



Requesting Department:
Development Services

TO: Planning and Zoning Commission

THRU: Brett Burningham, Development Services Director

FROM: Erik Swanson, Interim Planning Administrator
Steven Ester, Planner I

RE: **Public Hearing and Possible Action on P20-0003 Desert Horizon Nursery Conditional Use Permit Time Extension**, a request by John Reddell for renewal of the previously granted Conditional Use Permit to allow continued operation of the existing Desert Horizon Nursery, located north of the northwest corner of Ellsworth and Ryan roads.

DATE: July 8, 2020

STAFF RECOMMENDATION

Staff recommends approval of P20-0003 Desert Horizon Nursery Conditional Use Permit Time Extension, subject to the Conditions of Approval outlined in this report.

PROPOSED MOTION

Move to recommend approval of P20-0003 Desert Horizon Nursery Conditional Use Permit Time Extension, subject to the Conditions of Approval outlined in this report.

RELEVANT COUNCIL GOAL



Secure Future

SUMMARY

This proposal consists of a request by John Reddell for renewal of the previously granted Conditional Use Permit to allow continued operation of the existing Desert Horizon Nursery, located north of the northwest corner of Ellsworth and Ryan roads.

HISTORY

- November 5, 2003: Town Council approved Conditional Use Permit (CU02-002) and Site Plan (SP02-005) for Desert Horizon Nursery with a five (5) year term defined.
- April 1, 2009: Town Council approved Conditional Use Permit (CU08-177) and Site Plan (SP08-176) for Desert Horizon Nursery to extend the nursery's operation with an additional ten (10) year term defined.

DISCUSSION

This proposal consists of a request by John Reddell for renewal of the previously granted Conditional Use Permit to allow continued operation of the existing Desert Horizon Nursery, located north of the northwest corner of Ellsworth and Ryan roads. The existing 4.96 acre site is situated on lot 60 of the Ellsworth Suburban Mini Farms subdivision currently zoned R1-43.

This current request will renew and extend the Conditional Use Permit without another time limit attached. A Site Plan has been provided to reiterate the current site design and use occurring. While future parking lot improvements are planned, the nursery will continue to be held to its existing size and operations if this request is approved. The majority of the site is used for growing plants and trees, with a small restroom and cashier area located towards the front (east) side of the parcel. Several adjacent parcels to the west are also used for the growing aspect of the nursery, and owned by the Stevenson family.

Because of the site's residential R1-43 zoning, a Conditional Use Permit is required for the nursery's retail operation. Desert Horizon Nursery has made two (2) similar requests in the past, with the initial approval of its Conditional Use Permit and Site Plan on November 5, 2003 by the Town Council. Within the original Conditions of Approval, it was stipulated that the Conditional Use Permit was able to be renewed after five (5) years of operation if the applicant/owner chose to continue the use. Accordingly, the second Conditional Use Permit was approved on April 1, 2009 by the Town Council, and granted an additional ten (10) years of time to the nursery's operation.

Although this application seeks to remove any subsequent time limit, the granting of the CUP would still be tied to the site's current size and operations. If any future expansion or change of use were to occur, the existing Site Plan (see attachment) would serve as the basis to enforce the parameters as depicted, and a new Conditional Use Permit with a Site Plan would be required. Due to the successful ongoing operation of the nursery without impact to the surrounding community, staff is supportive of removing the time condition.

PROJECT INFORMATION	
Project Name	Desert Horizon Nursery Conditional Use Permit Time Extension
Site Location	N/NWC of Ellsworth and Ryan roads
Current Zoning	R1-43 (Rural Estate District)
General Plan Designation	Rural
Surrounding Zoning Designations:	
North	R1-43
South	R1-43
East	R1-5/PAD
West	R1-43
Site Area	4.96 acres (net)
Parking Required	3
Parking Provided	58 (with future parking lot paving)

ANALYSIS

Conditional Use Permit Review:

Conditional Uses are those land uses that may be desirable in a community, but may by their nature, require special site and design considerations in order to ensure that they are compatible with adjacent uses and community standards. The Planning Commission, and ultimately the Town Council are charged with determining whether or not a proposed location is suitable for such uses. The purpose of the Conditional Use Permit is to have an additional tool to maintain development standards.

As outlined in the Zoning Ordinance, the following approval criteria for evaluating a proposed Conditional Use is provided:

1. The proposed Conditional Use shall be in compliance with all regulations of the applicable zoning district, the provisions of Article 5 of this Ordinance, and any applicable performance standards as set forth in Article 6 of this Ordinance.
2. The proposed Conditional Use shall conform to the character of the neighborhood, within the same zoning district, in which it is located. In making such a determination, consideration shall be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site.
3. Adequate utilities, access roads, drainage, fire protection, and other necessary facilities shall be provided.
4. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

5. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.
6. The proposed use shall not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.
7. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
8. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
9. The public interest and welfare supporting the proposed conditional use shall be sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.

Staff has reviewed the request to ensure the proposal meets the above-listed approval criteria for evaluating a conditional use, as outlined in Article 3.5 of the Zoning Ordinance. Additionally, Staff is unaware of any prior complaints or issues throughout Desert Horizon Nursery's time of operation.

General Plan Review: The 2018 General Plan Land Use Designation for this project is Rural. The proposed project is in compliance with the General Plan, and fits the characteristics of the Rural designation.

Zoning Review: The zoning designation of the property is R1-43. No changes to the zoning are proposed, as the nursery is allowed in the R1-43 zoning district with approval of a Conditional Use Permit. The existing site is in compliance with Zoning Ordinance standards.

Site Plan Review: The Site Plan has not been expanded or modified since its initial approval in 2003. The applicant has indicated future parking lot pavement is planned, but it will not result in any change of use or site expansion. A Site Plan was provided as apart of this Conditional Use Permit request to illustrate the existing conditions and layout. As stated with the nursery's previous approvals, any subsequent expansion or change of use to the current site will require a separate Conditional Use Permit and Site Plan approval through the Town Council.

PUBLIC COMMENTS

With the circumstances surrounding COVID-19, a digital Neighborhood Meeting link was posted online on May 26th, 2020 for public info and comment. All property owners within 900' of the site received notification, in addition to the signage posted on-site.

Staff has received two (2) letters in support of the request to date (see provided attachment).

CONDITIONS OF APPROVAL

1. This project shall be developed in accordance with the plans attached to this case and all the provisions of the Zoning Ordinance applicable to this case.
2. Future parking lot improvements shall be processed under a separate building permit application.
3. Any additional expansion or change of use on-site shall require a new Conditional Use Permit and Site Plan approval.

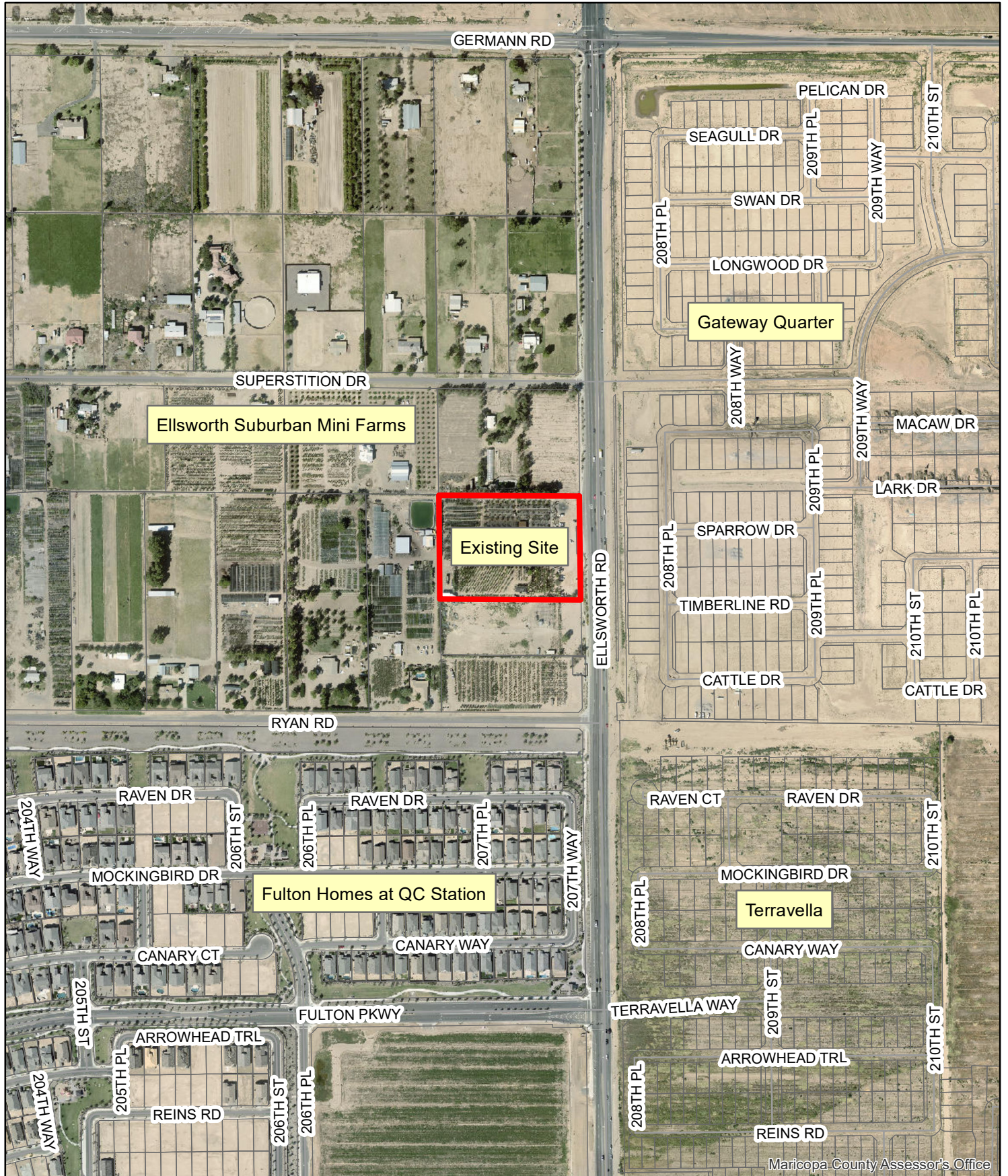
ATTACHMENTS

1. Aerial Exhibit
2. General Plan Exhibit
3. Zoning Map Exhibit
4. Narrative
5. Existing Site Plan
6. Letters of Support

Project Name: Desert Horizon Nursery CUP Time Extension Aerial Exhibit

Case Number: P20-0003

Hearing Date: July 8, 2020 (Planning Commission)

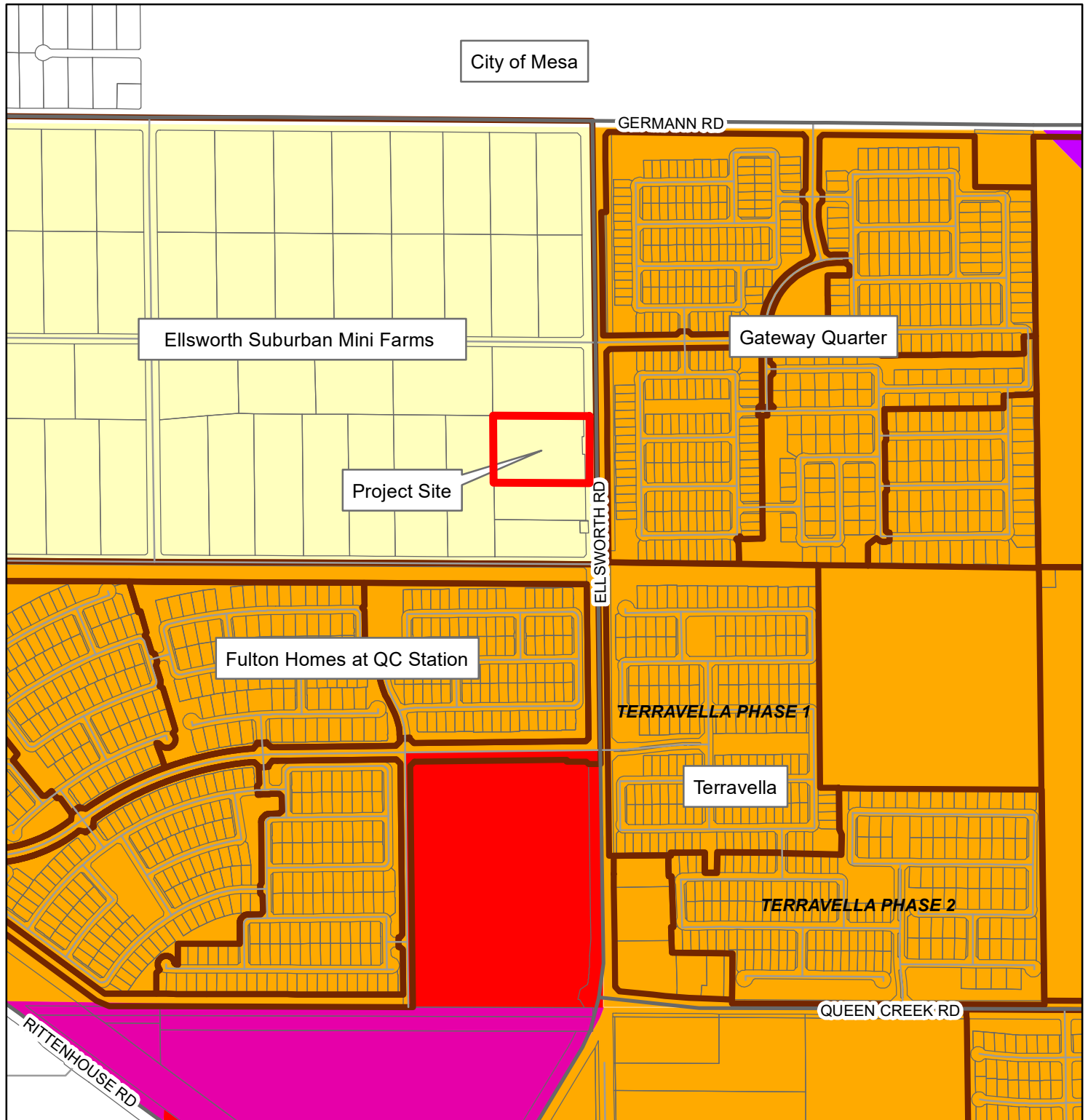


Project Name: Desert Horizon Nursery CUP Time Extension General Plan Exhibit

Case Number: P20-0003



Hearing Date: July 8, 2020 (Planning Commission)



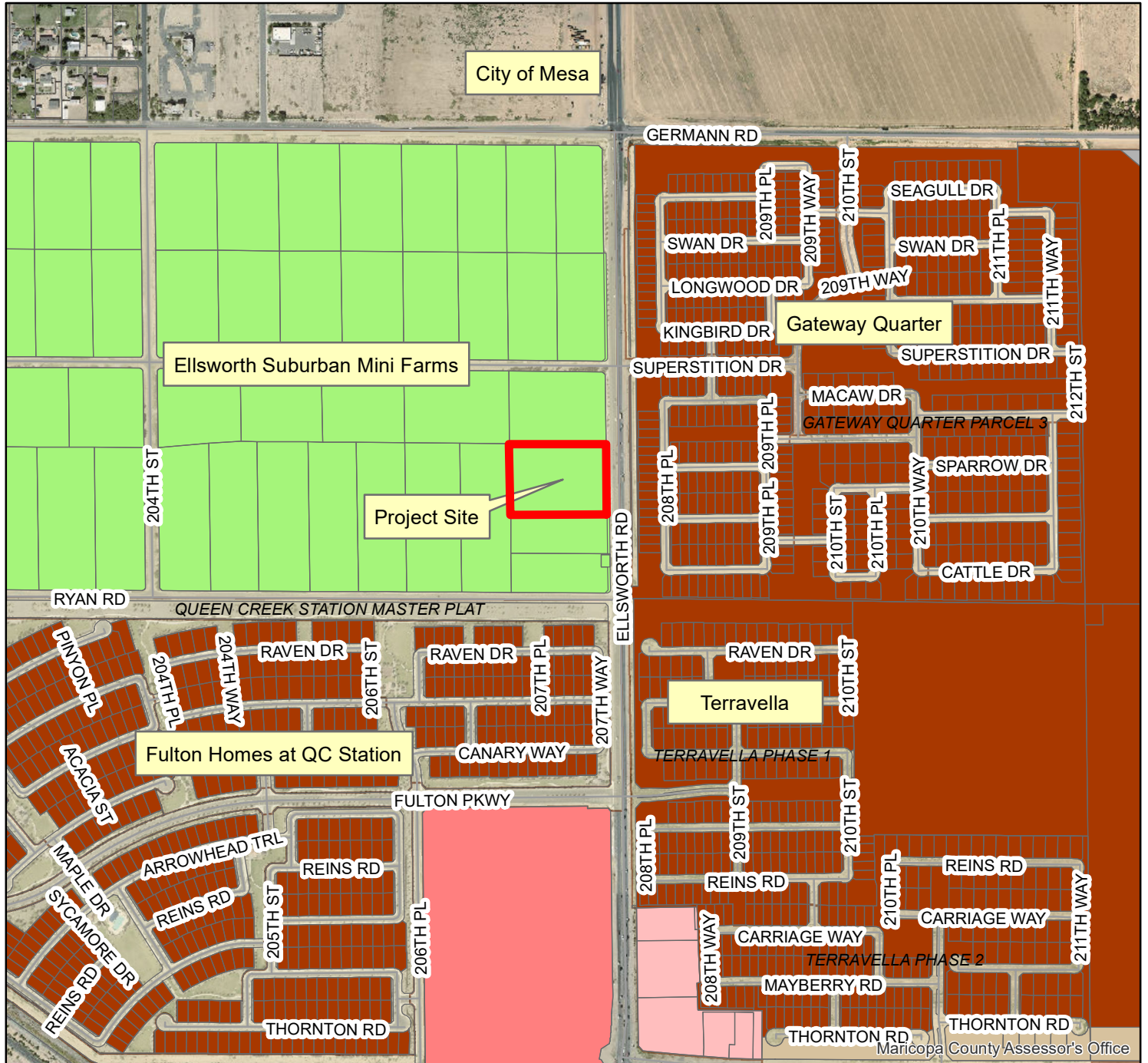
General Plan Land Use

- | | | | |
|--------------|------------|--------------------|--------------------|
| Rural | Commercial | Special District 1 | Special District 4 |
| Neighborhood | Industrial | Special District 2 | |
| Urban | Open Space | Special District 3 | |

























Project Name: Desert Horizon Nursery CUP Time Extension Zoning Map Exhibit

Case Numbers: P20-0003

Hearing Date: July 8, 2020 (Planning Commission)



Zoning Districts

 C-1 - Commercial	 PQP - Public/Quasi-Public	 R1-7 - Residential	 R1-35 - Residential
 C-2 - Commercial	 RC - Recreation/Conservation	 R1-8 - Residential	 R1-43 - Residential
 C-3 - Commercial	 MDR - Residential	 R1-9 - Residential	 R1-54 - Residential
 TC - Commercial	 R1-4 - Residential	 R1-12 - Residential	 R1-190 - Residential
 EMP A - Office/Industrial Park	 R1-5 - Residential	 R1-15 - Residential	 PCD - Planned Community
 EMP B - General Industrial	 R1-6 - Residential	 R1-18 - Residential	 AT - Agritainment

Desert Horizon Nursery Conditional Use Permit Extension (P20-0003)

Introduction:

Established in 2003 due to the increasing demand of plant material needed for the fast growing community of Queen Creek, Desert Horizon Nursery is a family owned business and employs nearly 50 people, under the helm of brothers Billy Stevenson Jr. and Jay Stevenson. Desert Horizon Nursery is passionate about providing a huge selection of plant material and a large variety of gardening products along with knowledgeable courteous staff to ensure the success of our customers.

Desert Horizon Nursery has a huge social media presence on Instagram 27,000 strong and on Facebook approximately 25,000; and featured by many local print media including Best of New Times Nursery. Desert Horizon Nursery has a presence that draws in customers from all over the state of Arizona. One can experience the magic that makes Desert Horizon Nursery a premier garden center destination and an asset to the residents of Queen Creek by walking through the doors.

Desert Horizon Nursery is committed to re-investing in the town of Queen Creek and through the years has provided substantial plant donations, numerous monetary charitable donations and considerable educational experiences to the community.

Request:

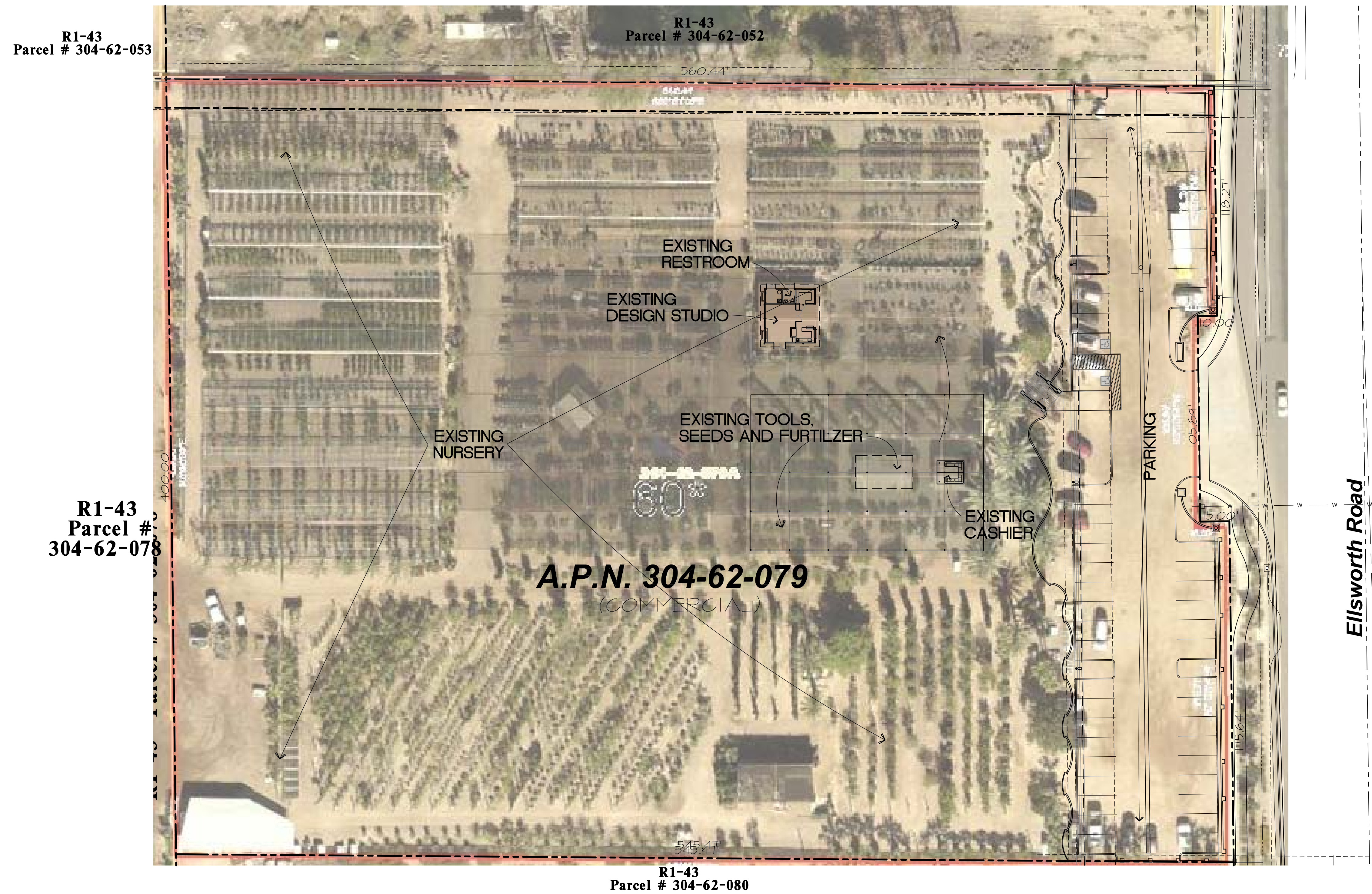
The request is for the extension of the Conditional Use Permit, allowing continued operation of the existing nursery and sales of landscaping items as defined in the Zoning Ordinance. Desert Horizon Nursery is located as a part of the Ellsworth Suburban Mini Farms residential subdivision at 19520 S. Ellsworth Road. Under its current R1-43 zoning designation, a Conditional Use Permit is required to operate the nursery and sell landscaping items.

History:

The nursery first received its Conditional Use Permit in November of 2003, originally approved by Council for a period of 5 years. It was renewed thru the Town Council for a 2nd time in April of 2009 for a 10-year extension, and is now up for a 3rd review to renew the Conditional Use Permit for the remaining duration of the nursery's continued operation.

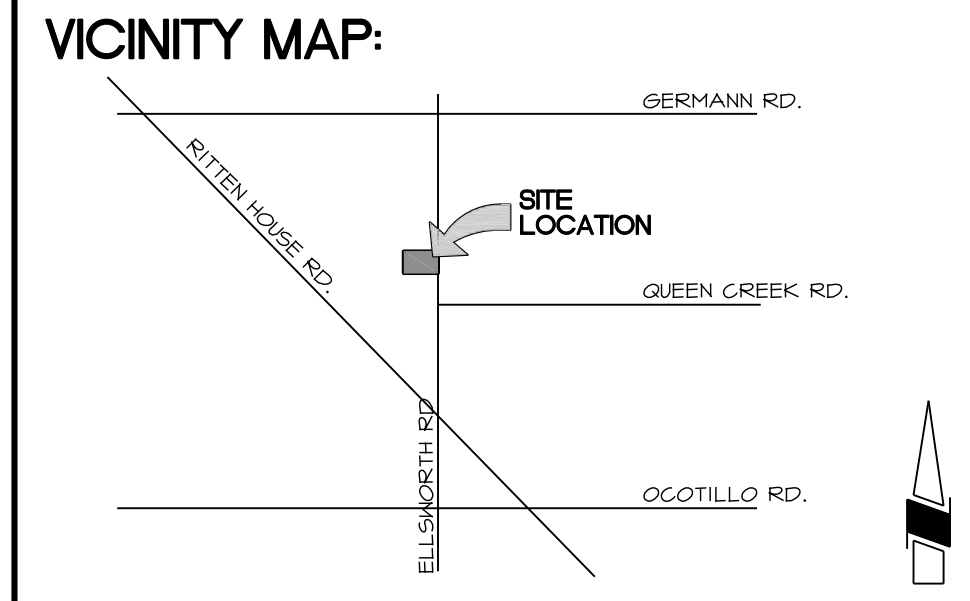
Desert Horizon Nursery

19250 S. Ellsworth Road
Queen Creek, AZ



PROJECT DATA:

PARCEL #	304-62-079
EXISTING ZONING	R1-43
LEGAL DESCRIPTION	ELLSWORTH SUBURBAN MINI FARMS BOOK 144 OF MAPS, PAGE 11 RECORDS OF MARICOPA COUNTY
G.S.	4
SECTION TOWNSHIP	25 TE
BUILDING USE	PLANT SALES & ACCESSORY
SITE AREA:	
GROSS	224,176 SQ. FT. (5.14 AC)
NET	214,176 SQ. FT. (4.91 AC)
PARKING REQUIRED:	
T50 / 250 =	3 SPACES
PARKING PROVIDED:	58 INCL. 2 HP



PROJECT TEAM:

OWNER:
Desert Horizon Nursery
19250 S. ELLSWORTH
QUEEN CREEK, ARIZONA

ARCHITECT:
John Reddell Architects, Inc.
2168 E. Williams Field Road #200
Gilbert, AZ 85298
(602) 531-2854 (cell)
Email: johnreddellarchitects.com
Contact: John Reddell

Desert Horizon Nursery
19250 S. Ellsworth Road
Queen Creek, AZ

John Reddell Architects, Inc.
Architecture Interiors Land Planning
2168 E. Williams Field Rd. #200
Gilbert, Arizona 85298
(602) 531-2854 (cell)
Email: johnreddellarchitects.com

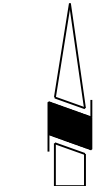
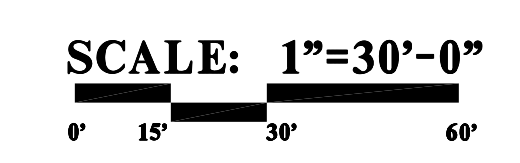
Date: 1/7/2014
Revisions:

17664
JOHN B. REDDELL JR.
ARCHITECT
ARIZONA - U.S.A.

Drawings and Specifications as instruments of service are and shall remain the property of the Architect whether the Project for which they were prepared is completed or not. They are not to be used on other Projects or extensions to this Project without the written consent of the Architect.

Copyright 2014 John Reddell Architects, Inc.

OVERALL SITEPLAN



Letters of Support – Two (2) total received

Desert Horizon Nursery Inbox x

charles cain

to me ▾

Steven

My name is Charles Cain I live within walking distance of the nursery. I am very much in favor of the nursery continuing business The alternative would probably be a strip mall or fast food restaurant We have enough of those businesses already

Thank Charles Cain

Received by Town Staff 05/29/2020

Desert Horizon Nursery Inbox x

Stacy Rasmussen

to me ▾

To Whom it May Concern,

I approve the renewal of the permit to continue operations of Desert Horizon Nursery. I would like to see this business thrive for many years to come on that property!

Thank you,

Stacy Rasmussen

Received by Town Staff 06/25/2020