



**TO: PLANNING AND ZONING COMMISSION**

**FROM: Brett Burningham, Planning Administrator; Sofia Mastikhina, Planner**

**RE: Public Hearing and Discussion on “Allstate Utility Construction Rezone (P17-0176): Request to rezone 4.84 acres from R1-43 (Rural Estate District) to EMP-A (Employment Type-A), to allow for a utility construction business east of the southeast corner of Germann and Rittenhouse Roads.**

**DATE: February 6, 2018**

**STAFF RECOMMENDATION**

Staff recommends approval of P17-0176, “Allstate Utility Construction Rezone,” subject to the conditions of approval outlined in this report.

**PROPOSED MOTION**

Move to recommend approval of P17-0126, “Allstate Utility Construction Rezone,” subject to the conditions of approval outlined in this report.

**RELEVANT GENERAL PLAN AND COUNCIL GOALS**



Secure Future

**SUMMARY**

The proposal consists of a request for approval of a rezone of the site in question from R1-43 (Rural Estate District) to EMP-A (Office/Industrial Park), to allow the applicant to continue conducting industrial utility construction business operations. The site is approximately 4.84 acres in size and is located east of the southeast corner of Germann Road and Rittenhouse Road.

**HISTORY**

Allstate Utility Construction has been operating as a full-service underground utility construction company in Arizona since April 1, 2003. In May of 2008, Allstate relocated

business operations to the Town of Queen Creek, and has provided many utility construction services in and around the Town since the relocation.

On September 20, 2017, Allstate was contacted by the Town and subsequently received a “Courtesy Notice” from the Town Code Enforcement Division regarding the business being operated on a residentially zoned property. Allstate immediately contacted the Applicant to discuss the situation and to determine how it might promptly comply with the Town’s request. Allstate filed a rezoning application with the Town so that it may continue its business operations on the property.

**PROJECT INFORMATION**

<b>Project Information</b>	
Project Name	Allstate Utility Construction Rezone
Site Location	19425 E Germann Rd., Queen Creek, AZ East of the SEC of Germann Rd. and Rittenhouse Rd.
Current Zoning	Rural Estate District (R1-43)
Proposed Zoning	EMP-A (Office/Industrial Park)
General Plan Designation	EMP-A (Light Industrial)
Surrounding Zoning Designations:	
North	Germann Road R1-43 (Rural Estate District) and EMP-A (Office/Industrial Park)
South	Union Pacific Railroad
East	R1-43 (Rural Estate District)
Site Area	4.84 Acres

**DISCUSSION**

This proposal consists of a request to rezone an approximately 4.84 acre site from R1-43 (Rural Estate District) to EMP-A (Office/Industrial Park) in order to accommodate for existing business operations conducted by Allstate Utility Construction. Allstate provides full-service underground utility construction services, and on-site operations consist mainly of vehicle and materials storage. This project is located at 19426 E Germann Rd., East of the southeast corner of Rittenhouse Road and Germann Road, and is currently zoned as R1-43 (Rural Estate District).

The 2008 General Land Use Plan designates this area as EMP-A (Light Industrial), and the proposed zoning would better fit this land use category.

**ANALYSIS**

**General Plan Review:** The project is located in the Light Industrial (EMP-A) designation on the 2008 General Plan Land Use map. The project is consistent with the General Plan as the Light Industrial designation allows office and industrial uses.

**Zoning Review:** The proposal made by the applicant is to rezone the property from R1-43 (Rural Estate District) to EMP-A (Office/Industrial Park). Staff has reviewed this proposal and believes that the request fulfills the criteria outlined in the Zoning Ordinance. Additionally, the applicant has not received any opposition from neighboring property owners regarding the request.

**Site Plan Review:** The applicant has started the Site Plan process by hiring a consultant team. The applicant expects to have the Site Plan application submitted prior to the March 21<sup>st</sup> Council Meeting.

### **PUBLIC COMMENTS**

A neighborhood meeting was conducted by the applicant on Tuesday, January 16, 2018 and no members of the public were in attendance.

To date, staff has not received any public comments concerning this request.

### **ATTACHMENTS**

1. Aerial Photo Exhibit
2. General Plan Exhibit
3. Zoning Exhibit
4. Project Narrative

**Project Name: Allstate Utility Construction Rezone**

**Case Number: P17-0176**

**Hearing Date: February 6, 2018**

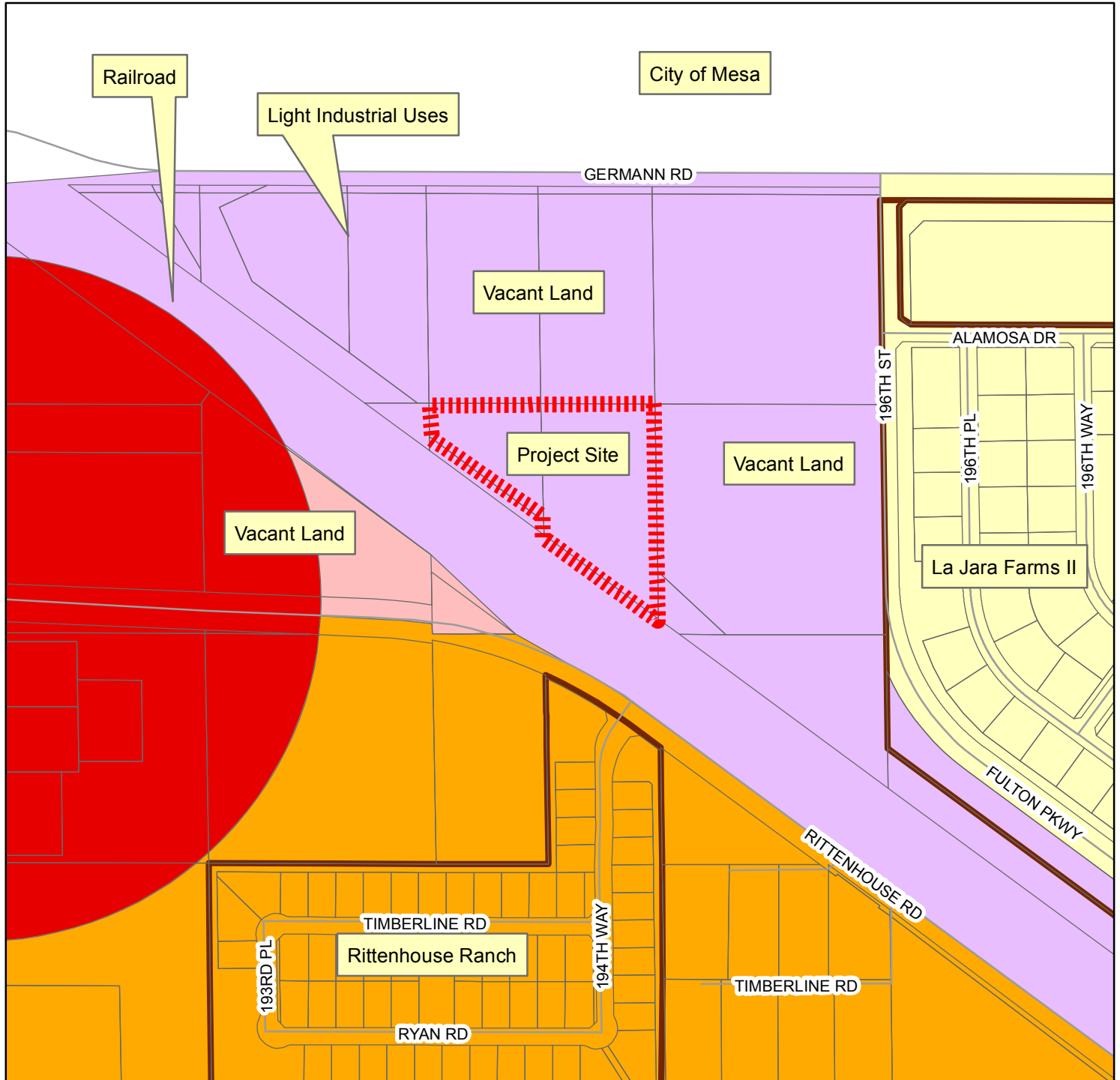




**Project Name: Allstate Utility Construction Rezone**

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**Hearing Date: February 6, 2018**



**General Plan Land Use**

Very Low Density Residential (0-1 DU/AC)	Mixed Use	Regional Commercial Center
Low Density Residential (0-2 DU/AC)	Town Center Mixed Use	Employment Type A
Medium Density Residential (0-3 DU/AC)	Neighborhood Commercial	Employment Type B
MHDR	Community Commercial	Agritainment
Multi-Family	Office/Services	Public/Quasi-Public
Master Planned Community (0-1.8 DU/AC)	Commercial	Open Space

**Project Name: Allstate Utility Construction Rezone Zoning Exhibit**

**Case Number: P17-0176**

**Hearing Date: February 6, 2018**



**Zoning Districts**

C-1, Commercial	PQP, Public/Quasi-Public	R1-4, Residential	R1-9, Residential	R1-35, Residential
C-2, Commercial	RC, Recreation/Conservation	R1-5, Residential	R1-10, Residential	R1-43, Residential
TC, Commercial	R-2, Residential	R1-6, Residential	R1-12, Residential	R1-54, Residential
I-1, Industrial	R-3, Residential	R1-7, Residential	R1-15, Residential	R1-190, Residential
I-2, Industrial	R-4, Residential	R1-8, Residential	R1-18, Residential	

# Allstate Utility Construction, LLC

19425 E. Germann Road, Queen Creek, AZ

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Town of Queen Creek  
Rezoning Application Submittal  
November 29, 2017



Applicant Name: Tiffany & Bosco, P.A.  
Address: 2525 E. Camelback Rd., Phoenix, AZ 85016



## Table of Contents

I.	Project Profile	3
II.	Introduction	4
III.	Existing Site Conditions	6
IV.	Project/Business Operations Description	7
V.	Rezoning Analysis	8
VI.	Public Utilities and Services	10
VII.	Application Implementation	11
VIII.	Conclusion	12

## Table of Exhibits

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- Exhibit A – Regional Context Map
- Exhibit B – Aerial Context Map
- Exhibit C – Town of Queen Creek General Plan Map
- Exhibit D – Town of Queen Creek Zoning Map
- Exhibit E – Aerial Site Plan Exhibit



## I. PROJECT PROFILE

<b>Project Name</b>	Allstate Utility Construction, LLC
<b>Property Owner</b>	Donald R. and Sonja K. Foster
<b>Assessor Parcel Numbers</b>	304-61-032R and 304-61-042
<b>Project Location</b>	19425 E. Germann Road, Queen Creek, AZ 85142
<b>Project Area</b>	4.84 acres
<b>Current Zoning</b>	Rural Estate District (R1-43)
<b>General Plan</b>	Employment Type A
<b>Legal Counsel</b>	Tiffany & Bosco, P.A. Seventh Floor, Camelback Esplanade II 2525 East Camelback Road Phoenix, Arizona 85016 602-255-6000 office 602-255-0103 fax

## II. Introduction

Tiffany & Bosco, P.A. (“Applicant”), on behalf of Donald R. and Sonja K. Foster (“Owner”) and Allstate Utility Construction, LLC (“Allstate”), respectfully requests the review and approval of this application for a Rezone of the approximately 4.84 acres located at 19425 E. Germann Road within the jurisdiction of the Town of Queen Creek (the “Property”) to an Office/Industrial Park (EMP-A) zoning designation.

The Property consists of Maricopa County Assessor Parcel Numbers 304-61-032R and 304-61-042. A Survey and legal descriptions for each parcel have been provided with this application. *Exhibit A & B - Aerial Context Exhibits* have been included with this Application to illustrate the location of the Property.

### Allstate Utility Construction – History

Allstate has been operating as a full-service underground utility construction company in Arizona since April 1, 2003. Allstate takes great pride in being a premier construction company that is known for high quality and efficient work. In May 2008, Allstate decided to make the Town of Queen Creek (the “Town”) its permanent home with a place that it could continue to flourish and grow in. Allstate looks forward to continue to contribute to the Town’s growth and economic development

Allstate is proud to have provided many utility construction services in and around the Town, including:

#### General Contractor

5G Mining  
ALC Builders  
AW Contracting  
AW Contracting  
Alexander Building  
Canyon State Academy  
CORE  
Double AA Builders/Hawkeye Elec  
Frontera  
Hayden  
Infrastructure Dynamics  
Markham Contracting  
Porter Brothers  
Porter Brothers  
Porter Brothers  
Porter Brothers  
Renaissance  
Salt River Project  
Salt River Project  
Salt River Project

#### Jobsite

The QC offsite electrical  
Crimson Meadows  
Sossaman Estates LDS Church  
Pegasus LDS Church  
Raising Cane QC  
Canyon State Academy  
Town of QC Municipal Complex  
Home Depot QC/Full Circle  
Denny’s  
Queen Creek Marketplace  
Queen Creek Cornerstone  
Rittenhouse Rd Phase II Conversion  
Hawes LDS Church  
ALA Seminary – Hawes Rd  
UTAZ Queen Creek Professional Village  
San Tan Professional Village  
M&I Bank  
Cooley Substation  
Ellsworth/Riggs OH to UG Conversion  
Ocotillo/Ellsworth Loop Sub

Salt River Project  
Salt River Project  
Salt River Project  
SEC Electrical  
SEC Electrical  
Ricor  
WM Grace  
WM Grace

Kenworthy UG  
Rittenhouse II  
Sonoqui Wash/Hawes Rd OH to UG Conversion  
Pinal Professional Village  
Ben Franklin HS Germann Rd  
Queen Creek Fiesta underground  
Basha's – Power and Chandler Heights  
Walmart – Hunt Hwy

In 2012, Town staff from the Queen Creek Development Services met with Allstate on the Property to discuss the use and operations. At that time, it was communicated to Allstate that the only issues on the Property were that the drive areas needed to be dust-proofed and a privacy screen was requested to be placed on the surrounding chain link fence around the perimeter of the Property. The Town indicated that there were no issues with the current industrial use and operations and also stated that it was compatible with the adjacent parcels with industrial uses. Allstate promptly complied with the Town's request and dust-proofed the drive areas and placed privacy screening on the surrounding chain link fence.

On September 20, 2017, Allstate was contacted by the Town and subsequently received a "Courtesy Notice" from the Town regarding the business being operated on a residentially zoned property. Allstate immediately contacted the Applicant to discuss the situation and to determine how it might promptly comply with the Town's request.

It is extremely important to Allstate that it complies with the Town's development requirements. It has not been Allstate's intention to operate its business on the Property without the proper zoning designation. Thus, Allstate is promptly filing this rezoning application to ensure that it operates properly on the Property. The approval of this application will allow for the continued operation of this premier utility construction company that has been a great business for the Town. We look forward to working the Town on the approval of this Application.



### III. Existing Site Conditions

The Property is relatively flat and is currently being operated with Allstate’s business operations as described in Section IV below. *Exhibits A & B* show the onsite and surrounding aerial conditions.

The Property is currently zoned as Rural Estate District (R1-43) in the Town. It is also identified with a future land use designation of Employment Type A on the Town of Queen Creek General Plan Map (See attached Exhibit C “*Town of Queen Creek General Plan Map*” and Exhibit D “*Town of Queen Zoning Map*”).

#### Surrounding Land Uses and Zoning Context

The following are the surrounding land uses and zoning context:

Direction	Town GP Land Use Designation	Zoning	Existing Use
NORTH	EMP-A	EMP-A / R1-43	Vacant land owned by various owners. APN 304-61-037 owned by Peacock Property Management and will be undergoing a rezoning application.
EAST	EMP-A	R1-43	Vacant land owned by two (2) different property owners.
SOUTH	EMP-A	MCFCD & RR Property	Maricopa County Flood Control District (“MCFCD”) drainage ditch and Union Pacific Railroad track.
WEST	EMP-A	EMP-A / R1-43	MCFCD drainage ditch and Union Pacific Railroad track.

The location of E. Germann Road provides a major roadway for proper access to the Property. With the Property and surrounding area being designated as an Employment Type A land use, the surrounding properties being zoned and developed as industrial uses, and the Property’s immediate adjacency to the drainage ditch and Union Pacific Railroad track, the Property is perfectly suited for a rezoning to the EMP-A designation.



#### IV. Project/Business Operation Description

The land uses on the Property consist of those uses associated with the underground utility construction operations of Allstate's business. This includes areas for construction vehicles, equipment, and material and buildings as described below.

*Exhibit E – Aerial Site Plan Exhibit* shows the layout of the industrial uses on the Property. There are currently four (4) different existing structures on the Property. The Main Office Building is on the west side of the Property and is used with various offices and break room areas for Allstate employees. Another existing shed structure exists on the center portion of the Property, which serves as a small Maintenance/Material Shop for the construction equipment. The other two (2) structures on the west side of the Property are smaller Storage Buildings for various construction-type material.

Construction vehicles and equipment are parked on the areas shown on the southeast and east portions of the Property. Other areas of the Property are used for the storage of construction material and equipment, which is used on a daily basis with Allstate's operations.

Allstate is proposing to replace all the surrounding chain link fence with solid block wall around the entire perimeter of the Property. The block wall material will be according to the Town's regulations and standards. The height of the wall will be eight (8) to ten (10) feet on the south and east Property boundaries and six (6) to eight (8) feet on the north Property boundary. Allstate also would like to build a future shop/maintenance building near the north Property boundary as shown on the Site Plan. This future building will be in compliance with development regulations as required. All other current improvements on the Property will remain as they currently are. Any future improvements on the Property will be in accordance with the Town's Zoning Ordinance ("QCZO").

The Primary access to the Property will remain onto Germann Road from the northeast corner of the Property. All areas on the Property that will be used by vehicles will remain dust-proofed.

At this time, Allstate has approximately twenty (20) employees total. However, not all of the employees are on the Property at the same time as employees are coming and going from the Property for off-site construction projects. At any given time, there are four (4) employees in the office and six (6) employees on site.

Allstate's hours of operation are from Monday through Friday, but the actual hours vary depending on the construction season and the specific projects that are being worked on. In the summer, construction projects are customarily started earlier to avoid the heat, so employees will arrive at approximately 4:00 a.m. In the winter, employees typically arrive at approximately 5:00 a.m. All employees return to the Property approximately between 2:30 p.m.-5:00 p.m. Parking for all guests and employees is provided to the north of the main office building. Employee parking is also provided to the east and south of the of the main office building, as shown on the Site Plan.



## V. Rezoning Analysis

The rezoning of the Property will allow for the continued use of Allstate's business, which is well suited for the industrial uses that are already occurring in the area. The Property has many development constraints and the Property certainly not suited for the current residential zoning designation on the Property.

The site is oddly configured and is accessed through an ingress/egress easement out to German Road. The adjacent MCFCD drainage ditch and Union Pacific Railroad create a situation that is not suitable for any type of development except for uses in the proposed industrial zoning designation.

The rezoning will provide parcels that are compatible with the Town's General Plan and with the existing and planned industrial developments on adjacent parcels.

### Proposed Zoning Classification

As discussed previously, this Application proposes a change of the Property from the zoning of R1-43 to Employment Type-A.

As described in the QCZO, the Employment-Type A Zoning District is intended to *"provide for a mix of light manufacturing uses, office park and limited retail service uses that services the industrial uses, in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses."*

Allstate's existing industrial uses will be compatible with the QCZO and with all the surrounding properties and uses. Allstate intends to promptly provide adequate screening around the perimeter of the building to ensure adequate aesthetics.

Allstate intends to work with the Town on any permitting that may be required for the "Maintenance/Material Shop" located at the central portion of the Property. Allstate desires to keep this building on the Property for the maintenance and storage of construction equipment. By allowing the building to remain in place, it will contribute to the visual screening of the Property and provide buffering for any potential noise coming from the center of the property.

The south Property boundary is adjacent to land that is owned by the MCFCD and the Union Pacific Railroad and, therefore, would be analogous to the property being adjacent to another employment or industrial use. The north and east Property boundaries are adjacent to parcels that are categorized as Employment Type A. These properties will develop in the future as industrial type uses as planned. In these circumstance, employment land adjoining other employment/industrial land there is a zero (0) foot Landscape Buffer/Setback requirement.

As shown on Exhibit E, there are future plans to add another "Shop Building." At this time, there are no specific details except the general location of the future building. When the building is ready for construction, Allstate will work with the Town to obtain the proper building permits, as required.

### Traffic, Parking and Internal Circulation

Access to the site is provided by means of a single, existing driveway that comes through an ingress/egress easement from E. Germann Road to the northeast corner of the Property. Any vehicles or trucks on the Property will enter through the gate at the northeast entrance to the Property, and proceed either to the parking area to the north of the Main Office Building or to the southern portion of the Property. All vehicles will drive on existing dust-proofed material, as required.

The parking areas on the Property can accommodate approximately twenty (20) parking spaces on the site, including two (2) ADA-accessible spaces.

Vehicles exiting the Property will leave by turning either left or right on Germann Road. Traffic to and from the Property is anticipated to be very minimal, with approximately eight to ten (8-10) employees leaving and returning from the Property, with construction vehicles leaving sometime between 4:00 a.m. and 5:30 a.m. and returning sometime between 2:00pm and 5:00pm. During the other operation hours, there will only be a couple of vehicle visits per hour during the 4:00 a.m. to 5:00 p.m. workday.

### **Lighting**

All lighting on the site has been designed so that the site may be carefully illuminated, without light trespass onto surrounding properties and will continue to be in compliance with the Town's regulations and standards.

### **Signage**

There is currently no signage on the Property. Any future signage will be in conformance with the Town's regulations and standards.

### **Impact on Surrounding Properties**

Allstate business operations will have very little impact on the surrounding properties. The hours of operation range from 4:00 a.m. to 5:00 p.m., Monday thru Friday, with Saturday hours only on an as-needed basis. As described before, Allstate will replace the current chain link fence and construct a solid block wall to mitigate any perceived impacts on any of the surrounding properties.

## VI. Public Utilities and Services

The following table outlines the various public utilities and services for the Property.

UTILITY COMMENT TABLE	
<b>Water</b>	Town of Queen Creek
<b>Electricity</b>	Salt River Project (SRP)
<b>Refuse</b>	Town of Queen Creek
<b>Telephone</b>	Century Link
<b>Gas</b>	Southwest Gas
<b>Sewer</b>	On-Site Septic
<b>Cable</b>	Cox Communications
<b>Police</b>	Maricopa County Sherriff
<b>Fire Protection</b>	Town of Queen Creek

### Water and Sewer

No new connections will be made to the Town of Queen Creek's water system and the existing septic system will remain.

## **VII. Application Implementation**

### **Purpose and Intent**

Any future development of the Property will be implemented in conformance with the regulations and guidelines contained within the Queen Creek Zoning Ordinance.

### **Public Outreach and Response to Citizen Input**

The Applicant will conduct a thorough public outreach effort as part of the Rezoning Application in accordance with the QCZO, Article 3.1. This will include outreach letters to property owners within 900' of the Property, a neighborhood meeting, Property postings, and notices of public hearings.

The Applicant is eager to engage with the surrounding neighbors to discuss the requests being made by this Application and will promptly reply to any inquiries.

## VIII. Conclusion

The proposed Rezoning will allow Allstate to continue the operation of a high-quality and flourishing utility construction business in the Town of Queen Creek. Allstate is proud to call Queen Creek home and looks forward to many more years in having a productive relationship with the Town.

The proposed Rezoning Application is consistent with the existing and proposed uses in the surrounding area. The request is also consistent with the goals, values and mission of the Town and its General Plan and Zoning Ordinance.

We respectfully request the approval of this rezoning Application to an EMP-A industrial zoning designation to allow for the Property uses and development. We are confident that the rezoning will attract other successful businesses to the Town and will continue to contribute to the future economic development of the Town.

The rezoning will also enhance the as-built environment of this area of the Town and allow the future development of an economically and aesthetically attractive project, providing for a use that is highly compatible with the adjacent properties. We look forward to working with County staff on Allstate's industrial development.