



CITY OF BUCKEYE
PLANNING AND ZONING COMMISSION
REGULAR MEETING AGENDA
August 25, 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

Order of Items

1. The Chair will call the item number and read the notice of hearing.
2. A staff member of the Development services Department will summarize the case.
3. The applicant or representative may speak in support of the application.
4. Other persons in favor of the application may be heard.
5. Those opposed to the application may be heard.
6. The applicant may be heard in rebuttal.
7. All questions must be addressed to the Chair in order to present general discussion between those in favor of the application and those opposed to it.

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

1.	CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL
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2.	APPROVAL OF MINUTES FROM JULY 28, 2015 PLANNING AND ZONING COMMISSION REGULAR MEETING	<i>Action required:</i> <i>Motion</i>
3.	CONSENT AGENDA <i>No Items</i>	
4.	CONTINUANCE AGENDA <i>No Items</i>	
5.	REGULAR AGENDA	
5A.	Subject: 250 Minor General Plan Amendment (PLZ-15-00079) Applicant: Jeffrey Blilie of Beus Gilbert, PLLC Location: Generally located on the southwest corner of Interstate 10 and Verrado Way Request: Minor General Plan Amendment to Regional Commercial from Master Planned Community on approximately 41 acres Recommendation: Approval with stipulations Presented by: Sean Banda, Planner II	<i>Action required: Public Hearing, Discussion and motion</i>
5B.	Subject: 250 Rezone (PLZ-14-00049) Applicant: Jeffrey Blilie of Beus Gilbert, PLLC Location: Southwest corner of Interstate 10 and Verrado Way Request: Rezone to Regional Commercial (C-3) from Planned Community (PC) on approximately 41 acres Recommendation: Approval with stipulations Presented by: Sean Banda, Planner II	<i>Action required: Public Hearing, Discussion and motion</i>
5C.	Subject: 252 Rezone (PLZ-15-00083) Applicant: Jeffrey Blilie of Beus Gilbert, PLLC Location: Southwest corner of Jackrabbit Trail and Roosevelt Street Request: Rezone to Light Industrial (I-1) with a Planning Area Development (PAD) overlay from Planned Residential (PR) on approximately 74 acres Recommendation: Approval with stipulations Presented by: Adam Copeland, Senior Planner	<i>Action required: Public Hearing, Discussion and motion</i>
6.	COMMENTS FROM THE PUBLIC Alternates and 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.	<i>Action required:</i> <i>None</i>
7.	REPORT FROM STAFF	<i>Action required:</i> <i>None</i>

8.	COMMENTS FROM THE PLANNING AND ZONING COMMISSION	
9.	ADJOURNMENT	<i>Action required: Motion</i>



CITY OF BUCKEYE
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
JULY 28, 2015

City of Buckeye
530 East Monroe Avenue
Buckeye, AZ 85326

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

Chairperson Carol Kempkiak called the meeting to order at 6:00 p.m.

Members present: Commissioner Jim Zwerg, Alternate Jesse Knight seated for District 1, Commissioner Preston Hundley, Chairperson Carol Kempkiak, Commissioner Clayton Bedoya, Commissioner Gregory Clemmons, Vice Chairperson Nick Hudec, Alternate Deanna Kupcik, Alternate Bill Elliott, Alternate Duane Mity

Members absent: Commissioner Jeffrey Nagy, Alternate Thomas Marcinko, Alternate Richard Burrell

Staff present: Planning Manager Terri Hogan, Senior Planner Ed Boik, Planner II Sean Banda, Planner II Andrea Marquez, Administrative Assistant Keri Hernandez, Fire Marshall Nate Ryan, City Attorney Gary Verburg, Deputy City Engineer Jason Mahkovtz, Government Relations Manager George Diaz, Council Liaison Craig Heustis

2. APPROVAL OF MINUTES FROM JUNE 23, 2015 PLANNING AND ZONING COMMISSION REGULAR MEETING

A motion was made by Commissioner Zwerg and seconded by Commissioner Clemmons to approve the minutes of the June 23, 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. EVERYONE COUNTS: 2015 BUCKEYE SPECIAL CENSUS

Government Relations Manager George Diaz presented and was available to answer question from the Commission.

5B. VERRADO MARKETSIDE RESIDENTIAL (PP15-04/PLZ15-00070)

Planner II Sean Banda presented and was available to answer questions from the Commission.

The Commission spoke of concerns with the overflow of surrounding school districts. Mr. Banda stated that the school is not limited to just Verrado. Chairperson Kempkiak questioned the distance between the homes as presented on the exhibits. Mr. Banda stated that this project is a high density project, but

do not share common walls. Ms. Kempiak questioned why some of the homes will not be required to have fire sprinklers. Fire Marshall Nate Ryan stated that fire sprinklers will be required for specific homes based on setbacks and the type of home. Mr. Zwerg asked what template was used for the streets. Mr. Ryan stated that it was built to the standards outlined in the Verrado Community Master Plan. Applicant John Carlson presented and was available to answer questions from the Commission. Mr. Carlson requested a revision to stipulation K to add 'or as otherwise approved by the City'. A public hearing was opened at 6:35 pm. Mr. Heustis spoke of his concerns with the property setbacks. With there being no further comments, the public hearing was closed at 6:39 pm. A motion was made by Commissioner Bedoya and seconded by Commissioner Hundley to approve as presented with stipulations A through L. Motion carried.

5C. 250 MINOR GENERAL PLAN AMENDMENT (mGPA15-04/PLZ-15-00079)

A motion was made by Commissioner Bedoya and seconded by Commissioner Clemmons to table to August 25, 2015 Planning and Zoning Commission regular meeting agenda. Motion carried.

5D. 250 REZONE (RZ14-01/PLZ-14-00049)

A motion was made by Commissioner Bedoya and seconded by Commissioner Clemmons to table to August 25, 2015 Planning and Zoning Commission regular meeting agenda. Motion carried.

5E. SUBDIVISION PROCESS STREAMLINING AMENDMENT (DCA15-01/PLZ-15-00060)

Senior Planner Ed Boik presented and was available to answer questions from the Commission. Commission spoke of their support and concerns with the discussed amendment.

6. COMMENTS FROM THE PUBLIC

None

7. REPORT FROM STAFF

Senior Planner Ed Boik reviewed a Planning and Zoning Division quarterly report.

8. COMMENTS FROM THE PLANNING AND ZONING COMMISSION

Mr. Clemmons asked Mr. Heustis to share from the Council perspective how the City is courting upgrading the level of business coming into Buckeye, and an update on the Office Max property in Sundance Towne Center. Mr. Heustis deferred the business question to Economic Development Director Len Becker. Mr. Heustis commented that Office Max is still in conformance with the occupancy agreement. Mr. Hudec requested an opportunity to hear from Len Becker regarding Economic Development.

9. ADJOURNMENT

A motion was made by Vice Chair Hudec and seconded by Commissioner Bedoya to adjourn at 7:41 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 28th day of July, 2015. I further certify that a quorum was present.

Keri Hernandez, Administrative Assistant



MINOR GPA/REZONE

Report to the Planning and Zoning Commission

CASE NUMBERS: 1. PLZ-15-00079
2. PLZ-14-00049

TITLE: Project 250
MEETING DATE: August 25, 2015
AGENDA ITEM: 5A, 5B

Applicant: Jeffrey Blilie, Beus Gilbert PLLC
Owner: Todd Holzer, Sunbelt Land Holdings LP
Requests: 1. Minor General Plan to Regional Commercial from Master Planned Community
2. Rezoning to Regional Commercial (C-3) from Planned Community (PC)

Location: Southwest Corner of Interstate 10 and Verrado Way
Site size: Approximately 41 acres
Density: N/A
Public input: One (1) letter of support
Recommendations: 1. Approval
2. Approval with stipulations

PROJECT DESCRIPTION

1. Jeff Blilie of Beus Gilbert, on behalf of Sunbelt Land Holdings is requesting a minor general plan amendment and rezoning for an approximately 41 acre site located on the southwest corner of Interstate 10 and Verrado Way. The request is intended to give the ability to Sunbelt to develop the property free from Verrado’s development regulations and unrestricted by Verrado’s Land Use Budget. The request will facilitate future development to follow the city’s Regional Commercial Development Uses and standards. No development plans are proposed at this time.

AREA CONTEXT:

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant, One (1) existing freeway billboard	Master Planned Community	PC, Planned Community
North	Partially Developed, Banner site and vacant future Verrado commercial	Master Planned Community	PC, Planned Community; Verrado CMP (Commercial)
South	Vacant, Palo Verde Energy Education Center and BUHS Learning Center	Professional Office	RU-43 (Maricopa County); CC, Commercial Center
East	Vacant Commercial Site	Regional Commercial	CC, Commercial Center
West	Single-Family Residential	Mixed Use	PC, Planned Community (Mountain View Business Center)

PUBLIC PARTICIPATION SUMMARY:

2. The applicant hosted a neighborhood meeting on July 23, 2015 at Verrado Coffee Shop. The applicant provided a signed letter indicating that no one came to the meeting.
3. Additionally, the applicant has maintained ongoing communication with the former property owner DMB regarding the removal of this property from the Verrado Community Master Plan. DMB has offered a letter of support for this request (see attached letter from DMB).

Table 2: Public Notice

Notification Element	Date
Published in Buckeye Valley News	August 6, 2015 edition
Site Posted	August 4, 2015
Mailing to Property Owners within 300'	August 4, 2015

BACKGROUND:

4. The property is currently part of the Verrado Community Master Plan (CMP). DMB has sold this piece of property to the subject development company with no intent of developing the property. The applicant wishes to maintain the current commercial uses that DMB intended to develop the property for commercial development. Since the property is still shown to be part of the Verrado CMP the applicant would be restricted to the Land Use Budget prescribed in the Verrado Development Agreement. They would also be subject to the Verrado development standards.
5. In accordance with legal, staff has determined that they would need to amend the General Plan and Rezone the subject property. By removing this property from the Verrado CMP it would create the ability to develop according to C-3 development standards and have no impact on Verrado's Land Use Budget. In a separate action, staff will be pursuing a housekeeping addendum to the Development Agreement to revise the original legal description.

ANALYSIS:

6. The applicant has two (2) separate requests which are all included as part of this report. First, the Minor General Plan Amendment and second, the Rezone of the property.

General Plan Amendment Request Context

7. The applicant requests to change the General Plan land use designation Master Planned Community to Regional Commercial. The applicant desires to rezone the property to Regional Commercial (C-3) and state law requires that all rezones be consistent with the General Plan. Consequently, the appropriate land use designation is Regional Commercial. Staff also determined that this request is a minor amendment since several concept land use exhibits within the Verrado CMP show this area was intended

to be commercial (Verrado operates through Planning Unit Plans and Land Use Budgets and use the exhibits as a planning document).

8. The southeast corner of Interstate 10 and Verrado Way is also shown on the General Plan Land Use Map as Regional Commercial. In Verrado, along Interstate 10 their intended commercial use has been made evident through a Major Site Plan/Commercial Preliminary Plat. Staff has determined that this proposal is compatible with the intended Regional Commercial land use designation.
9. Additionally, the proposed Regional Commercial designation is consistent with the goals and intents of the General Plan.

Rezoning Request Context

10. The applicant requests to change the Planned Community (PC) zoning classification to Regional Commercial (C-3). The applicant is requesting to Rezone the property since the current owner is no longer part of the Verrado CMP. The subject property has always been considered to be commercial according to concept planning documents in the Verrado CMP. The applicant's request is compatible with the intended equivalent zoning of the Verrado CMP for this area.

RECOMMENDATIONS:

11. Staff recommends the Planning and Zoning Commission motion to recommend **approval** of **PLZ-15-00079** to the City Council for the following reasons:
 - Compatibility with adjacent land uses
 - No outstanding issues from reviewing departments
12. **If the Planning and Zoning Commission recommends approval of PLZ-15-00079 then,** staff recommends the Planning and Zoning Commission motion to recommend **approval** with stipulations a – k of **PLZ-14-00049** to the City Council for the following reasons:
 - Conformance with General Plan
 - Conformance with the Development Code
 - No outstanding issues from reviewing departments

Planning

- a. Development of this project shall be in conformance with the document entitled "250 Rezone" date stamped July 06, 2015 on file with the City of Buckeye, except where modified by stipulations referenced in this report.
- b. 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.
- c. At the time of site plan, permit and/or subdivision submittal the project shall be required to comply with all City of Buckeye adopted fire, building, engineering, and development codes along with any local amendments to said codes and any other city laws and regulations in place at the time of said submittal.

Public Works

- d. MID and SLID: All landscaping that is the responsibility of the development along the City's right of way or in the medians adjacent to the property shall be covered under a MID. This area is also subject to the formation of a SLID for the cost of electricity to run the streetlights along roadways adjacent to the property. Both SLID and MID boundaries shall include the centerline median of adjacent roadways. Reference is Ordinance 42-05 and 43-06. MID and SLID shall be applied for as soon as possible after engineering of the development and shall be in place as soon as possible after infrastructure is in place. Since the property in the vicinity is not yet developed and there are no city streetlights in the area, the property owner shall agree to be included in a future SLID. The boundaries for the SLID and MID shall be the centerline of the future median of Yuma Road, the centerline of Verrado Way, the southern bound of the property and the western bound of the property.
- e. All landscaped areas within the public rights of way, whether to be maintained by the City of Buckeye or if delegated to the adjacent property owner, homeowners' association or other property maintenance association, shall be designed and sealed by a landscape architect licensed by the Arizona Board of Technical Registration. (The above described MID requirement ensures protection of the city in case maintenance of the ROW landscaping is not kept up or is abandoned by the responsible owner.) The City Public Works Department shall review all irrigation plans for material selection only; therefore, the landscape architect shall coordinate with the Public Works Department early in the design to ensure the most efficient means of landscape irrigation that will

reduce both long term maintenance costs and keep watering to the absolute minimum required for healthy growth of landscaping along the roadways of the City of Buckeye.

- f. Artificial or synthetic turf shall be allowed on all surfaces where turf can be used. No individual or association may impose private covenants, conditions, restrictions, deed clauses or other agreements between parties which prevent individuals from utilizing artificial or synthetic turf as an alternative to any landscaping where turf can be used. The quality of the artificial or synthetic turf may be subject to the requirements of individuals or associations.
- g. No new natural turf shall be installed in a public right-of-way or median. Areas with up to 10,000 square feet of turf within a public right-of-way at gateways, entrances to major communities, or special landscaping designs approved by the city's development services department are exempt from the restrictions of this [section 17-5-6](#)
- h. Landscaping within the public-right-of-way will require:
 - All landscaped areas, except those intentionally maintained with native plants, shall include an automatic irrigation system.
 - All native plant landscaping plans shall include an establishment maintenance plan that ensures long term growth of all plantings.
 - Establishment maintenance plan shall be sealed by a registered Landscape Architect.
 - Water-efficient systems (e.g., drip, mini-spray, bubbler-type, or similar drip systems) shall be used whenever feasible. Low-flow sprinkler heads with matched precipitation rates shall be used when spray or rotor-type heads are specified for watering shrubs and ground cover areas.
 - Multi-program weather sensing controllers with separated valves and circuits shall be used when the project contains more than one type of landscape treatment (e.g., lawn, ground cover, shrub, tree areas), or a variety of solar aspects.
 - Soil moisture-sensing devices and rain sensors shall be used on all projects within public rights of way and in landscape tracts. The use of satellite based controllers is encouraged.
 - Root barriers shall be designed and incorporated for all trees that are in the public right of way to ensure vertical root growth and avoid adjacent curb, sidewalk or pavement upheaval due to tree roots.
 - Linear Root barriers shall be used along public improvements that are only on one side of a tree.

- Surround Root barriers shall be used when a tree is within the sidewalk or within a median.
 - Tree canopies extending into the right of way shall be trimmed to the following minimum standards: 12'-0" over any public roadway, 7'-0" over any public sidewalk
- i. Shrubbery in the right of way shall not obstruct any regulatory signage or sight distance triangle as defined in the Engineering Development Standards; therefore, shall be trimmed to less than 2'-0".
- j. All trash shall be collected through a City of Buckeye licensed trash hauler, including construction debris. Trash enclosures shall be in accordance with City of Buckeye standards.
- k. The City is subject to the Phase 2 Stormwater permitting. All land disturbance that is one acre or larger or part of a common plan or sale that is one acre or larger shall obtain permit coverage under the AZPDES Construction General Permit and submit a copy of ADEQ's "Authorization to Discharge" to the City.

EXHIBITS:

- Exhibit A Vicinity Map (Aerial Photo)
- Exhibit B General Plan Narrative
- Exhibit C Rezone Narrative
- Exhibit D DMB Letter of Support

Prepared By:
Sean Banda, Planner II

Reviewed By:
Terri Hogan, AICP, Planning Manager



December 15, 2014

Ms. Terri Hogan
Planning Manager
City of Buckeye
530 East Monroe
Buckeye, AZ 85326

RE: Rezoning of the Property at the Southwest Corner of Verrado Way and I-10

Dear Terri,

DMB White Tank, LLC, an Arizona limited liability company ("DMB") is the owner and/or master developer of the Verrado Master Planned Community which consists of approximately 8,800 acres. On November 17, 1999, the City of Buckeye (the "City") approved a Pre-Annexation and Development Agreement with DMB that was recorded in the Office of the Maricopa County Recorder as document 99-1071208 (the "PADA"). As part of the PADA, a Community Master Plan ("CMP") was also approved. Additionally, concurrently with the approval of the PADA, the City approved the rezoning of Property to Planned Community District. In 2004, the City approved an amendment to the CMP to add approximately sixteen (16) acres to Verrado and to modify the land use budget. The modification to the CMP was recorded with the Maricopa County Recorder as document 2004-0431177. With the addition of this sixteen acres, the Verrado community consists of 8, 816 acres all of which are subject to the provisions of the PADA and the CMP (the "Property").

It has come to our attention that the owner of the property (parcels 504-20-001P, 504-20-381 and 504-20-001M) located at the southwest corner of Verrado Way and I-10 (collectively, the "Sunbelt Properties") has requested a rezoning of the Sunbelt Properties to remove the PC zoning district and the CMP designations.

DMB is not opposed to the bifurcation or removal of the Sunbelt Properties from the Verrado CMP or the PC District so long as the existing entitlement set forth in the approved land use budget attached as *Exhibit A* are not altered. Specifically, we are not opposed to the removal so long as the commercial/mixed-use entitlement square footages totaling 4,234,550 remains available to the remaining properties that are subject to the Verrado CMP as detailed in the land use budget included at Exhibit A. We also concur with your opinion that a revised legal description that excludes the Sunbelt Properties can be approved as a minor amendment to the CMP.

We also understand that the existing restrictions as contained in the Use Restrictions and Covenants as articulated in a document recorded with the Maricopa County Recorder as document 20060945529 remain in effect unless otherwise satisfied or otherwise expired. These use restrictions are private covenants and not part of the CMP restrictions and therefore will remain after the PC District and CMP are removed from the Sunbelt Properties.

Please let us know if you have any questions.

Sincerely,

DMB WHITE TANK, LLC, an Arizona limited liability company

By: DMB Associates, Inc., an Arizona corporation, its Manager

By: 

Its: SR. VICE PRESIDENT

cc: Mike Burke, DMB Associates
Karrin Taylor, DMB Associates
Jill Hegardt, DMB Associates
Dave Nilsen, DMB Associates

250 MINOR GENERAL PLAN AMENDMENT

PROJECT NARRATIVE

Description of the Current Site Conditions

The site consists of approximately 41 acres of undeveloped native desert land located generally at the SWC of I-10 and Verrado Way. The property is currently the only piece of property south of I-10 within the Verrado Community Master Plan (CMP). There is one billboard located at the far northwest corner of the property.

Description of Current General Plan Land Use Designation

The property currently has a General Plan land use designation of Master Planned Community.

Description of Proposed General Plan Land Use Designation

The property is currently zoned Planned Community and is part of the Verrado CMP. Sunbelt would like to completely remove this property from the Verrado CMP and we have submitted an application to rezone the property C-3. Based upon the direction we have received from the City, we are now requesting a minor GPA to accommodate the C-3 zoning, which will run concurrently with our rezone application. The land use designation we are requesting for the property is Regional Commercial.

General Outline of Intended Plans for Development

There are no current plans for developing the property; however, this minor GPA and the concurrent rezone, along with the formation of the Roosevelt Improvement District will better situate the property for more immediate development.

Purpose of Proposed General Plan Amendment

The property is currently part of the Verrado CMP; however, the property is no longer owned by DMB. The property is also the only property within the Verrado project located south of Interstate 10. Given the current ownership and the location of property, its removal from the Verrado CMP makes sense both logically and practically. The property has also been removed

or excluded from all of the Verrado private documents (CC&R's, etc.). This Minor GPA will facilitate the associated rezone and removal of the property from the Verrado CMP.

Justification for Proposed Minor GPA

The proposed land use designation of Regional Commercial is consistent with the current land use and zoning.

This minor GPA will improve the General Plan by more accurately reflecting the type of development sought on this property.

This minor GPA will not adversely impact any portion of the community; in that it will not:

- Significantly alter the existing land use patterns;
- Significantly reduce the housing the jobs balance;
- Replace employment with residential uses;
- Require additional or more expensive infrastructure;
- Increase traffic;
- Negatively impact the character of the immediate area;
- Increase exposure of residents to aviation noise or operations;
- Diminish the environmental quality of the area.

This minor GPA will not have any impact of the recreational amenities in the City of Buckeye.

Current General Plan Designation:	Master Planned Community
Current Zoning Designation:	Planned Community, Verrado CMP
Proposed General Plan Designation:	Regional Commercial
Proposed Zoning Designation:	C-3 (Regional Commercial)
Adjacent Zoning Districts:	<p>North – Planned Community, Verrado CMP</p> <p>South – R-43 in the Unincorporated County</p> <p>West – Planned Community, Mountain View Business Center CMP</p> <p>East – Commercial Center (obsolete zoning district)</p>
Existing Structures w/i 300 feet:	There are no existing structures w/i 300 feet of the property in any direction.

250 REZONE

PROJECT NARRATIVE

Description of the Current Site Conditions

The site consists of approximately 41 acres of undeveloped native desert land. There is one billboard located at the far northwest corner of the property.

Description of Proposed Zoning District and Uses

The property is currently zoned Planned Community and is part of the Verrado CMP. The land use designation in the CMP is generally regional commercial. This request is to remove the property from the Verrado CMP and rezone the property to C-3, regional commercial. There are no current plans for developing the property, but the anticipated development would be consistent with those uses both principally and conditionally permitted by the City in the C-3 zoning district.

General Outline of Intended Plans for Development

There are no current plans for developing the property; however, this rezone and the approval of the proposed Roosevelt Improvement District will better situate the property for more immediate development.

Information on How the Proposed Zoning/Project Complies with the General Plan and Other Adopted Plans or Requirements

We are concurrently processing a Minor General Plan Amendment that will facilitate the rezone to C-3, and the proposed C-3 zoning is generally identical to the property's current zoning under the Verrado CMP. The proposed C-3 zoning is consistent with the City's General Plan and all other City planning documents.

Purpose of the Proposed Rezone

The property is currently part of the Verrado CMP; however, the property is no longer owned by DMB. The property is also the only property within the Verrado project located south of

Interstate 10. Given the current ownership and the location of property, its removal from the Verrado CMP makes sense both logically and practically. The property has also been removed or excluded from all of the Verrado private documents (CC&R's, etc.). Sunbelt Investment Holdings is the current property owner as well as the approximately 74 acre commercial project located across the street (NEC of Roosevelt and Verrado Way). This rezone will allow the property to be removed from the Verrado CMP and rezoned to a more traditional zoning designation (C-3) that will provide for development as anticipated by the City's General Plan.

Current General Plan Designation:	Master Planned Community
Current Zoning Designation:	Planned Community, Verrado CMP
Proposed Zoning Designation:	C-3 (Regional Commercial)
Adjacent Zoning Districts:	North – Planned Community, Verrado CMP South – R-43 in the Unincorporated County West – Planned Community, Mountain View Business Center CMP East – Commercial Center (obsolete zoning district)
Existing Structures w/i 300 feet:	There are no existing structure w/i 300 feet of the property in any direction.



REZONE WITH PLANNED AREA DEVELOPMENT OVERLAY

Report to the Planning and Zoning Commission

CASE NUMBERS: PLZ-15-00083
TITLE: Buckeye 252
MEETING DATE: August 25, 2015
AGENDA ITEM: 5C

Applicant: Jeff Blilie, Beus Gilbert, PLLC
Owner: Todd Holzer, Sunbelt Investment Holdings, LP
Request: Rezoning to Light Industrial I-1) with a Planned Area
Development (PAD) overlay from Planned Residential (PR)
Location: Southwest Corner of Jackrabbit Trail and Roosevelt Street
Site size: Approximately 74 Acres
Density: N/A
Public input: None
Recommendation: Approval with Stipulations

PROJECT DESCRIPTION

1. The applicant is requesting a rezone with a Planned Area Development (PAD) overlay for a 74 acre parcel located at the southwest corner of Jackrabbit Trail and Roosevelt Street. The request will facilitate the future development for business park, light industrial, and support commercial uses. Final land use mix has not been determined and no development plans are proposed at this time.

AREA CONTEXT

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

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant	Business Park	PR (Planned Residential)
North	Vacant	Regional Commercial (State Lands)	Commercial Center
South	Flood Control Structures	Business Park	Planned Residential (Flood Control District Owned Drainage Facility)
East	Flood Control Structures	Business Park	Planned Residential (Flood Control District Owned Drainage Facility)
West	Flood Control Structures	Business Park	RU-43 (Maricopa County Flood Control District Owned Drainage Facility)

PUBLIC PARTICIPATION SUMMARY:

2. The applicant hosted a neighborhood meeting on July 23, 2015 at the Verrado Coffee Company. There was no one who attended. Neither the applicant nor the City of Buckeye has received public input on the project.

Table 2: Public Notice

Notification Element	Date
Published in Buckeye Valley News	August 06, 2015
Site Posted	August 06, 2015
Mailing to Property Owners w/in 300'	August 04, 2015

BACKGROUND:

3. The property was annexed into the City of Buckeye in 1999 as Ordinance #8-99 and has remained vacant since the annexation.

ANALYSIS:

4. The subject parcel is zoned Planned Residential, but is identified as a Business Park Land Use within the General Plan. The Business Park Land Use as well as all other land uses in the general plan does not reflect the intended zoning of individual parcels, but rather generalized desired future land uses. Business Park as described in the General Plan "is intended for activities such as office and/or light manufacturing in a planned park-like setting with clustered buildings and inward focused activity are classified as business parks. Uses may include a mix of light industrial, professional offices, office/showroom, office/warehouse, retail support, services, and other related uses."
5. The property is well positioned for the proposed zoning as it is buffered by a large drainage facility that bounds the site along the west, south, and east side which, is owned and managed by the Flood Control District of Maricopa County. This property is over 500 feet away from any existing built residential area. Additionally, there exists industrial zoning (IND-2P) along the Jackrabbit Road corridor to the east, which further separates this property from the residential community to the east.
6. Due to the flexibility in different types of land uses identified in the Business Park land use section in the General Plan (commercial, industrial, office), staff finds that the proposed PAD will allow the parcel to develop flexibly and respond to diverse market requirements by adding additional permitted and conditional uses currently not allowed within an I-1 zoning designation as further broken down in page five of the narrative.

Access and Infrastructure

7. Primary access to the site will be from Roosevelt Street to the north. Specific access points, wet and dry utilities, street widths, and other circulations elements will be reviewed at the time of Site Plan review and shall be in accordance with all adopted city codes, amendments, and policies at the time of submittal.

RECOMMENDATION:

8. Staff recommends the Planning and Zoning Commission motion to recommend **approval** with stipulations a – k of **PLZ-15-00083** to the City Council for the following reasons:
- Conformance with General Plan
 - Conformance with the Development Code
 - No outstanding issues from reviewing departments
- a. Development of this project shall be in conformance with the document entitled “Buckeye 252” date stamped August 6, 2015 on file with the City of Buckeye, except where modified by stipulations referenced in this report.
- b. 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.
- c. At the time of site plan, permit and/or subdivision submittal the project shall be required to comply with all City of Buckeye adopted fire, building, engineering, and development codes along with any local amendments to said codes and any other city laws and regulations in place at the time of said submittal.
- d. MID and SLID: All landscaping that is the responsibility of the development along the Town’s right of way or in the medians adjacent to the property shall be covered under a MID. This area is also subject to the formation of a SLID for the cost of electricity to run the streetlights along roadways adjacent to the property. Both SLID and MID boundaries shall include the centerline median of adjacent roadways. Reference is Ordinance 42-05 and 43-06. MID and SLID shall be applied for as soon as possible after engineering of the development and shall be in place as soon as possible after infrastructure is in place. Since the property in the vicinity is not yet developed and there are no city streetlights in the area, the property owner shall agree to be included in a future SLID. The boundaries for the SLID and MID shall be the centerline of the future median of Yuma Road, the centerline of Verrado Way, the southern bound of the property and the western bound of the property.
- e. All landscaped areas within the public rights of way, whether to be maintained by the City of Buckeye or if delegated to the adjacent property owner, homeowners’ association or other property maintenance association, shall be designed and sealed by a landscape architect licensed by the Arizona Board of Technical Registration. (The

above described MID requirement ensures protection of the city in case maintenance of the ROW landscaping is not kept up or is abandoned by the responsible owner.) The City Public Works Department shall review all irrigation plans for material selection only; therefore, the landscape architect shall coordinate with the Public Works Department early in the design to ensure the most efficient means of landscape irrigation that will reduce both long term maintenance costs and keep watering to the absolute minimum required for healthy growth of landscaping along the roadways of the City of Buckeye.

- f. Artificial or synthetic turf shall be allowed on all surfaces where turf can be used. No individual or association may impose private covenants, conditions, restrictions, deed clauses or other agreements between parties which prevent individuals from utilizing artificial or synthetic turf as an alternative to any landscaping where turf can be used. The quality of the artificial or synthetic turf may be subject to the requirements of individuals or associations.
- g. No new natural turf shall be installed in a public right-of-way or median. Areas with up to 10,000 square feet of turf within a public right-of-way at gateways, entrances to major communities, or special landscaping designs approved by the city's development services department are exempt from the restrictions of this [section 17-5-6](#)
- h. Landscaping within the public-right-of-way will require:
 - All landscaped areas, except those intentionally maintained with native plants, shall include an automatic irrigation system.
 - All native plant landscaping plans shall include an establishment maintenance plan that ensures long term growth of all plantings.
 - Establishment maintenance plan shall be sealed by a registered Landscape Architect.
 - Water-efficient systems (e.g., drip, mini-spray, bubbler-type, or similar drip systems) shall be used whenever feasible. Low-flow sprinkler heads with matched precipitation rates shall be used when spray or rotor-type heads are specified for watering shrubs and ground cover areas.
 - Multi-program weather sensing controllers with separated valves and circuits shall be used when the project contains more than one type of landscape treatment (e.g., lawn, ground cover, shrub, tree areas), or a variety of solar aspects.
 - Soil moisture-sensing devices and rain sensors shall be used on all projects within public rights of way and in landscape tracts. The use of satellite based controllers is encouraged.

- Root barriers shall be designed and incorporated for all trees that are in the public right of way to ensure vertical root growth and avoid adjacent curb, sidewalk or pavement upheaval due to tree roots.
 - Linear Root barriers shall be used along public improvements that are only on one side of a tree.
 - Surround Root barriers shall be used when a tree is within the sidewalk or within a median.
 - Tree canopies extending into the right of way shall be trimmed to the following minimum standards: 12'-0" over any public roadway, 7'-0" over any public sidewalk
- i. Shrubbery in the right of way shall not obstruct any regulatory signage or sight distance triangle as defined in the Engineering Development Standards; therefore, shall be trimmed to less than 2'-0".
- j. All trash shall be collected through a City of Buckeye licensed trash hauler, including construction debris. Trash enclosures shall be in accordance with City of Buckeye standards.
- k. The City is subject to the Phase 2 Stormwater permitting. All land disturbance that is one acre or larger or part of a common plan or sale that is one acre or larger shall obtain permit coverage under the AZPDES Construction General Permit and submit a copy of ADEQ's "Authorization to Discharge" to the City.

EXHIBITS

Exhibit A Rezone Narrative with Exhibits

Prepared By:
Adam Copeland, Senior Planner

Reviewed By:
Terri Hogan, AICP, Planning Manager

BUCKEYE 252

Rezone to I-1 with PAD Overlay- Case PLZ-15-00083



Applicant: Jeff Blilie, Beus Gilbert

1. Description of the Current Site Conditions

The site consists of approximately 74 acres of undeveloped native desert land.

2. Information on How the Proposed Zoning/Project Complies with the General Plan and Other Adopted Plans or Requirements

The General Plan land use designation for the property is Business Park. The proposed zoning of I-1 with a PAD overlay is consistent with the Business Park land use designation.

Current General Plan Designation: Business Park

Current Zoning Designation: Planned Residential

Proposed Zoning Designation: I-1 with PAD overlay

3. Description of Proposed Zoning District and Uses

The property is currently zoned Planned Residential. This request is to rezone the property from to I-1 with a PAD overlay, as depicted in the attached land use plan.

4. Permitted Uses

The list of principally permitted and conditionally permitted uses are described on the Table of Use included with this narrative. Because there was some concern regarding some of the uses permitted in the I-1 zoning district and their compatibility with the planned development in the area, the PAD overlay was implemented to further refine and define the principally and conditionally permitted uses for the property. The Use Comparison Table included with this narrative shows which I-1 uses were removed, which Business Park uses were added, which I-1 conditionally permitted uses were changed to principally permitted and which I-1 principally permitted uses were changed to conditionally permitted.

5. Proposed Development Standards

The City's I-1 development standards will govern the development of industrial uses and the City's BP development standards will govern the development of commercial uses.

6. Water and Sewer

The property is in the City of Buckeye sewer service area and has sewer service and capacity. The property is in Arizona Water's water service area.

7. Police and Fire

The City of Buckeye provides police and fire service to the property.

8. Schools

There is no residential development proposed for the property, thus there will be no impact on the school district.

9. Open Space

Open space shall comply with the City of Buckeye development code at the time of site plan review.

10. Roadways

Roosevelt Street to the west of the property is completed. The current plan is for the south of Roosevelt Street, adjacent to the property, to be improved by the Roosevelt Improvement District. Internal roads will be developed as needed and concurrently with the development of the property. All other roadway requirements will be in compliance with the City of Buckeye codes at the time of site plan submittal.

11. Phasing

The development of the property will be market driven, but will have the potential for phasing depending on user needs.

TABLE OF USES

<u>Use</u>	<u>Conditional (C) /Principal (P)</u>
Animal Hospital	P
Animal Training School	P
Arboretum	P
Assembly Hall	P
Assembly - Light	P
Auditorium - Private	P
Bank - w/ or w/o DT	P
Bar	P
Boat and RV Storage	P
Building Materials Sales - Indoor	P
Building Materials Sales - Outdoor	C
Bus Terminal	P
Car Wash	P
Catering Service	P
Cemetery	P
Check Cashing Facility	P
Church	P
Civic Buildings	P
College	P
Convenience Store w/ Gas	P
Day Care Facility	P
Driving Range	P
Dry Cleaning	P
Entertainment Facility - Indoor	P
Entertainment Facility - Outdoor	P
Feed Store	P
Flea Market	C
Food Sales - Wholesale	P
Gasoline Sales	P
Heliport	C
Hospital	P
Hotel/Motel	P
Industrial Service	C
Instructional Services/Trade School	P
Kennel - Indoor	P
Manufacturing - Light	P

Medical Office/Clinic	P
Mini-storage - Indoor	P
Mini-storage - Outdoor	C
Movie Theater	P
Museum/Art Gallery	P
Nursery - Wholesale	P
Office	P
Office Warehouse	P
Park - Community	P
Parking structure	P
Personal Services	P
Pet Shop	P
Public Safety Facility	P
Recording Studio	P
Recreation - Indoor	C
Recreation - Outdoor	P
Recycling Center - Indoor	C
Research Laboratory	P
Restaurant - w/ or w/o DT	P
Retail - General	P
Retail - Large	P
Satellite Station	P
Social/Fraternal Club	P
Social Service Facility	P
Tower	P
Transmitting Station	P
Utility Facility - Major	C
Utility Facility - Minor	P
Vehicle Sales and Rentals	P
Vehicle Service and Repair	C
Vehicle Storage	C
Veterinary Clinic	P
Warehouse	P
Wholesale Establishment	P

USE COMPARISON TABLE**I-1 Uses Removed and Prohibited**

Airport
 Drilling Company - no OD storage
 Homeless Shelter
 Motor Freight Terminal
 Race Track
 Sexually Oriented Business
 Solar Generation Facility
 Storage Yard

 Truck Repair
 Truck Stop

I-1 Uses Changed from Conditionally Permitted to Permitted

Assembly Hall
 Catering Service
 Church
 Civic Buildings
 Day Care Facility
 Dry Cleaning
 Entertainment Facility- Indoor

I-1 Uses Changed from P to C

Building Materials Sales - Outdoor
 Vehicle Service and Repair
 Vehicle Storage

BP Uses Added

Animal Training School

 Arboretum
 Auditorium - Private
 Bank - w/ or w/o DT
 Bar
 Driving Range
 Entertainment Facility - Indoor
 Hotel/Motel
 Instructional Services/Trade School
 Kennel - Indoor
 Medical Office/Clinic

 Movie Theater
 Museum/Art Gallery
 Office
 Park - Community
 Personal Services
 Pet Shop
 Recreation - Indoor
 Recreation - Outdoor
 Restaurant - w/ or w/o DT
 Retail - General
 Retail - Large
 Social/Fraternal Club
 Social Service Facility
 Veterinary Clinic

LEGAL DESCRIPTION

PARCEL NO. 1

That portion of the Southwest quarter of Section 5, Township 1 North, Range 2 West of the Gila and Salt River Basins and Meridian, Maricopa County, Arizona, and more precisely described as:

Beginning at the West quarter-corner of said Section 5; thence North 89 degrees 55 minutes East, along the East-West mid-section line of said Section 5, 130 feet to the TRUE POINT OF BEGINNING; thence, continuing along said East-West mid-section line, 2515.94 feet to a point, being the center of said Section 5; thence South, along the North-South mid-section line of said Section 5, 724.00 feet; thence South 76 degrees 34 minutes West 670.00 feet to a point; thence South 76 degrees 53 minutes West 660.46 feet to a point; thence South 75 degrees 10 minutes West 693.50 feet to a point; thence South 80 degrees 53 minutes West 348.61 feet to a point lying 130 feet East of the West line of said Section 5; thence North 0 degrees 04 minutes West, parallel to the West line of said Section 5, 1301.90 feet to the TRUE POINT OF BEGINNING;

EXCEPT all oil, gas and other hydrocarbon substances, helium or other substance of a gaseous nature, coal, metals, minerals, fossils, fertilizers of every name and description and except all materials which may be essential to production of flammable material as reserved in AS 37-231.

PARCEL NO. 2

That portion of the North half of the Southeast quarter of Sections, Township 1 North, Range 2 West of the Gila and Salt River Basins and Meridian, Maricopa County, Arizona, and more precisely described as:

Beginning at the East quarter-corner of said Section 5; thence South 89 degrees 55 minutes West, along the East-West mid-section line of said Section 5, 386.10 feet to the TRUE POINT OF BEGINNING; thence South 54 degrees 18 minutes West 372.57 feet to a point; thence South 84 degrees 12 minutes West 346.20 feet to a point; thence South 55 degrees 00 minutes West 647.51 feet to a point; thence South 87 degrees 43 minutes West 800.92 feet to a point; thence South 76 degrees 34 minutes West approximately 299.87 feet to a point on the North-South mid-section line of said Section 5; thence North, along said North-South mid-section line, approximately 724.00 feet to a point, being the center of said Section 5; thence North 89 degrees 55 minutes East, along said East-West mid-section line, approximately 2,259.84 feet to the TRUE POINT OF BEGINNING;

EXCEPT all oil, gas and other hydrocarbon substances, helium or other substance of a gaseous nature, coal, metals, minerals, fossils, fertilizers of every name and description and except all materials which may be essential to production of flammable material as reserved in AS 37-231.

NOTES

- This survey is based upon a title commitment prepared by Capital Title Agency, Commitment No. 0100037 (4th Amended), issued July 8, 2002.
- This property subject to the following Schedule B items:
 - Reservations contained in State of Arizona Patent to said land.
 - Right of Entry reserved unto the State of Arizona per MCR No. 95-694963.
 - Right-of-way, Conditions and Reservations per Docket 3776, page 260.
 - Right-of-way and Conditions for water drainage and flood control detention dam per Docket 11641, page 1192 and Docket 11641, page 1200 (location not specified).
 - Resolution FCD 93-13 for Villa Tanks #4 Inlet Improvement Project per MCR No. 94-039167 and MCR No. 94-328097.
 - Declaration of Covenants, Conditions and Restrictions per MCR No. 01-0515090.
 - Agreement and Notice of Municipal Provider Reporting Requirements per MCR No. 01-0515091.
- This property is subject to all covenants, conditions, restrictions, reservations, easements and other matters of record affecting this property that are not disclosed by said title commitment, if any.
- This property lies in Flood Zone X-Shaded according to FIRM No. 04013C2055 F as published by FEMA on July 19, 2001.
- This property is zoned Rural-43 by Maricopa County.
- There are no buildings on this property.
- © Copyright 2002. These drawings are an instrument of service and are the property of Land Survey Services. No reproduction or use of design concepts are allowed without written permission of Land Survey Services. Any violation of this copyright shall be subject to legal action.

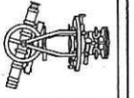
CERTIFICATION

To Capital Title Agency, GY0090, LLC and Cowley Descendants Irrevocable Trust dated December 31, 1997:

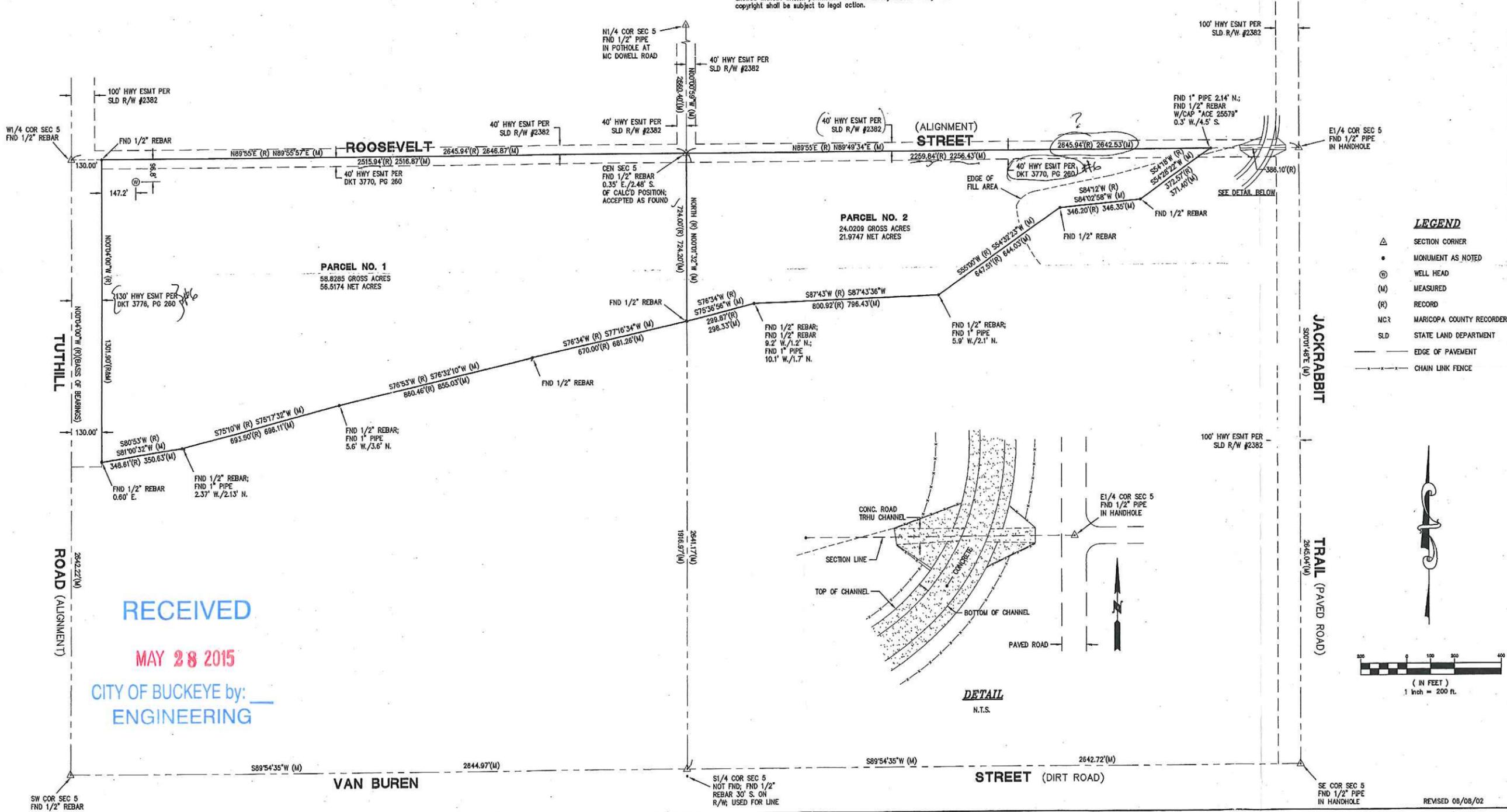
This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 1999, and includes Items 1,3,4,6,8,9,10,11(a),14,15 and 16 from Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS and ACSM and in effect on the date of this certification, the undersigned further certifies that the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance,

Thomas L. Rope, R.L.S. No. 21081

Land Survey Services
 Thomas L. Rope, R.L.S.
 P.O. Box 9597
 Phoenix, AZ 85068-9597
 (602) 953-2740 Fax 953-8117

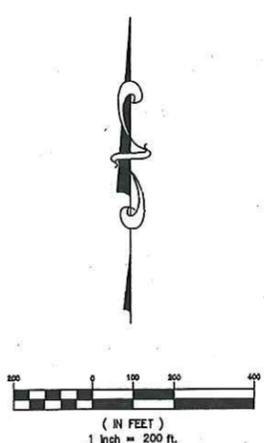


ALTA/ACSM LAND TITLE SURVEY
 A PORTION OF THE SOUTH HALF OF SECTION 5,
 T1N, R2W, G.& S.R.B.M, MARICOPA COUNTY, ARIZONA



LEGEND

- △ SECTION CORNER
- MONUMENT AS NOTED
- ⊙ WELL HEAD
- (M) MEASURED
- (R) RECORD
- MCR MARICOPA COUNTY RECORDER
- SLD STATE LAND DEPARTMENT
- EDGE OF PAVEMENT
- - - CHAIN LINK FENCE



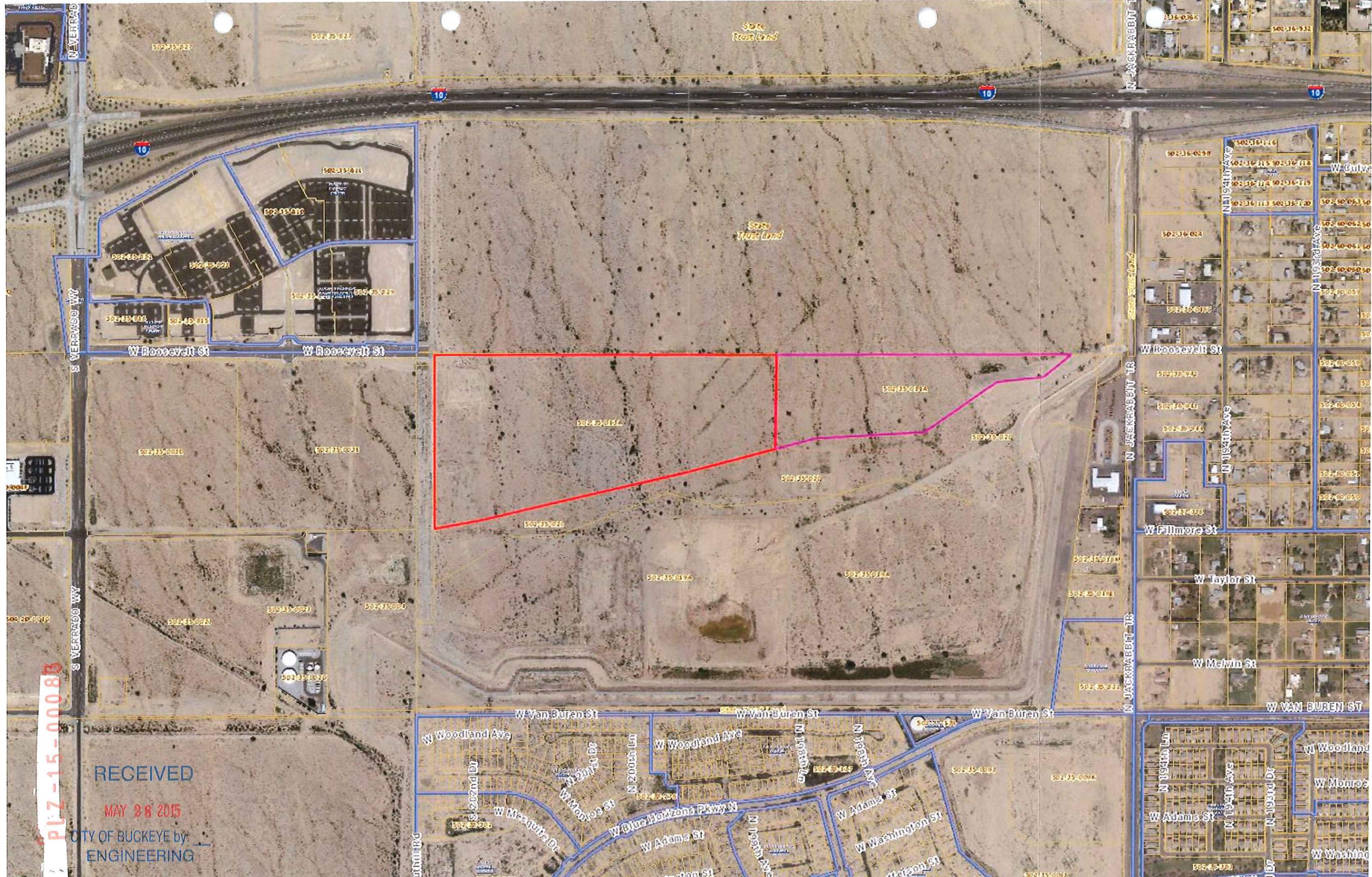
RECEIVED
 MAY 28 2015
 CITY OF BUCKEYE by: _____
 ENGINEERING



Thomas Rope
 DRAWN BY: _____
 DATE: MAY 2000
 JOB NO.: 00088
 SHEET 1 OF 1

PLZ-15-00083

BY: _____
 OCT 23 2007



PLZ-15-00083

RECEIVED
MAY 28 2015
CITY OF BUCKEYE by
ENGINEERING

State Trust Land

502-15-027

502-15-028

502-15-011

502-15-012

502-15-013

502-15-014

502-15-015

502-15-016

502-15-017

502-15-018

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502-16-112

502-16-113

LAND USE PLAN

Not to Scale



Jackrabbit Trail

Roosevelt Road

Tutthill Road

Interstate 17

I-1 / PAD

