



Requesting Department:

Development Services

TO: Planning and Zoning Commission

THRU: Brett Burningham, Development Services Director

**FROM: Erik Swanson, Planning Administrator
Mallory Ress, Planner I**

RE: Public Hearing and Possible Action on case P21-0246 Desert UTV Conditional Use Permit, a request from Jon Gillespie, Pew & Lake, PLC, for a Conditional Use Permit (CUP) to allow for the service and outdoor storage of Recreational Vehicles (RVs) in conjunction with the service of Utility Task Vehicles (UTVs) on approximately 1.14 acres, located within Power Marketplace Business Park, west of the northwest corner of Rittenhouse and Germann roads.

DATE: February 9, 2022

STAFF RECOMMENDATION

Staff recommends approval of case P21-0246 Desert UTV Conditional Use Permit, subject to the Conditions of Approval included in this report.

PROPOSED MOTION

Move to recommend approval of P21-0246 Desert UTV Conditional Use Permit, subject to the Conditions of Approval included in this report.

SUMMARY

This proposal consists of a request for a CUP for the secondary use of service and outdoor storage of Recreational Vehicles in conjunction with the primary by-right use of automotive repair of UTVs, within Power Marketplace Business Park, located west of the northwest corner of Rittenhouse and Germann Roads.

HISTORY

November 5, 2003: Town Council approved the Power Marketplace PAD (Ord. 271-03).

February 15, 2006: Town Council approved an amendment to the Power Marketplace PAD, establishing a 56.9 acre, 25 lot subdivision, The Business Park at Power Marketplace, with an EMP-A zoning designation (Ord. 334-06).

PROJECT INFORMATION

Project Name	Desert UTV CUP (P21-0246)
Site Location	West of the NWC of Rittenhouse and Germann Roads
Current Zoning	EMP-A (Office/Industrial Park)
General Plan Designation	Commercial
Surrounding Zoning Designations:	
North	Power Marketplace Business Park (EMP-A)
South	Power Marketplace Business Park (EMP-A)
East	Benjamin Franklin Charter School (R1-43)
West	Power Marketplace Business Park (EMP-A)
Net Acreage	1.14 acres
Building Area (Total)	11,282 SF
Lot Coverage	24.5% provided
	80% allowed
Open Space/Landscaping	20.8% provided
	10% required
Parking	
Required:	17 spaces
Provided:	17 spaces and 2 accessible

DISCUSSION

The proposed project is for Desert UTV, a service and repair company that focuses on vehicles like Polaris sides by sides, Polaris Rangers, CanAM X3s and other primarily off-road vehicles. The project is located on approximately 1.14 acres in the Power Marketplace Business Park, west of the northwest corner of Rittenhouse and Germann Roads. A newly constructed building straddles Lot 21 (project site) and the adjacent Lot 22. The building on Lot 21 is one-story and 11,282 square feet. The rear area of the site consists of nearly 13,500 square feet which will be utilized for maneuvering vehicles into and out of the two auto service bays. The east property line, adjacent to the school, has a stepped 8-foot-tall wall. Six-foot tall walls are provided at the other site boundaries adjacent to EMP-A zoning. The applicant has stated that typically no more than

seven (7) customers will be on site at any given time, and customer parking is proposed at the seven (7) spaces (two (2) accessible) north of the building. Overflow parking is proposed at the rear of the site, behind rolling gates, or available during the day along 187th Place. Employee parking is provided behind the rolling gates, with a maximum of eight (8) employees on site at one time. The site plan for this project, which remains unchanged under the CUP request, was approved administratively under P19-0110.

A CUP is required for two specific purposes; 1) Service of Recreational Vehicles, 2) Outdoor Storage of Recreational Vehicles. These uses are ancillary to the primary permitted use of automobile repair of UTVs. Under the CUP request, Desert UTV is proposing to service RVs including trailers, travel trailers, and 5th wheel trailers. In conjunction with the RV service short-term outdoor storage of vehicles may be required. Services offered for the RVs include axle service and repair, appliance service and repair, accessory installations, tire changes, door and window repair and replacement, and generator service and repair. Desert UTV will not offer body/paint work or structural repair. The applicant has stated that the services proposed for RVs are considered small repair work which can be completed in a few days.

ANALYSIS

Conditional Use Permit (CUP) Review: The proposed ancillary use of RV Service and Outdoor Storage in an EMP-A zoning district requires the processing of a Conditional Use Permit according to Table 4.6-1 of the Zoning Ordinance. The Zoning Ordinance lists nine criteria for evaluating a proposed Conditional Use Permit. The criteria were established to ensure that the use does not negatively impact the surrounding community by examining sufficient infrastructure, access, potentially offensive operations that can impact the general welfare of the community, and that orderly development of the adjacent area is not impacted. The proposed CUP satisfied the requirements.

General Plan Review: The current General Plan designation for this property is Commercial. The request is in conformance with the property's General Plan Land Use designation.

Zoning Review: This property is zoned EMP-A (Office/Industrial Park). The primary use of automotive repair is permitted in the EMP-A zoning district by-right. The secondary use of RV Service and Outdoor Storage is permitted in the EMP-A zoning district with a conditional use permit.

Adequate Public Facilities: In accordance with Article 5.1 (Adequate Public Facilities) provision of the Zoning Ordinance, the applicant has provided information regarding the project's potential impact on public facilities. Staff's review of those reports indicates that adequate public facilities will be provided by the project.

Signage: Proposed signage will be reviewed and approved as part of a separate Sign Permit application.

PUBLIC PARTICIPATION

A virtual neighborhood meeting was held on January 25, 2022. No members of the public were in attendance. Staff has received one comment in support of the application, included in the materials as Attachment 6.

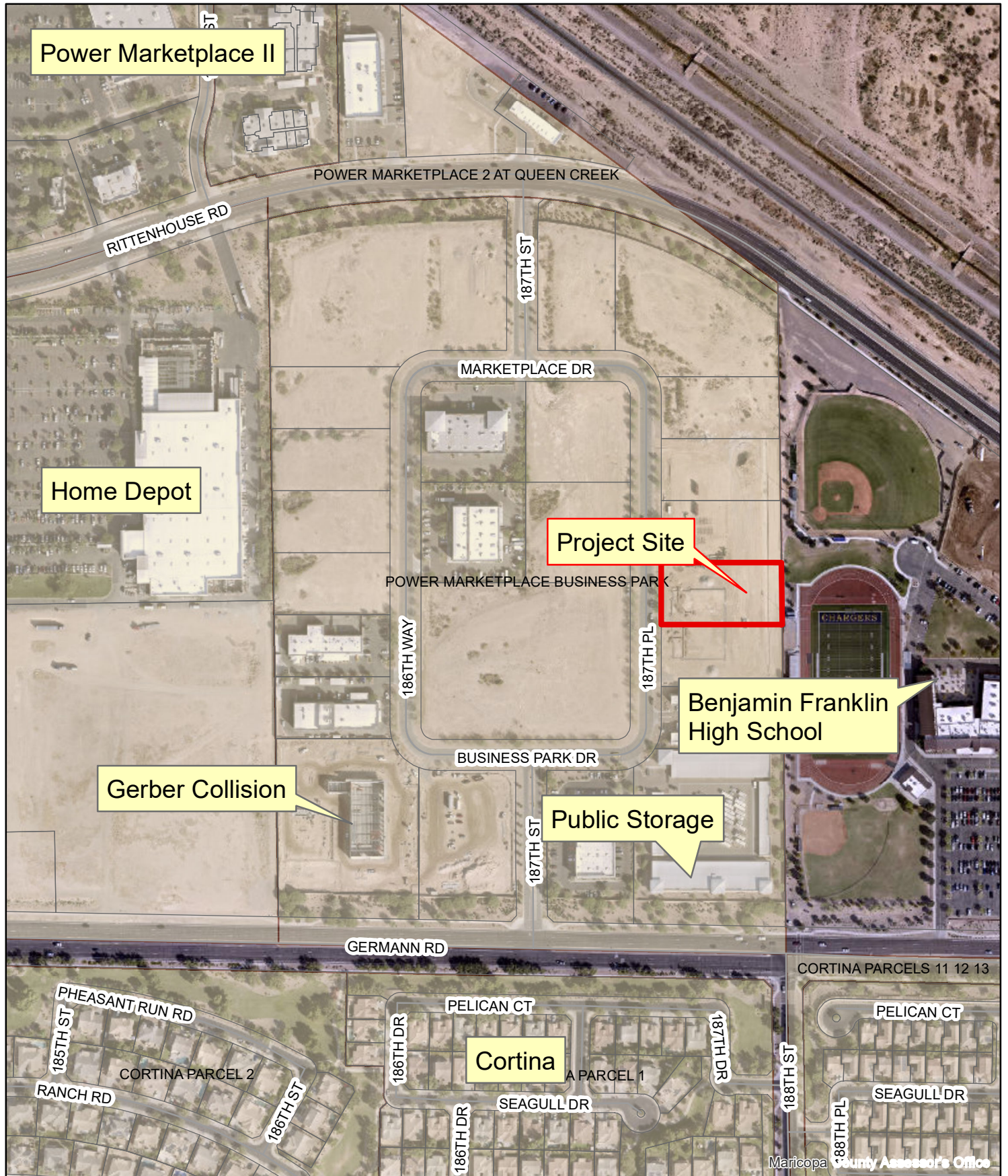
CONDITION OF APPROVAL

1. This project shall be developed in accordance with the plans attached to case P21-0246 and all the provisions of the Zoning Ordinance applicable to these cases.
2. Any expansion of the Outdoor Storage use shall be subject to site plan review and approval.

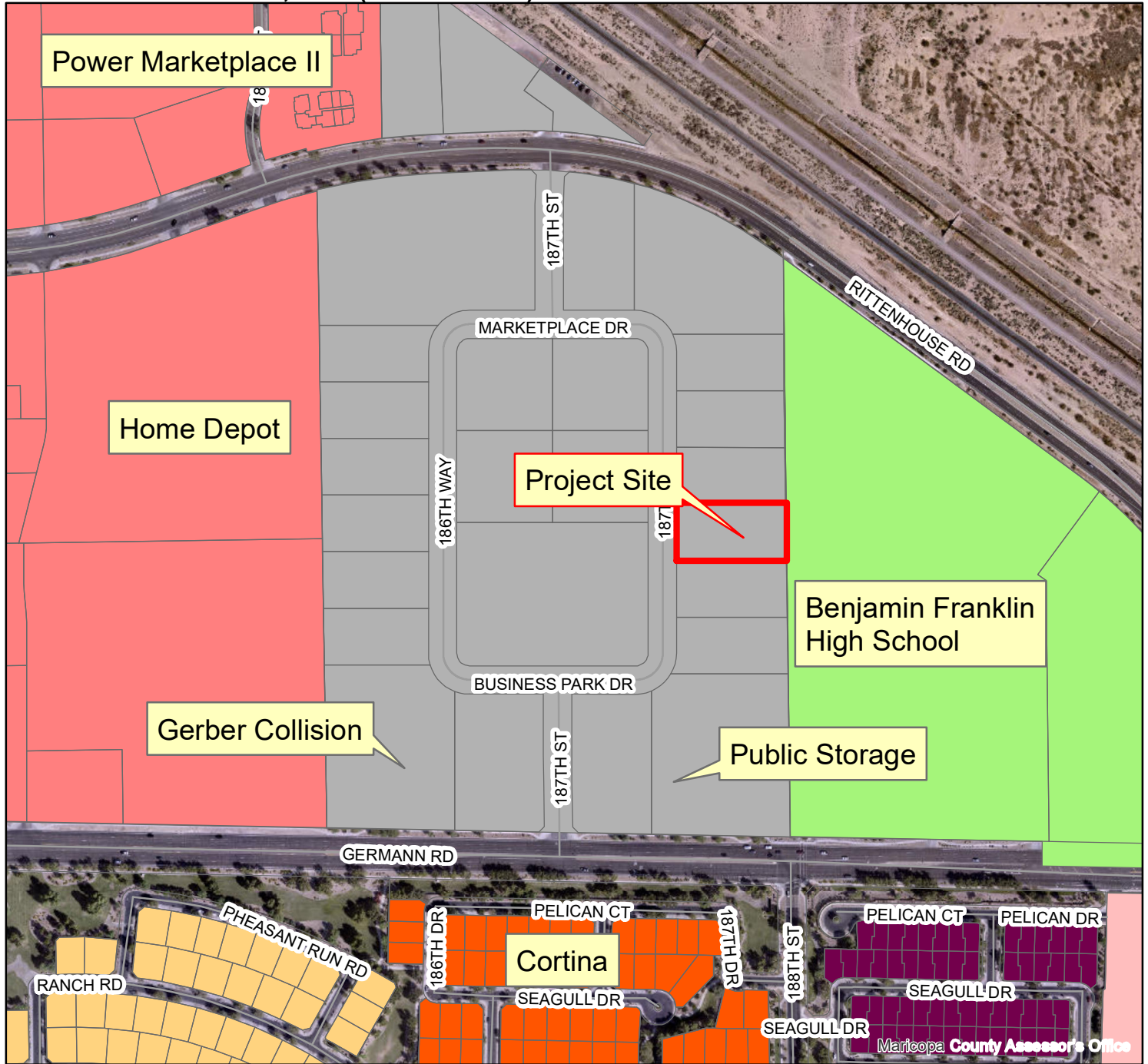
ATTACHMENTS

1. Aerial Exhibit
2. Zoning Exhibit
3. Site Plan
4. Parking Plan
5. Project Narrative
6. Public Comments

Project Name: Desert UTV Conditional Use Permit Aerial Exhibit
Case Numbers: P21-0246
Hearing Date: February 9, 2022 (Planning Commission)
March 16, 2022 (Town Council)



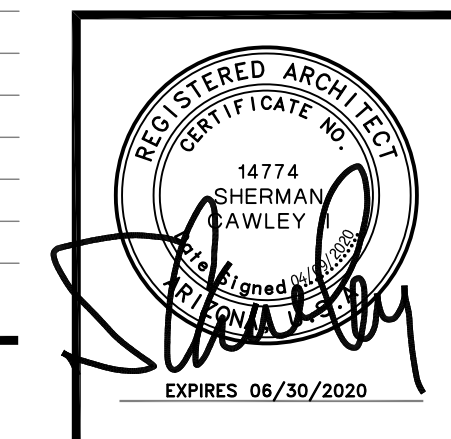
Project Name: Desert UTV Zoning Exhibit
Case Number: P21-0246
Hearing Date: February 9, 2022 (Planning Commission)
March 16, 2022 (Town Council)



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

Maricopa County Assessor's Office



BUILDING #21

NEWPORT DEVELOPMENT at POWER MARKETPLACE BUSINESS PARK

18527 SOUTH 187th PLACE
QUEEN CREEK, ARIZONA
85142

DATE
1ST TOWN SUBMITTAL
11-20-2019

TOWN COMMENTS
2/14/2020

QA/QC COORDINATION
CONSTRUCTION SET
4/9/2020

NOTICE OF ALTERNATE BILLING CYCLE:
This contract allows the owner to require submission of billings or estimates in billing cycles other than thirty days. A written description of such other billing cycle applicable to the project is available from the owner or the owner's designated agent (see owner's telephone number and address on cover sheet) and the owner or its designated agent shall provide this written description upon request.

The architectural design and data presented in these documents is an instrument of service provided by Cawley Architects.
All discrepancies found in these documents or conflicts between these documents and actual field conditions shall be reported to Cawley Architects for resolution prior to commencement of the work.
Discrepancies between bid amounts and these documents shall be reported to the General Contractor prior to commencement of work.

Project: - 19002

A1.1

SITE DATA

PROJECT:	POWER MARKETPLACE BUSINESS PARK
ADDRESS:	18527 S. 187TH PLACE QUEEN CREEK, AZ 85142
DEVELOPER/OWNER:	NEWPORT DEVELOPMENT & INVESTMENTS LLC 1400 N GILBERT RD STE C GILBERT, AZ 85234
SCOPE:	NEW COMMERCIAL BUILDINGS
LEGAL DESCRIPTION:	SEE CIVIL
ASSESSOR PARCEL NO.:	304-62-203
ZONING:	EMP-A +/- 1.14 ACRES
SITE AREA LOT 21:	+/- 49,764 S.F.
BUILDING AREA:	12,119 S.F. GROSS
STORIES:	SINGLE STORY
LOT COVERAGE:	24.5%
LANDSCAPE AREA:	9,105 S.F.
LANDSCAPE COVERAGE:	20.8%
OCCUPANCY:	B / S-1 / F-1
CONSTRUCTION TYPE:	V-B w/ A.F.E.S.
ALLOWABLE AREA:	36,000 S.F. (SINGLE STORY)

PARKING CALCULATIONS

BUILDING AREA CALCULATIONS BUILDING 21	LOT 21	REQUIRED PARKING CALCULATIONS BUILDING 21	
OCCUPANCY	1ST FLOOR	FACTOR	TOTAL
OFFICE (B)	2,442 SQ.FT.	1/350	7.0 (7)
WAREHOUSE (S-1)	9,769 SQ.FT.	1/1000	9.8 (10)
TOTAL:	12,119 SQ.FT.	.3EMPLOYEE (6)	1.8 (2)
			19

PARKING PROVIDED

TOTAL REGULAR SPACES	17
TOTAL ACCESSIBLE SPACES	2
TOTAL SPACES ON SITE	19

BICYCLE PARKING CALCULATIONS

RATIO	REQUIRED	PROVIDED
1/20 SPACES (4 MIN)	4	4

LEGEND

- PROPERTY LINE
- EASEMENT / SETBACK LINE
- 6" CURB
- SITE WALL
- ▨ SALT FINISH CONCRETE SIDEWALK
- ▨ PAINT STRIPING ON PAVEMENT
- NEW FIRE HYDRANT
- EXISTING FIRE HYDRANT
- FD C FIRE DEPARTMENT CONNECTION
- ▲ ACCESSIBLE ROUTE/ PATH OF TRAVEL
- ⊕ FIRE RISER
- ⊕ SITE WALL TYPES, SEE A12
- ▨ PAINTED FACE 4 TOP OF CURB
▨ RED 4 FIRE LANE SIGNS PER TOWN OF QUEEN CREEK STANDARDS

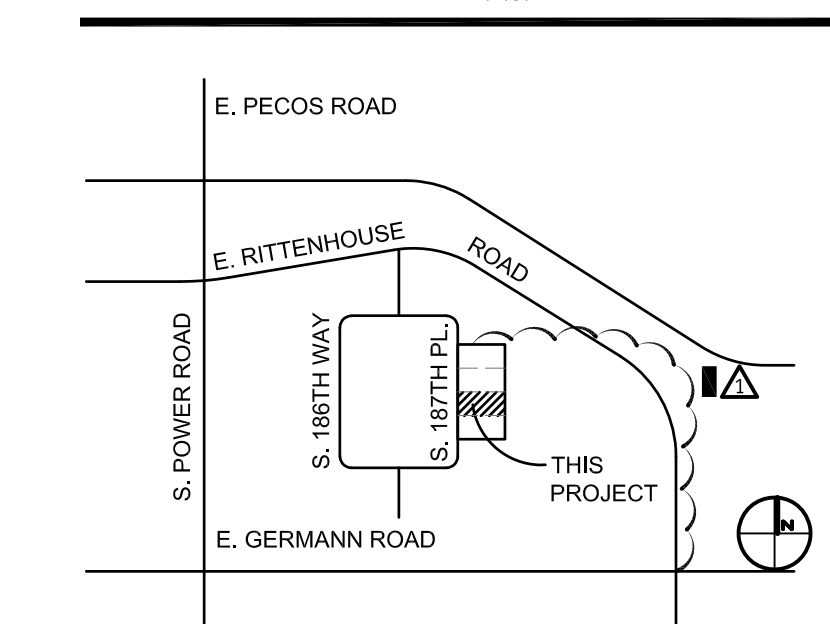
NOTES:

ALL MANUAL GATES SHALL BE DESIGNED TO EXCEPT THE OWNERS PADLOCK AND THE FIRE DEPARTMENTS KNOX PADLOCK.

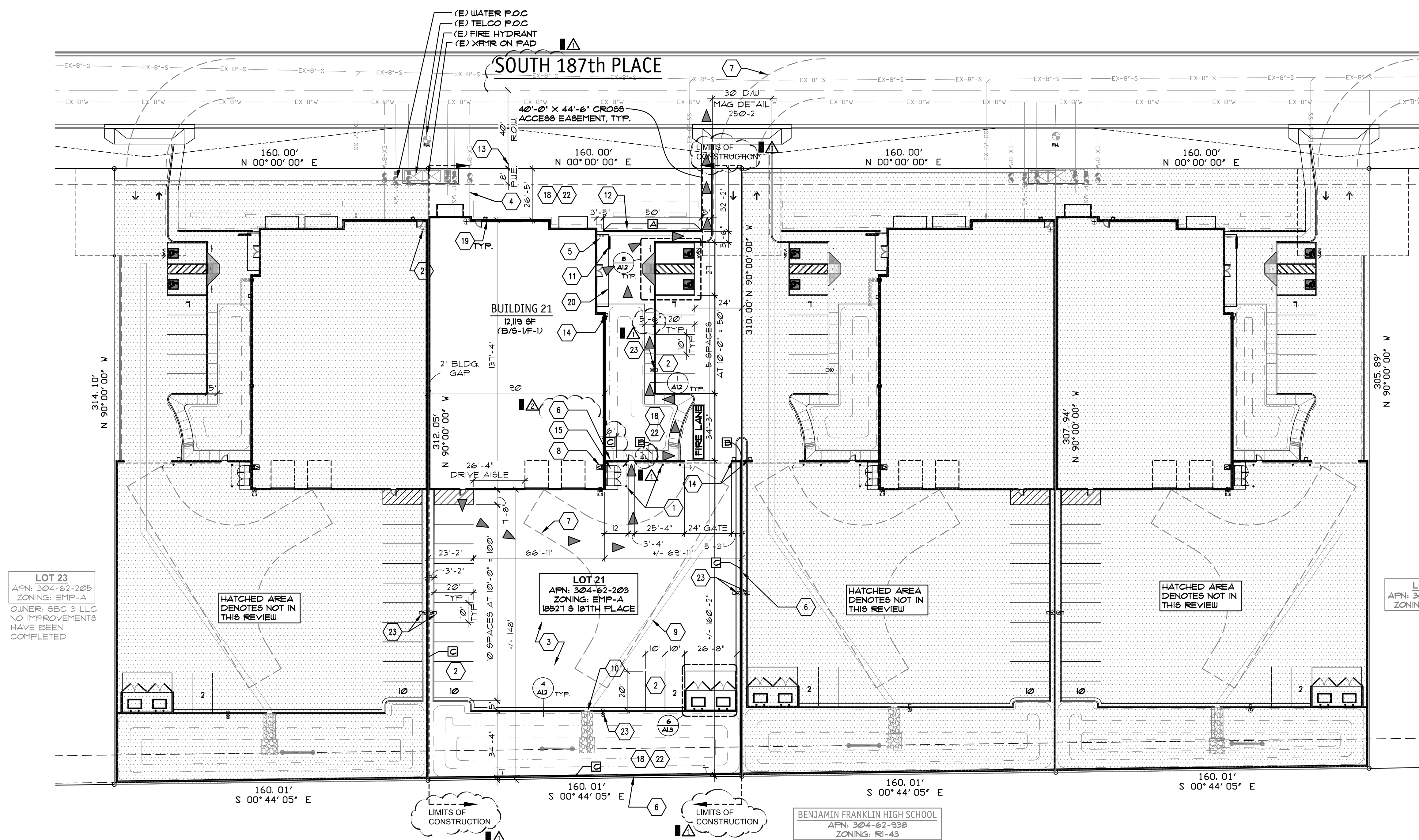
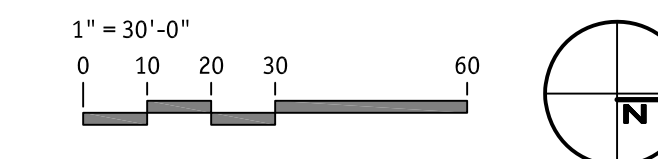
ALL AUTOMATIC GATES SHALL BE DESIGNED WITH A FREEMPTION RECEIVER

ALL THEME WALL COLORS AND MATERIALS SHALL MATCH THAT OF THE POWER MARKETPLACE BUSINESS PARK

VICINITY MAP N.T.S.



MASTER SITE PLAN



SHEET KEYNOTES

- | | | |
|---|--|--|
| 1 6" PIPE BOLLARD, SEE SITE DETAILS | 8 ROOF HATCH AND LADDER BUILDING DETAILS | 16 6'-0" HIGH CMU SCREEN WALL - SEE SITE DETAILS |
| 2 PAVED PARKING LOT WITH PAINTED STRIPES | 9 VALLEY GUTTER - SEE CIVIL DRAWINGS | 17 SITE VISIBILITY TRIANGLE TYP. |
| 3 ASPHALT PAVEMENT, TYP. - SEE CIVIL DRAWINGS | 10 CURB OPENING AND RIP RAP - SEE CIVIL DRAWINGS | 18 LANDSCAPING TYP. - SEE LANDSCAPE DRAWINGS |
| 4 EXISTING WATER LINE | 11 BIKE RACK - SEE SITE DETAILS | 19 FIRE DEPARTMENT CONNECTION (F.D.C.) - SEE PLUMBING DRAWINGS |
| 5 BUILDING SEWER SERVICE - SEE CIVIL DRAWINGS | 12 PARKING SCREEN WALL - SEE SITE DETAILS | 20 CANOPY ABOVE |
| 6 8'-0" HIGH CMU WALL - SEE SITE DETAILS | 13 UTILITY EASEMENT - SEE CIVIL DRAWINGS | 21 FIRE RISER |
| 7 FIRE TRUCK TURNING RADIUS, TYP. | 14 KNOX BOX | 22 RETENTION BASIN, TYP. - SEE CIVIL DRAWINGS |
| | 15 SERVICE ENTRANCE SECTION (S.E.S) | 23 LIGHT POLE, TYP. |

LOT 23
APN: 304-62-203
ZONING: EMP-A
OWNER: SBC 3 LLC
NO IMPROVEMENTS
HAVE BEEN
COMPLETED

HATCHED AREA
DENOTES NOT IN
THIS REVIEW

LOT 21
APN: 304-62-203
ZONING: EMP-A
18527 S 187TH PLACE

HATCHED AREA
DENOTES NOT IN
THIS REVIEW

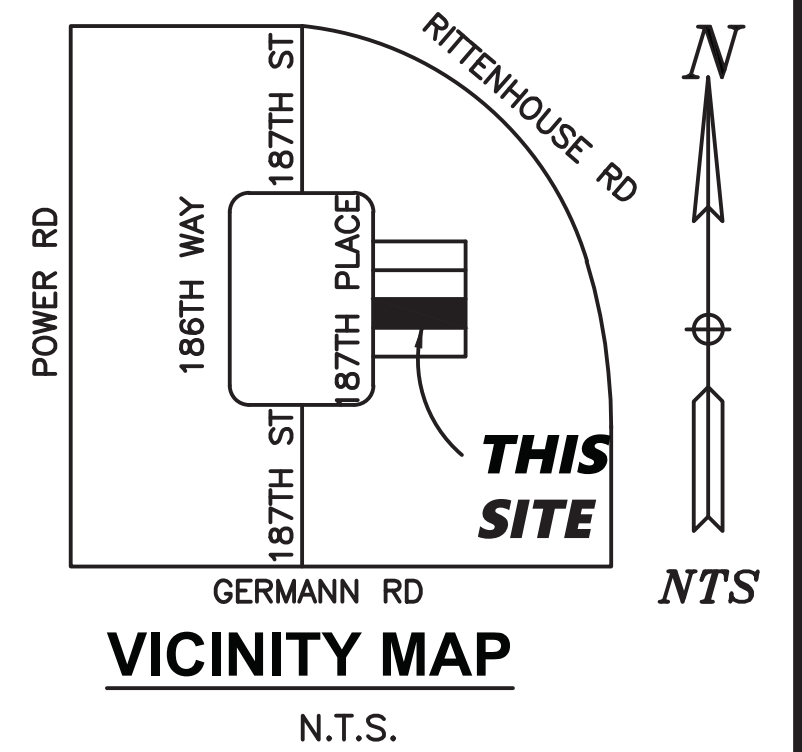
HATCHED AREA
DENOTES NOT IN
THIS REVIEW

LOT 18
APN: 304-62-200
ZONING: EMP-A

BENJAMIN FRANKLIN HIGH SCHOOL
APN: 304-62-338
ZONING: RI-43

LOT 21 AT POWER MARKETPLACE BUSINESS PARK

A PORTION OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 7 EAST OF THE G.&S.R.B.&M., MARICOPA COUNTY, ARIZONA



SHEET INDEX

COVER	1
NOTES	2
IMPROVEMENTS	3

SITE DATA

LOT 21
 APN: 304-62-203
 NET AREA: 49,764 S.F.
 1.142ACRES
 ZONING: EMP A

ASBUILT CERTIFICATION

I CERTIFY THAT THE "AS-BUILT" INFORMATION SHOWN HEREON WAS OBTAINED UNDER MY DIRECT SUPERVISION AND IS CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NAME _____ (SEAL)

REGISTRATION No. _____ DATE _____

REVD. BY _____
 REGISTERED CIVIL ENGINEER

GRADE CERTIFICATION

THIS IS TO CERTIFY THAT THIS GRADING PLAN IS IN COMPLIANCE WITH THE GRADING REQUIREMENTS OF THE SOILS REPORT PREPARED BY: _____ DATE: _____

REGISTERED CIVIL ENGINEER

FINISH GRADE CERTIFICATION

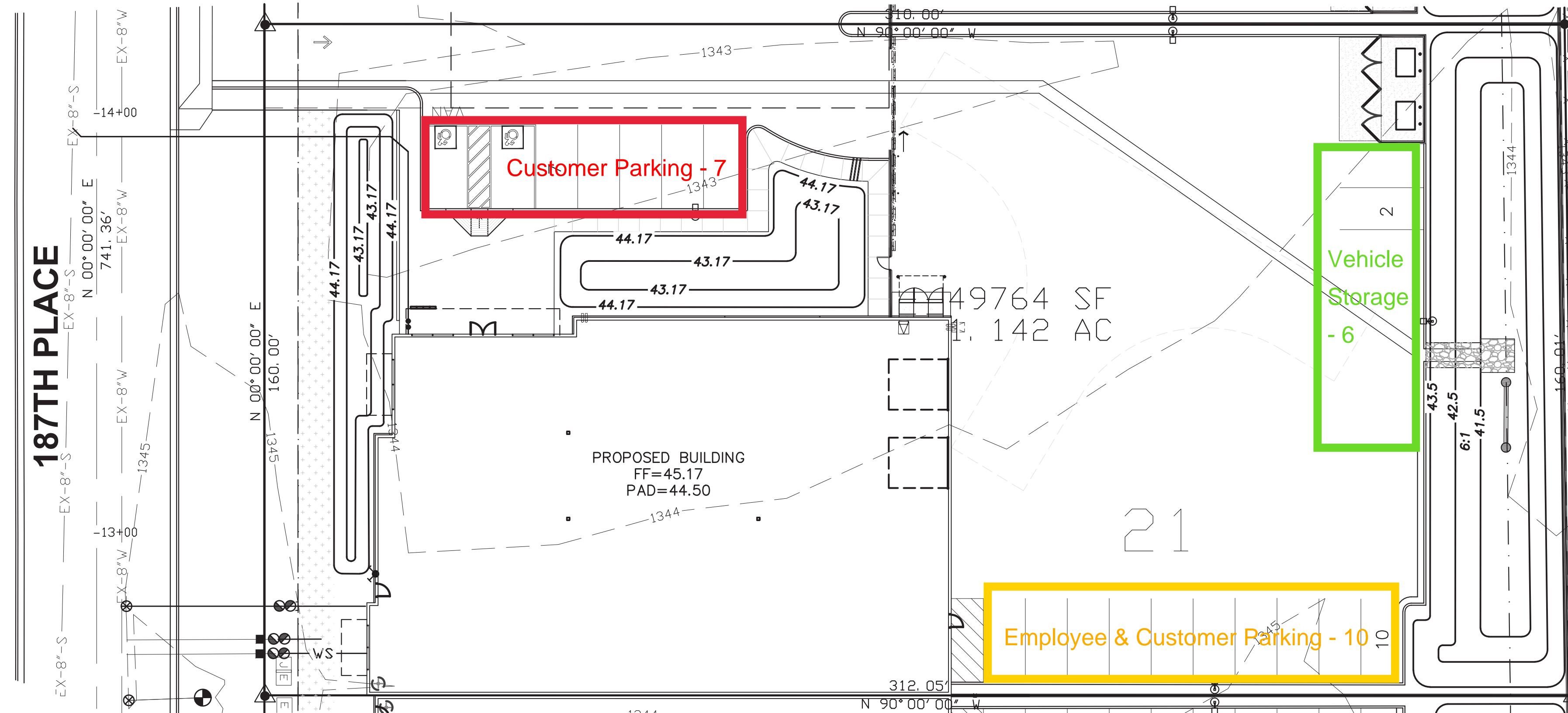
THIS IS TO CERTIFY THAT THE FINISHED GRADES SHOWN OR AS-BUILT ON THIS GRADING AND DRAINAGE PLAN ARE IN COMPLIANCE WITH THE SOILS REPORT PREPARED BY: _____ DATE: _____

REGISTERED CIVIL ENGINEER (OR REGISTERED LAND SURVEYOR)

THIS SET OF CONSTRUCTION PLANS HAS BEEN SUBMITTED TO THE FOLLOWING UTILITY COMPANIES FOR REVIEW AND TO DETERMINE ANY POTENTIAL CONFLICTS.

UTILITY COMPANY	DATE SUBMITTED
SALT RIVER PROJECT (POWER)	02/12/2020
CENTURY LINK	02/12/2020
COX COMMUNICATIONS	02/12/2020
SOUTHWEST GAS	02/12/2020

- ### LEGEND
- BRASS CAP IN HANDHOLE
 - FOUND 1/2" REBAR LS#19854
 - WATER VALVE
 - FIRE HYDRANT
 - WATER SERVICE
 - BACKFLOW PREVENTER
 - TRAFFIC VAULT
 - ELECTRICAL VAULT
 - SEWER MANHOLE
 - STREET LIGHT
 - POWER POLE
 - GUY WIRE
 - TELECOM JUNCT. BOX
 - CABLE TV
 - BCHH BRASS CAP IN HANDHOLE
 - M.C.R. MARICOPA COUNTY RECORDER
 - PUE PUBLIC UTILITY EASEMENT
 - S&WE SEWER & WATER EASEMENT
 - ROW RIGHT OF WAY
 - BSL BUILDING SETBACK LINE
 - LSB LANDSCAPE BUFFER EASEMENT
 - VNAE VEHICULAR NON ACCESS EASEMENT
 - OHE OVERHEAD ELECTRIC
 - B/C BACK OF CURB
 - W/L WATER LINE



DRAINAGE NOTE

THE FINISH FLOOR ELEVATION IS SAFE FROM THE 100 YEAR 2 HOUR INUNDATION

NOTE

THE DEVELOPMENT IS IN COMPLIANCE WITH POWER MARKETPLACE BUSINESS PARK.

RETAINING WALL NOTE

A RETAINING WALL WILL BE REQUIRED IF AT THE TIME OF COMPLETION OF GRADING THERE EXISTS MORE THAN ONE FOOT OF DIFFERENCE IN ELEVATION AT THE LOT LINES BETWEEN THIS PROPERTY AND ADJACENT PROPERTIES.

TEMPORARY RETENTION NOTE

THE EXISTING RETENTION AND DRAINAGE FACILITIES WITHIN THIS DEVELOPMENT WILL NOT BE REMOVED FROM SERVICE UNTIL THE PERMANENT RETENTION AND DRAINAGE FACILITIES ARE FUNCTIONAL.

LEGAL DESCRIPTION

LOTS 19 THROUGH 22 INCLUSIVE, OF POWER MARKETPLACE BUSINESS PARK, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 843 OF MAPS, PAGE 22.

BASIS OF BEARINGS

THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 7 EAST, NORTH 88°53'42" WEST AS SHOWN HEREON.

BENCHMARK

FOUND BRASS CAP IN HANDHOLE LOCATED AT THE EAST QUARTER CORNER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 7 EAST
 ELEVATION = 1352.112 (NAVD88)

FEMA CERTIFICATION

THIS SITE LIES IN FEMA FIRM PANEL: 04013C2770L, ZONE X. NO SPECIAL FLOOD HAZARD AREAS. MAP REVISED OCTOBER 16, 2013.

ARCHITECT

KEVIN FAWCETT
 CAWLEY ARCHITECTS
 730 N. 52ND ST., STE. 203
 PHOENIX, ARIZONA 85008
 PHONE: (602)-393-5060
 EMAIL: kevinf@cowleyarchitects.com

OWNER

NEWPORT DEVELOPMENT & INVESTMENTS LLC
 1400 N GILBERT RD STE C
 GILBERT, AZ 85234
 PHONE: (480)-654-5571
 EMAIL: melissa@dovescoaz.com

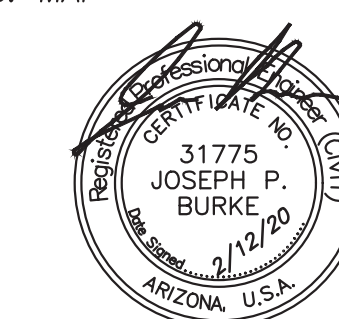
APPROVED BY

TOWN UTILITY ENGINEER _____ DATE _____

TOWN ENGINEER _____ DATE _____

TOWN TRAFFIC DEPARTMENT _____ DATE _____

TOWN FIRE DEPARTMENT _____ DATE _____



Contact Arizona 811 at least two full working days before you begin excavation



DATE

	4111 E. VALLEY AUTO DRIVE #103 MESA, ARIZONA 85206 PHONE (480) 844-1666 E-MAIL: ace@allenconsultengr.com
	LOT 21 AT POWER MARKETPLACE BUSINESS PARK 18527 S. 187TH PLACE QUEEN CREEK, ARIZONA 85142 CIVIL IMPROVEMENT PLANS
JOB NUMBER 95944	SHEET 1 OF 3
DRAWING COVER	
DRAFTSMAN	CHECKED BY _____ DATE 2-12-20

Desert UTV

**Queen Creek, Arizona
Conditional Use Permit Application
Project Narrative**

Submitted by:

W. Ralph Pew & Jon Gillespie
Pew & lake, PLC
1744 South Val Vista Drive, Suite 217
Mesa, AZ 85204
480-461-4670

On behalf of:

Kyle & Lindsay Danielson
Desert UTV
18527 S 187th Place
Queen Creek, AZ 85142

December 2, 2021

Introduction

Pew & Lake, PLC, on behalf of Kyle and Lindsay Danielson, owners of Desert UTV, hereby submits this project narrative and related documents in support of the following request to the Town of Queen Creek:

- Conditional Use Permit for a Vehicle Service, All Other Vehicle Service, in the EMP-A Zoning District. Specifically, the CUP will allow for mechanical servicing of Recreational Vehicles with outdoor storage of vehicles also allowed.

Site Description

The subject parcel is 18527 S. 187th Place which is Lot 21 of the Power Marketplace Business Park located south of the Rittenhouse Road and 187th Street intersection. The parcel is approximately 1.14 acres in size and also known as Maricopa County Assessor parcel number 304-62-203.

The property is zoned EMP-A which allows the proposed use upon granting of a Conditional Use Permit, as shown in table 4.6-1 of the Queen Creek Zoning Ordinance.

A newly constructed building straddles Lot 21 and the adjacent Lot 22. The property is shown below outlined in red.



Adjacent Zoning Districts and Existing Uses

As previously noted, the site is currently zoned EMP-A. The 2018 General Plan Land Use designation for the property is "Commercial." It is part of the Power Marketplace Business Park. The properties within the business park are used for commercial and industrial purposes.

Direction	Current Zoning	2018 General Plan Designation	Current Use
North	EMP-A	Commercial	Vacant
South	EMP-A	Commercial	Shared Building -Tenant TBD
East	R1-43	Neighborhood	Benjamin Franklin High School - Sports Fields
West	EMP-A	Commercial	Vacant
Project Site	EMP-A	Commercial	Desert UTV Building

About Desert UTV

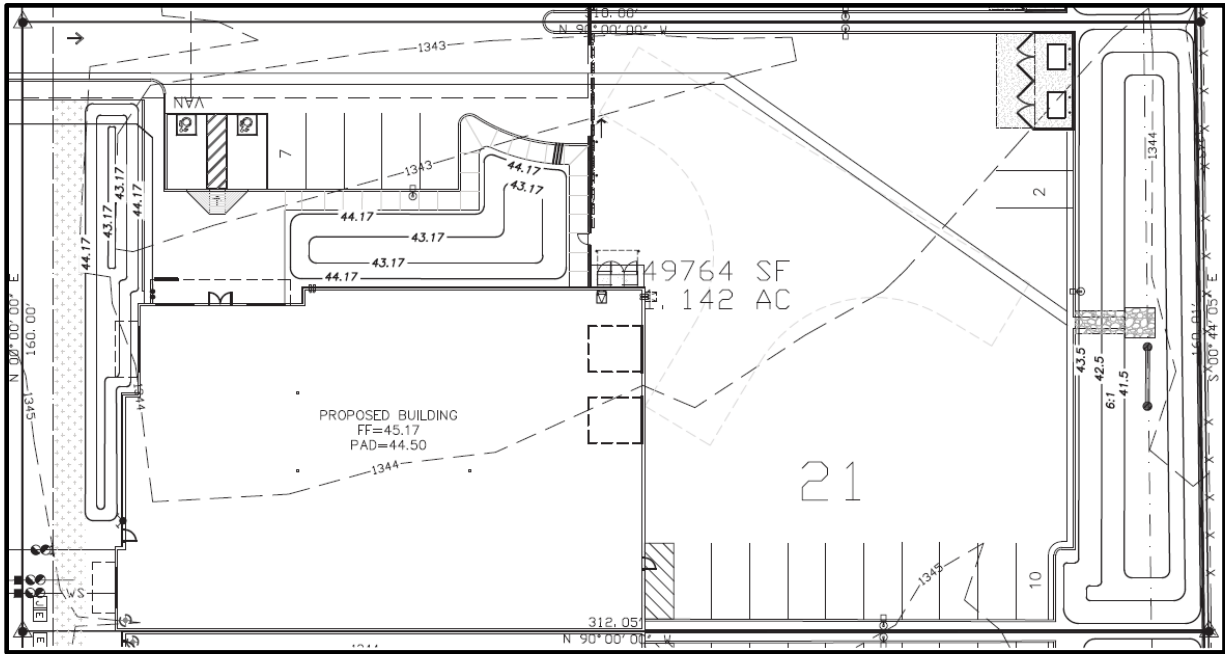
Desert UTV is a full service and repair company which primarily focuses on vehicles like Polaris Side by Sides, Polaris Rangers, CanAm X3, CanAm Commanders and other primarily off-road use vehicles. Desert UTV will be providing services at this facility under the Automotive Repair use allowed in the EMP-A zoning district. These services include engine repair and rebuilding, transmission repair, electrical system repairs, oil changes, tire changes, brake work, accessory installations, parts and accessory sales. These services and uses are fully allowed within the EMP-A zoning district and are not the subject of this CUP request.

As a secondary use requiring CUP approval, Desert UTV would like to offer service and repair to Recreational Vehicles including trailers, travel trailers, and 5th wheel trailers. Desert UTV will also need to provide short-term outdoor storage of these vehicles in the process of their repair. The services offered would include axle service and repair, appliance service and repair, accessory installations, tire changes, door and window repair and replacement, and generator service and repair. Areas of repair which Desert UTV will not offer are body/paint work and structural repair. The Recreational Vehicle repairs are for small repair work which can be completed within a few days and does not require vehicles to be held on site for weeks or months.

Plan Description

Desert UTV will be the inaugural user of this building and parcel. The site plan provides a street facing building with customer parking located north of the building and additional parking available in the rear.

The rear area maintains nearly 13,500 square feet of area for maneuvering vehicles in and out of the two auto service bays. An 8-foot-high wall encloses the rear of the site, providing buffering to the sports fields of the high school. Six-foot walls are provided on the other boundaries of the site adjacent to Employment uses. The site plan is provided below.



Attached to this submittal is a description of the parking plan which Desert UTV will follow in its operations. The auto repair and service use provided on site is required to be parked at 1.5 spaces per 1,000 sf Gross Floor Area under Table 5.6-3 of the Queen Creek Zoning Ordinance (QCZO). The total building is 11,282 square feet which would therefore yield a parking requirement of 17 spaces. Customer parking is intended to be primarily reserved for the 7 parking spaces directly north of the building. The number of customers parked on site at any one time is typically less than seven. Employee and overflow customer parking is provided on the southern bounds of the site. A maximum of 8 employees are on site at any one time. On the eastern bounds of the site, overnight vehicle storage will be provided with two marked spaces available and additional space for up to four more overnight vehicles available. The large 13,500 square foot outdoor area in the rear of the site is expected to be more than sufficient for workers to maneuver vehicles in and out of the service bays.

Conditional Use Permit

As defined in the Town of Queen Creek’s Zoning Ordinance, a Conditional Use is one which, because of its unique or varying characteristics, is difficult to properly classify as a permitted use in a particular zoning district. Commonly, conditional uses are considered to be those uses that require individual review to ensure that the use can be designed, located and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. Through the Conditional Use Permit process, a use is evaluated to discover possible adverse impacts and to minimize them, where possible, through the imposition of specific conditions of approval.

Inherent in this definition is the underlying assumption that each of the uses may be *permitted* in the underlying zoning district, but for any number of reasons a higher level of scrutiny is required to ensure that adjoining property owners who may be potentially impacted by a proposed use can have those impacts evaluated thoroughly by an approving body after careful review of physical and operating characteristics of the proposed use.

Below are the Conditional Use Permit approval criteria outlined in Section 3.5(B) the Queen Creek Zoning Ordinance and how the proposal **meets** the criteria.

1. The proposed conditional use shall be in compliance with all regulations of the applicable zoning district, the provisions of Article 4 and Article 5 of this Ordinance, and any applicable performance standards as set forth in Article 6 of this Ordinance.
Response: This CUP request is being made in conformance with standards of the QCZO including the site improvement standards and allowed uses within the EMP-A zoning district. The Article 6 Supplemental Use Regulations do not apply to this CUP request.
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 the buildings or structures and the type and extent of landscaping and screening on the site.
Response: The proposed CUP use (Service and repair of Recreational Vehicles with outdoor storage of vehicles) is similar to the by-right uses proposed for the site (Automotive Repair), which are allowed under the EMP-A zoning district. The primary difference is the size of vehicles. The size of vehicles can be accommodated with the large rear service area and indoor service bays.
3. Adequate utilities, access roads, drainage, fire protection, and other necessary facilities shall be provided.

Response: As mentioned above, the proposed RV servicing is similar to general automotive repair with the vehicle size being the primary difference. Oftentimes the servicing of larger vehicles can also necessitate large or special equipment but in this case Desert UTV will only be providing basic repair services to RV's. These repairs do not require week and monthlong storing of vehicles but instead are 1-3 day repairs and can be accomplished with equipment used in typical automotive repair.

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.

Response: The site access for this building and the automotive repair use has been determined to be adequate. The additional RV service use will not alter the approved on-site vehicular movement and will bear no change to the use of the public road.

5. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

Response: Similar to the analysis above, noxious or offensive outcomes from the by-right Automotive Repair are akin to the outcomes expected with the RV Service, Storage and Repair.

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.

Response: These uses are envisioned for the Power Marketplace Business Park which does is comprised solely of industrial and commercial uses. No additional impact on the school neighboring to the east is expected and the day-time, high use areas of the school are located away from the shared boundary wall. Parking an RV in the eastern parking area will be appropriate when considered in light of the 30-foot retention area which buffers the vehicles from the 8-foot-high wall. Given this distance it is not expected that the RV's will be visible at ground level views from the high school.

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.

Response: Expanding the services allowed on this site will generate better business for Desert UTV which will in turn assist with the orderly buildout of the Power Marketplace Business Park.

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.

Response: The proposed use will not be detrimental. There has been no opposition to the proposed use expressed by the immediate neighbors or general public.

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.

Response: No additional impact to neighbors is expected from the proposed RV Service and Storage use. The public interest in supporting the condition use will outweigh any contemplated adverse effects.

Conclusion

Desert UTV will be a valued service to the Town of Queen Creek and its residents. It is proposed as a well-planned and well-designed facility that will not impede the orderly development of surrounding properties and fits in with existing commercial and industrial uses of nearby properties. The proposed use will not be injurious to the neighborhood or general welfare of the Town of Queen Creek and there are adequate public services and infrastructure to serve this project. The applicant and Property Owner look forward to receiving input from Town of Queen Creek staff to help bring this business to complete fruition.



Mallory Ress <mallory.ress@queencreekaz.gov>

Conditional Use Permit for Desert UTV service center

Kyle Robinson <krtrw@yahoo.com>

Sat, Jan 15, 2022 at 12:55 PM

To: "jon.gillespie@pewandlake.com" <jon.gillespie@pewandlake.com>, "mallory.ress@queencreek.org" <mallory.ress@queencreek.org>

Cc: Kyle and Liz Robinson <krandrproperties@gmail.com>, Liz Work <liz@tedsshootingrange.com>

Dear Jon and Mallory,

We fully support issuing a conditional use permit and opening the UTV service center as identified in the Notice of Neighborhood Meeting dated 1/10/2022. We would ask that the business not park vehicles in the street overnight. Elizabeth and I own the Ted's Shooting Range/Dive Arizona property in the same development. We are looking forward to having the business park fully developed. Please feel free to contact us if we can be of further assistance.

Regards,

Kyle Robinson and Elizabeth Robinson
KR & ER Recreation, LLC
480-688-9915