



November 19, 2014

Timothy A. Wyant
Desert Coastal Investments, LLC
10686 Banana Avenue
Fontana, CA 92337-7002

Re: Zoning Interpretation (14-05) for a Truck Relay Facility on APN 502-36-109E

Dear Mr. Wyant:

Thank you for your letter dated October 30, 2014. You have asked for a determination of zoning necessary for your business proposed for a property west of the southwest corner of Perryville Road and McDowell Road in Buckeye, Arizona. Specifically you have asked that a "truck relay facility" be considered an allowed use within the existing Commercial Center (CC) zoning district.

The Commercial Center (CC) zoning district is designed "to accommodate a variety of commerce and specialized development, including commercial uses which comprise the central business district of the Town" (*2005 Development Code, Section 7-4-1 E*). According to City records, the property was zoned CC in 1979, Z102 -79, and it subsequently received site plan approval in 1998, SP98-9, for a commercial use, sales of mobile homes and an amendment, SPA99-25, in 1999 for model mobile homes. This commercial use was appropriate in CC zoning. Sometime after the site plan was approved, storage of mobile homes and occasional transportation of these homes began to occur on both the subject parcel and parcel to the west. This use, while not set forth specifically in the *2005 Development Code*, is most akin to "vehicle storage" which is permitted by right in the 2005 General Commerce "GC" zoning district. The property owner received a notice of violation on May 24, 1999 for the improper use of the property as a storage lot. The GC district is no longer being applied to property by the City, as a new zoning code was adopted by the City in 2010. Under the current *2010 Development Code*, vehicular storage is permitted conditionally in the Regional Commercial (C-3) and by right in the Light Industrial District (I-1) and Heavy Industrial District (I-2). The proposed use of "truck relay facility" is most akin to a "motor freight terminal" and is permitted conditionally in the Light Industrial District (I-1) and by right in the Heavy Industrial District (I-2).

The 2007 General Plan for this area shows Regional Commercial whereas industrial zoning requires an Industrial Land Use designation. Thus, in order to secure proper zoning on the eastern parcel under the current zoning code for your truck relay facility, you would need to 1) process a minor General Plan amendment from Regional Commercial to Industrial, 2) rezone the property to an industrial zone (inclusive of a conditional use permit for I-1) and 3) submit a site plan for review and approval for the new use. It is also important to note that the parcel is encumbered by the High Noise Zone (65 Ldn) and the Accident Potential Zone 2 surrounding Luke Air Force Base (LAFB). Arizona State Statute section, ARS 28-8481, dictates uses that are appropriate in these zones as well as coordination with the military base. The City of Buckeye

is committed to ensuring land uses are compatible with military operations. If you are interested in pursuing this course of action, the first step would be to apply for a Pre Application Conference (PAC) and the application guide is on our website at www.buckeyeaz.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "T. S. Hogan" with a long horizontal flourish extending to the right.

Terri S. Hogan, AICP
Zoning Administrator
Planning Manager

Cc: George Flores, Development Services Director
Tom Flanigan, Desert Coastal Transport