products (vaping) chewing and dipping tobacco, cigarette papers, or any other instrument or paraphernalia for the smoking or ingestion of tobacco and products prepared from tobacco. This includes uses such as, but not limited to, a cigar store, head shop, vapor store or hookah lounge. A tobacco oriented retailer shall not include any establishment over 10,000 square feet in gross floor area, or any establishment devoting less than 15 percent of its floor space to the sale/display of tobacco related products.*

    - **Use:** Tobacco Oriented Retailers is permitted in the Community Mixed Use (CMU), Regional Mixed Use (RMU), Commercial Center (CC), General Commerce (GC), Community Commercial (C-2), and Regional Commercial (C-3) districts. They are Conditional in Downtown Commercial (DC), Neighborhood Commercial (C-1), and Neighborhood Mixed Use (NMU) districts. In all cases they are subject to the use/separation standards.

    - **Use Standards:** Must be at least 1000-feet from another tobacco retailer, public, private or charter school, parks/playgrounds, or licensed day care facilities. The separation distance is measured from property line to property line.

RECOMMENDATION:

14. Staff recommends the following motion:

Move to recommend **approval** of Case # DCA14-03, amendments to the Development Code related to tobacco retailers to the City Council.

EXHIBITS

Exhibit A Draft Code Changes

Prepared By:
Ed Boik, AICP, Senior Planner

Reviewed By:
Terri Hogan, AICP, Planning Manager

ARTICLE 3: USE REGULATIONS

3.1. TABLE OF ALLOWED USES

Table 3.1-1 lists the principal uses allowed within all base zoning districts. Each of the listed uses is defined in Article 10, *Definitions*.

3.1.1. Explanation of Table Abbreviations

A. Permitted Uses

"P" in a cell indicates that the use is allowed by right. Permitted uses are subject to all other applicable regulations of this Development Code, including the use-specific standards in Section 3.2, the dimensional standards in Article 4, and the requirements of Article 5, *Development and Design Standards and Guidelines*.

B. Conditional Uses

1. "C" in a cell indicates that in the respective zoning district the use is allowed only if reviewed and approved in accordance with the procedures of Section 8.7, *Conditional Use Permits*. Conditional uses are subject to all other applicable regulations of this Development Code, including the use-specific standards in Section 3.2, the dimensional standards in Article 4, and the requirements of Article 5, *Development and Design Standards and Guidelines*.

2. The "C" designation in Table 3.1-1 in a given district does not constitute an authorization or an assurance that such use will be permitted. Rather, each conditional use permit application shall be evaluated as to its probable effect on adjacent properties and surrounding areas, among other factors, and may be approved or denied pursuant to the procedures in Section 8.7, *Conditional Use Permits*.

C. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

D. Use-Specific Standards

Regardless of whether a use is allowed by right or as a conditional use, there may be additional standards that are applicable to the use. Use-specific standards are noted through a cross-reference in the last column of the table. Cross-references refer to Section 3.2, *Use-Specific Standards*. These standards apply in all districts unless otherwise specified.

3.1.2. Table Organization

In Table 3.1-1, land uses and activities are classified into general "use categories" and specific "use types" based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories. Certain uses may be listed in one

category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

3.1.3. Use for Other Purposes Prohibited

Approval of a use listed in Table 3.1-1, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 3.1-1 and approved under the appropriate process is prohibited.

3.1.4. Classification of New and Unlisted Uses

When application is made for a use category or use type that is not specifically listed in Table 3.1-1, the following procedure shall be followed:

A. The Director shall provide an interpretation as to the use category and/or use type into which such use should be placed. In making such interpretation, the Director shall consider its potential impacts, including but not limited to: the nature of the use and whether it involves dwelling activity; sales; processing; type of product, storage and amount, and nature thereof; enclosed or open storage; anticipated employment; transportation requirements; the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated; and the general requirements for public utilities such as water and sanitary sewer.

B. Appeal of the Director's decision may be made to the Planning Commission following procedures under Section 8.13, *Appeals of Administrative Decisions*, of this Development Code.

3.1.5. Table of Allowed Uses[1]

Table 3.1-1: TABLE OF ALLOWED USES

P=Permitted C=Conditional Use

Use Category	Use Type		RESIDENTIAL									MIXED-USE				NON-RESIDENTIAL							
		AG	SF 43	SF 18	SF 10	SF 6	SF 3	SF 1	MF 1	MF 2	MH	NMU	CMU	RMU	DC	PO	C1	C2	C3	BP	I1	I2	Use Standards
RESIDENTIAL USES																							
Household Living	Dwelling, duplex						P	P	P			P											
	Dwelling, multi-family								P	P		P	P	P	P								
	Dwelling, single-family attached				P	P	P	P	P			P	P	P	P								
	Dwelling, single-family detached	P	P	P	P	P	P	P	C														
	Dwelling, mfd. home	P	P	C	C	C	C	C			P												3.2.1.A
	Dwelling, mobile home	C									P												3.2.1.B
	Dwelling, zero lot line					P	P	P	P	P				P									
	Mobile home park										P												
	Mfd. home subdivision										P												
Group Living	Assisted living, commercial								P	P			P	P	C		P	P	P				
	Assisted living, residential	P	P	P	P	P	P	P	P	P			C	C	C		C	C	C				
	Boarding house/guest room	P			C	C	C		C	C					P								
	Group home	C	P	C	C	C			C	C		C	C	C	C		C	C	C				
	Group recovery home	C	C	C	C				C	C		C	C	C	C		C	C	C				
	Nursing home								C	C		C	C	C	C		P	P	P				3.2.1.C
	Shelter care facility	P	P	P	P	C			C	C		C	C	C	C		P	P	P				
	Shelter care facility, homeless	C	C	C	C	C			C	C		C	C	C	C		C	C	C		P		

[1] ORD. 06-13; 5/21/2013

Table 3.1-1: TABLE OF ALLOWED USES P=Permitted C=Conditional Use																							
Use Category	Use Type		RESIDENTIAL									MIXED-USE				NON-RESIDENTIAL							
		AG	SF 43	SF 18	SF 10	SF 6	SF 3	SF 1	MF 1	MF 2	MH	NMU	CMU	RMU	DC	PO	C1	C2	C3	BP	I1	I2	Use Standards
PUBLIC/INSTITUTIONAL USES																							
Community Service	Assembly hall, public		C	C	C	C	C	C	C	C		C	C	P	P		P	P	P	P	C		3.2.2.G
	Cemetery	P	C	C	C	C			C	C			P	P	P		P	P	P	P	P		3.2.2.C
	Community recreation center		P	P	P	P	P	P	P	P	P		P	P	P	C		P	P				
	Crematorium or funeral parlor												P	P	P		P	P	P	P	P		
	Government admin. and civic buildings												P	P	P	P		P	P	P	C	C	
	Government maint. & operations yards/ buildings	C	C																		P	P	
	Public safety facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.2.2.F
	Religious assembly		C	C	C	C	C	C	C	C		C	C	P	P		P	P	P	P	C		3.2.2.G
	Social service facility								C	C		P	P	P	P	P	P	P	P	P			
Cultural Facility	Art gallery or museum, public											P	P	P	P	C	P	P	P	P			3.2.2.B
	Library, public			P	P	P	C	C	C	C		C	P	P	P	C	P	P					3.2.2.E
Child Care Facility	Day care, commercial								C	C		P	P	P	P	P	P	P	P	P	C		
	Day care, residential	P	P	P	C	C	C	C	P		P	P	P	P	P								
Education	College or university											C	C	P	P		C	C	P	P			3.2.2.H
	Private elementary or middle school		P	P	P	P	P	P	P	P			C	P	C		C	C	C				3.2.2.H
	Private high school		P	P	P	P	P	P	P	P			C	P	C		C	C	P				3.2.2.H
Health Care Facility	Medical office or clinic								C	C		P	P	P	P	P	P	P	P	P			
	Hospital												C	C	C	C		C	P	P	P		3.2.2.D
Medical Marijuana Dispensary	Medical Marijuana – ARIZ. REV. STAT. §36-2801 et seq.																				P	P	3.2.3.K

Table 3.1-1: TABLE OF ALLOWED USES P=Permitted C=Conditional Use																						
			RESIDENTIAL									MIXED-USE				NON-RESIDENTIAL						
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Medical Marijuana Dispensary Offsite Cultivation Location	Medical Marijuana – ARIZ. REV. STAT. §36-2801 et seq.																				P	P	3.2.3.K
Parks and Open Space	Arboretum or botanical garden	P	C	C	C	C			P	P			C	P	P			C	P	P			3.2.2.A
	Campground	P	C	C																			
	Community playfields and parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
	Parks and nature preserves, not-for-profit	P	P	P																			
Telecom-munication Facility	Tower (including any facility with a tower)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	3.2.2.I
	Broadcasting or recording studio (no tower)												P	P	P	P	P	P	P	P	P		
	Satellite earth station	C																		P	P		
	Transmitting station (no tower)													P			P	P	P	P	P	P	3.2.2.I
Transportation Facility	Airport	C																			C	C	
	Bus terminal														C			C	P	P	P	P	
	Heliport	C																		C	C	C	
Utility	Solar generation station	P	P																		P	P	3.2.2.J
	Utility facility, major	C	C															C	C	C	C	P	
	Utility facility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
COMMERCIAL USES																							
Agriculture and Ranching	Agriculture	P	P																				3.2.3.A
	Commercial ranch	P	P																				3.2.3.A
	Dairy	P	C																			P	3.2.3.A
	Meat processing																					P	3.2.3.A
	Residential ranch	P	P																				3.2.3.A

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Animal Sales and Services	Animal hospital												P	P	P		P	P	P	P	P		3.2.3.B
	Animal pet shop, retail											P	P	P	P		P	P	P	P			
	Animal training school	C	C										P	P	P			P	P	P			3.2.3.B
	Kennel, indoor only	P	P										P	P				P	P	P			3.2.3.B
	Kennel, indoor/ outdoor	P	P																P				3.2.3.B
	Veterinary clinic	P	P							C		P	P	P	P		P	P	P	P			3.2.3.B
Assembly	Assembly hall, private								C	C		C	C	P	P		P	P	P	P			3.2.2.G
	Auditorium, private												P	P	P			P	P	P			3.2.2.G
	Fraternal or social club, nonprofit								C	C			P	P	P		P	P	P	P			3.2.2.G
	Country club, private membership		P	P	P	P	P	P	P	P													3.2.2.G
Financial Service	Check Cashing																C	C	C	C	P		3.2.3.C
	Financial institution, with drive-thru												P	P	C		P	P	P	P			
	Financial institution, without drive-thru									C		P	P		P	P	P	P	P	P			

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Use Category	Use Type	AG	SF 43	SF 18	SF 10	SF 6	SF 3	SF 1	MF 1	MF 2	MH	NMU	CMU	RMU	DC	PO	C1	C2	C3	BP	I1	I2	Use Standards
Food and Beverage Service	Food sales, wholesale													P			P	P	P	P	P		
	Bar, lounge, or tavern											P	P	P	P		P	P	P	P			
	Catering service											P	P	P	P		P	P	P	P	C		
	Drive-in restaurant												P	P	C			P	P	P			
	Farmers market	P	P									C			C		C	P	P				
	Nightclub												C	C	P			P	P	P			
	Restaurant, without drive-thru									C		P	P	P	P	P	P	P	P	P			
	Restaurant, with drive-thru												C	P	C		P	P	P	P			
Office	Office, business or professional									C		P	P	P	P	P	P	P	P	P			
	Data Center													C	C	C				P	P	P	
	Research laboratory												P	P	P	P		C	P	P	P	P	
Recreation and Entertainment, Outdoor	General outdoor recreation, commercial												C	P	C			P	P	P			
	Golf course, unlighted	P	P	P	P	P	P	P	P	P				P		P	P	P	P	P			3.2.3.E
	Golf course/ driving range, lighted	C	C	C	C	C	C	C	C	C				P		P	P	P	P	P			3.2.3.E
	Major entertainment facility, outdoor	C	C											P	C				P	P	C		3.2.3.E
	Race track (auto, dog, and horse)	C	C																C	C	C		3.2.3.E
	RV campground	P	P																				3.2.3.G
	RV park	P	P																				3.2.3.H
	Shooting range, outdoor	C	C																				3.2.3.E
	Zoo	C	C											C					C				3.2.3.E

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Recreation and Entertainment, Indoor	Art gallery or museum, private								C	C		P	P	P	P	C	P	P	P	C			
	Fitness and recreational sports center								C	C		P	P	P	P	P	P	P	P	C	C		
	General indoor recreation, commercial											C	P	P	P		P	P	P	C	C		
	Major entertain-nment facility, indoor												C	P	P		P	P	P	C	C		
	Movie theater												C	P	C		P	P	P	C			
Personal Services	Dry cleaning and laundry service								C	C		P	P	P	C	P	P	P	P	P	C		
	General personal services								C	C		P	P	P	P	P	P	P	P	P			
	Instructional services or trade school											C	P	P	P	P	P	P	P	P	P	P	
Retail (Sales)	Alcoholic beverages, retail sale											C	P	P	P		P	P	P				
	Convenience store with gas sales								C	C		C	P	P	P		P	P	P	C	P	C	
	Feed store	P	C															P	P		P		
	General retail											P	P	P	P	P	P	P	P	P			3.2.3.D
	Large retail													P	C			C	P	C			3.2.3.F
	Open-air market or flea market	P	P																		C		
	Nursery and plant sales, wholesale	P	P																C	P	P		
	Plant sales, retail	P	P									P	P		C		P	P	P				
	Sexually oriented business																		C		C	C	3.2.3.J
	Tobacco Oriented Retailer											C	P	P	C		C	P	P				3.2.3.L
Vehicles and Equipment	Boat, RV storage																		C		P	P	
	Boat, RV sales and rental													P				P	P		P		
	Car wash												P	P	P		P	P	P	P	P		

Table 3.1-1: TABLE OF ALLOWED USES

P=Permitted C=Conditional Use

Use Category	Use Type		RESIDENTIAL									MIXED-USE				NON-RESIDENTIAL							
		AG	SF 43	SF 18	SF 10	SF 6	SF 3	SF 1	MF 1	MF 2	MH	NMU	CMU	RMU	DC	PO	C1	C2	C3	BP	I1	I2	Use Standards
	Gasoline sales	C	C									C	C	C	P		P	P	P	C	P		
	Parking structure								C	P		C	P	P	P	P	P	P	P	P	P	P	
	Truck stop	C																			C	P	3.2.3.I
	Truck repair and overhaul	C																			C	P	
	Vehicle sales and rental											C	C	P				P	P	P	P	C	
	Vehicle service and repair, major											C	P	P	C			P	P		P	P	
	Vehicle service and repair, minor											P	P	P	C		P	P	P		P	P	
	Vehicle storage																		C		P	P	
Visitor Accom-modation	Bed and breakfast	C	C	C	C	C	C	C	C	C		P	P	P			P	P					
	Hotel or motel									C		C	P	P	P	C	P	P	P	P			
	Resort												C	P	P			P	P				
INDUSTRIAL USES																							
Industrial Service	Building materials sales, indoor retail												P	P				P	P	P	P		3.2.4.A
	Building material sales, outdoor or wholesale												C	C					P		P	P	
	Drilling company, no outside storage																				P	P	
	Drilling company, with outside storage																					P	
	Resource extraction	C																				C	
	General industrial service																				P	P	3.2.4.B
Manufacturing and Production	Assembly, light																			P	P	P	
	Mfg., heavy																					P	
	Mfg., light																			P	P	P	
Warehouse and Freight Movement	Mini-storage, indoor												C	C				P	P	P	P	P	

Table 3.1-1: TABLE OF ALLOWED USES P=Permitted C=Conditional Use																						
Use Category	Use Type		RESIDENTIAL									MIXED-USE				NON-RESIDENTIAL						
		AG	SF 43	SF 18	SF 10	SF 6	SF 3	SF 1	MF 1	MF 2	MH	NMU	CMU	RMU	DC	PO	C1	C2	C3	BP	I1	I2	Use Standards
	Mini-storage, outdoor												C	C				C	C	C	P	P	
	Motor freight terminal																				C	P	
	Storage yard																				C	P	
	Office warehouse																			P	P	P	
	Warehouse																			C	P	P	
	Wholesale establishment																	C	P	P	P	P	
Waste and Salvage	Auto wrecking and salvage yard																					P	
	Recycling center outdoor																					P	
	Recycling center indoor																			C	P	P	
	Landfill																					C	3.2.4.C

Table 3.1-1: TABLE OF ALLOWED USES P=Permitted C=Conditional Use																						
Use Category	Use Type		RESIDENTIAL									MIXED-USE				NON-RESIDENTIAL						
		AG	SF 43	SF 18	SF 10	SF 6	SF 3	SF 1	MF 1	MF 2	MH	NMU	CMU	RMU	DC	PO	C1	C2	C3	BP	I1	I2	Use Standards
TEMPORARY USES																						
	Antennas, temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.4.2.A
	Expansion or replacement facilities, temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.4.2.B
	Office space/ equipment storage, temporary	P										P	P	P	P	P	P	P	P	P	P	P	3.4.2.B
	Retail sales, temporary	P										P	P	P	P	P	P	P	P	P	P	P	3.4.2.C
	Roadside stand	P	P																				
	Sales office, temporary		P	P	P	P	P	P	P	P	P												3.4.2.E
	Yard sale, temporary	P	P	P	P	P	P	P	P	P	P	P	P	P									3.4.2.F
	Other temporary uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	3.4.2.G

3.2. USE-SPECIFIC STANDARDS

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3.2.3. Commercial Uses

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J. Sexually-Oriented Business

All sexually-oriented businesses shall comply with the regulations provided in Chapter 8 of the City Code in addition to this Code.

K. Medical Marijuana Uses[2]

The following minimum requirements shall apply to all medical marijuana dispensary and medical marijuana cultivation location uses permitted under ARIZ. REV. STAT. § 36-2801 *et seq*. (the "Act") and Section 3.1.5, Table of Allowed Uses, and Section 10.3.3.Q, Medical Marijuana Uses:

1. In addition to any other application requirements, an applicant for any medical marijuana dispensary or medical marijuana cultivation location use shall provide the following:

a. A notarized authorization, executed by the property owner, acknowledging and consenting to the proposed use of the property as a medical marijuana dispensary or medical marijuana cultivation location.

b. The legal name of the medical marijuana dispensary or medical marijuana cultivation location.

c. If the application is for a medical marijuana cultivation location, the name and location of the medical marijuana dispensary with which it is associated and, in addition, in the case of designated caregivers or qualifying patients, the name of qualifying patients for which the marijuana is being cultivated.

d. The name, address, and birth date of each officer and board member of the nonprofit medical marijuana dispensary agent.

e. The name, address, birth date, and valid registry identification card number of (a) each medical marijuana dispensary agent if the application is related to a medical marijuana dispensary or a related medical marijuana cultivation location and (b) each designated caregiver and qualifying patient if the application is related to a medical marijuana cultivation location associated with such qualifying patient and designated caregiver.

f. A copy of the operating procedures adopted in compliance with ARIZ. REV. STAT. § 36-2804(B)(1)(c).

g. A notarized certification that none of the medical marijuana dispensary officers or board members has been convicted of any of the following offenses:

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[2] ORD 04-11, RES 17-11; 2/14/2011

(i) A violent crime, as defined in ARIZ. REV. STAT. § 13-901.03(B), that was classified as a felony in the jurisdiction where the person was convicted.

(ii) A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten or more years earlier or an offense involving conduct that would be immune from arrest, prosecution or penalty under ARIZ. REV. STAT. § 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.

h. A notarized certification that none of the medical marijuana dispensary officers or board members has served as an officer or board member for a medical marijuana dispensary that has had its registration certificate revoked.

i. A floor plan showing the location, dimensions and type of security measures demonstrating that the medical marijuana dispensary or medical marijuana cultivation location will be secured, enclosed and locked as required by law.

j. A scale drawing depicting the property lines and the separations from the nearest property boundary of the parcel containing the medical marijuana dispensary or medical marijuana cultivation location to the property boundary of the parcel containing any existing uses listed in the subsection 3.2.3.K.3 below. If any of the uses are located within 50-feet of the minimum separation, the drawing, showing actual surveyed separations, shall be prepared by a registered land surveyor.

2. A medical marijuana dispensary shall have operating hours not earlier than 9:00 a.m. and not later than 5:00 p.m., Monday through Friday.

3. A medical marijuana dispensary or medical marijuana cultivation location shall meet the following minimum separation requirements, measured in a straight line from the closest boundary of the parcel containing the medical marijuana dispensary or medical marijuana cultivation location to the closest property boundary of the parcel containing any existing uses listed below:

a. 2.5 miles from any other medical marijuana dispensary or medical marijuana cultivation location.

b. 1,000 feet from a residential substance abuse diagnostic and treatment facility or other residential drug or alcohol rehabilitation facility.

c. 1,000 feet from a public, private, parochial, charter, dramatic, dancing or music school, a learning center, or other similar school or educational facility that caters to children.

d. 1,000 feet from any residential zoning district or residential use.

e. 1,000 feet from a childcare center.

f. 1,000 feet from a public library or public park.

g. 1,000 feet from a religious institution.

4. Pursuant to the application requirements and provisions under ARIZ. REV. STAT. § 36-2804 and 2806, and except as provided under the Act for qualifying patients and designated caregivers, a medical marijuana cultivation location may only cultivate process, supply, sell or otherwise provide medical marijuana to medical marijuana dispensaries located in Arizona, and only one medical marijuana cultivation location shall be permitted for the single Arizona medical marijuana dispensary with which it is associated.

5. The following size limitations shall apply to any medical marijuana dispensary:

a. The total maximum floor area of a medical marijuana dispensary, inclusive of any secure storage area, shall not exceed 2,500 square feet.

b. The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed 500 square feet.

c. For a medical marijuana dispensary that also is a medical marijuana cultivation location, the total maximum floor area that may also be used for cultivation and incorporation or processing of the medical marijuana into consumable or edible products inclusive of any secure storage area shall not exceed 3,500 square feet. The secure storage area for the medical marijuana stored at a medical marijuana dispensary that also is a cultivation location shall not exceed 1,500 square feet.

6. The following size limitations shall apply to any medical marijuana cultivation location that is not also a medical marijuana dispensary location:

a. The total maximum floor area of a medical marijuana cultivation location inclusive of any secure storage area shall not exceed 3,000 square feet.

b. The secure storage area for the medical marijuana stored at the medical marijuana cultivation location shall not exceed 1,000 square feet.

7. A medical marijuana dispensary or medical marijuana cultivation location shall:

a. Be located in a permanent building and may not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other mobile vehicle. The facility shall include fire protection measures, including sprinklers, as required by the City of Buckeye Fire Code.

b. Install lighting to illuminate the exterior and interior of the building and all entrances and exists to the facility. Exterior lighting shall be five foot candles, measured at ground level, and shall remain on during all hours between sunset and sunrise each

day and the medical marijuana dispensary or cultivation location shall illuminate all areas of the premises, including adjacent public sidewalks so that the areas are readily visible by law enforcement personnel. Twenty-four (24) hours each day, the medical marijuana dispensary or cultivation location shall illuminate the entire interior of the building, with particular emphasis on the locations of any counter, safe, storage area and any location where people are prone to congregate. The lightning must be of sufficient brightness to ensure that the interior is readily visible from the exterior of the building from a distance of 100 feet.

c. Not have drive-through service.

d. Not emit, dust, fumes, vapors or odors into the environment.

e. Not provide offsite delivery of medical marijuana, except to a medical marijuana dispensary served by the medical marijuana cultivation location.

f. Have no on-site sales of alcohol or tobacco, and no on-site consumption of food, alcohol, tobacco or medical marijuana.

g. Not have outdoor seating areas.

h. Display a current Town of Buckeye business license, and a State of Arizona tax identification letter.

i. Provide law enforcement and all interested neighbors with the name and phone number of an on-site community relations staff person to notify if there are operational problems with the establishment.

j. The exterior appearance of the structure shall be compatible with structures already constructed or under construction within the immediate neighborhood, to ensure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity.

k. City code enforcement officers, police officers, or other agents or employees of the City requesting admission for the purpose of determining compliance with these standards shall be given unrestricted access.

l. Comply with all other applicable property development and designs standards of the City of Buckeye.

8. In addition to the requirements set forth in Paragraph 7 above, and to ensure that the operations of medical marijuana dispensaries are in compliance with Arizona law and to mitigate the adverse secondary effects from operation of dispensaries, medical marijuana dispensaries shall operate in compliance with the following additional standards:

a. Security guards shall be provided at the main entrances and exits during all hours of operation. Detailed internal security measures will be identified and maintained after consultation with the Buckeye Police Department. For the purposes of the Section, "security guard" shall mean licensed and duly bonded security

personnel registered pursuant to ARIZ. REV. STAT. § 32-3601 *et seq.* Prior to opening for business, the medical marijuana dispensary shall provide all property owners with a 500 foot radius of the medical marijuana dispensary location with written notification via first class U.S. mail of the security company responsible for providing its security services.

b. If determined necessary by the City Manager at any time, medical marijuana dispensaries shall provide a neighborhood security guard patrol for a two-block radius surrounding the medical marijuana dispensary during all or specified hours of operation.

c. No doctor shall issue a written certification on-site for medical marijuana.

d. Medical marijuana dispensaries shall only dispense medical marijuana to qualified patients and their designated caregivers as defined in the Act.

e. Medical marijuana dispensaries shall notify patrons of the following verbally and through posting of a sign in a conspicuous location at the medical marijuana dispensary:

(i) Use of medical marijuana shall be limited to the patient identified on the doctor's written certification. Secondary sale, barter or distribution of medical marijuana is a crime and can lead to arrest.

(ii) Patrons must immediately leave the site and not consume medical marijuana until at home or in an equivalent private location. Medical marijuana dispensary staff shall monitor the site and vicinity to ensure compliance.

f. Medical marijuana dispensaries shall not provide marijuana to any individual in an amount not consistent with personal medical use, or in violation of state law and regulations related to medical marijuana use.

g. Medical marijuana dispensaries shall not store more than two hundred dollars ($200.00) in cash overnight on the premises.

h. Any qualifying patient under eighteen (18) years of age shall be accompanied by a parent or legal guardian. Except for such parent or legal guardian, no persons other than qualifying patients and designated caregivers shall be permitted within a medical marijuana dispensary premises.

i. No signs, advertising, or any other advertising matter used in connection with the medical marijuana dispensary shall be of an offensive nature and shall in no way be contrary to the City code, or obstruct the view of the interior of the premises viewed from the outside.

L. <u>Tobacco Oriented Retailers</u>

<u>Applications for tobacco oriented retailers shall comply with and show the method of complying with the following standards:</u>

1. This use shall be at least 1000-feet from another tobacco retailer, public, private or charter school, parks/playgrounds, or licensed day care facilities.

2. The separation distance shall be measured in a straight line from the property line of the tobacco oriented retailer use to the nearest property line of the other listed uses.

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ARTICLE 10: DEFINITIONS

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10.3. DEFINITIONS OF GENERAL USE CATEGORIES AND SPECIFIC USE TYPES

This section defines the general use categories and specific use types listed in Table 3.1-1, *Table of Allowed Uses*.

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10.3.3. Commercial Uses

J. Retail (Sales)

Retail (Sales) firms are involved in the sale, lease, or rent of new or used products to the general public. No outdoor display is permitted unless specifically authorized by this Development Code. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on site sale. Specific use types include, but are not limited to:

1. Alcoholic Beverages, Retail Sales

A retail establishment, such as a liquor store, licensed to sell alcoholic beverages such as beer, wine, and liquor. No on-site consumption is allowed.

2. Convenience Store with Gas Sales

An establishment with a gross floor area of less than 5,000 square feet engaged in the sale of convenience goods, such as pre-packaged food items, tobacco, over-the-counter drugs, periodicals, and other household goods; and which also provides the retail sale of petroleum products that are dispensed through gasoline pumps and other supplies for motor vehicles.

3. Feed Store

An establishment engaged in the retail sale of supplies directly related to ranching or dairy operations.

4. General Retail

A commercial enterprise that provides goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the consumer. Examples include, but are not limited to: apparel shops, appliance sales, auto parts store, bait shop, bakeries, bookstores, convenience stores without gas pumps, department stores, factory outlet stores, and florists.

5. Large Retail

A building that meets the definition of "general retail" and is 75,000 square feet or greater, but not including a building materials sales establishment.

6. Plant Sales, Retail

Land or greenhouses used for retail sale of flowers, shrubs, and plants.

7. Nursery and Plant Sales, Wholesale

The use of land, buildings or structures for the production of flowers, shrubs, and plants and their sales at wholesale. Incidental retail sales are allowed.

8. Open-Air Market or Flea Market

An indoor or outdoor premises where the main use is the sale of new or used household goods, personal effects, tools, art work, appliances, and similar merchandise, objects, or equipment in small quantities, in stalls, lots, parcels, or in bulk, for the use, sale or consumption by the immediate purchaser in a building, open air, or partly enclosed booths or stalls not within a wholly enclosed building. This definition does not include retail sidewalk sales or garage sales.

9. Sexually Oriented Business

Shall be as defined in Chapter 8 of the City Code. In addition, all use standards adopted by Ordinance 72-04 shall remain in full force and effect.

10. A Tobacco Oriented Retailer

An establishment engaged in the sale and/or display of tobacco related products, including, but not limited to: cigarettes, electronic cigarettes & vapor products (vaping), chewing and dipping tobacco, cigarette papers, or any other instrument or paraphernalia for the smoking or ingestion of tobacco and products prepared from tobacco. This includes uses such as, but not limited to, a cigar store, head shop, vapor store or hookah lounge. A tobacco oriented retailer shall not include any establishment over 10,000 square feet in gross floor area, or any establishment devoting less than 15 percent of its floor space to the sale/display of tobacco related products.

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APPENDIX C: OBSOLETE DISTRICTS PERMISSIBLE USES

Note: Conditional Uses are designated with a "C" all other permitted uses are designated with a "P".

PRINCIPAL USE	ZONING DISTRICT						
	RR	PR	MR	PC	CC	GC	SU
Airport and Related Uses						C	C
Amusement Facility						C	C
Animal Processing/Breeding	P						P
Automotive Service/Repair					P	P	
Bar, lounge, or tavern					C	C	
Bed and Breakfast	C		C				
Boarding house	C		C				
Bowling alley					P	P	
Building material sales (outdoor)						P	
Cabinet making/woodworking	P				P	P	
Campgrounds, overnight	C						C
Cellular/radio tower	C					C	C
Cemetery	C				C		C
Clinic/health care facility	P				P	P	
Club, private nonprofit					P		P
Commercial Ranch	P						P
Convenience storage					P	P	
Crop production	C	P		P		P	P
Dairy	C						P
Day care center	C		C		C	C	
Equipment and tool rental					P	P	
Feed store	P				P	P	
Funeral home					C	C	
Golf course/resort	C	P	P			P	P
Group home			P		P		
Guest room	P				P		
Home occupation	P	P	P		P		
Hospital					C	C	
Hotel/motel					P	P	
Kennel	C						
Liquor store					C	C	
Machine shop						P	
Machinery and equipment storage						P	
Machinery sales and service						P	
Manufactured home park			C		C		
Manufactured home subdivision	C	C					
Manufacturing, custom	P				P	P	

PRINCIPAL USE	ZONING DISTRICT						
	RR	PR	MR	PC	CC	GC	SU
Manufacturing, general						P	
Master Planned Community				P			D
Meat processing, commercial						C	D
Multiple family dwelling			P		P		D
Museum					P	P	P
Nursing home			C		C		
Office building			P		P	P	
Place of public assembly					P	P	P
Places of worship		P	P		P		
Plant nurseries, retail					P	P	
Plant nurseries, wholesale	P					P	
Quarters for caretaker	P				P	P	P
Recreational vehicle park	C				C		C
Residential facility	P	P	P	P	P		
Residential ranch	P	P					
Retail, convenience establishment					P	P	
Retail, general establishment					P	P	
Riding stables and corral	P						P
Roadside stand	P						
Rodeo arena						P	P
Satellite earth station	C					C	C
Schools, public and private			P		P		
Service establishment					P	P	
Shopping center/plaza mall					P	P	
Single family dwelling	P	P	P	P	P		
Social service facility			C				
Swap meet						P	P
Tobacco Oriented Retailer*					P	P	
Truck repair and overhaul						P	
Truck stop						P	
Vehicle and RV sales/service						P	
Vehicle storage						P	
Veterinary clinic					P	P	
Veterinary hospital					P	P	
Warehousing, retail					P	P	
Warehousing, wholesale						P	
Zoo, private or public	C					C	C

* Tobacco Oriented Retailers are subject to the use standards in Section 3.2.3.L