



TOWN OF
QUEEN CREEK
 ARIZONA

TO: PLANNING & ZONING COMMISSION

THROUGH: BRETT BURNINGHAM, DEVELOPMENT SERVICES DIRECTOR

FROM: ERIK SWANSON, PLANNING ADMINISTRATOR, MALLORY RESS, PLANNER I

RE: PUBLIC HEARING AND POSSIBLE ACTION ON CASE P23-0186 RAIN DECK BUS STORAGE CUP, A REQUEST FROM GREG DAVIS, IPLAN CONSULTING, FOR CONDITIONAL USE PERMIT APPROVAL TO ALLOW FOR THE OUTDOOR STORAGE OF SCHOOL BUSES WITHIN THE EXISTING FENCED PROPERTY, LOCATED NORTH OF THE NORTHEAST CORNER OF ELLSWORTH AND RITTENHOUSE ROADS

DATE: April 10, 2024

Suggested Action:

Move to recommend approval of Rain Deck Bus Storage CUP (P23-0186), subject to the Conditions of Approval outlined in this report.

Introduction / Summary:

This proposal consists of a request from Greg Davis, IPlan Consulting, for a CUP to allow the storage of school buses for the QCUSD at the existing Rain Deck site, within the fenced property, north of the northeast corner of Ellsworth and Rittenhouse roads.

History:

May 30, 1990: Town Council approved Ordinance 7-90 authorizing the original zoning of R1-43 for the subject property.

May 19, 1999: Town Council approved Ordinance 152-99 approving Planned Area Development Zoning for the Langley Gateway Estates residential development (an adjacent subdivision).

October 20, 1999: Town Council approved Ordinance 174-99 approving Planned Area development zoning for the Queenland Manor residential development (an adjacent subdivision).

May 17, 2017: Town Council approved Ordinance 638-17 rezoning the approximate 7 acre parcel from R1-43 to EMP-A/PAD. Associated case RZ16-004. Additionally, Town Council approved the related Minor General Plan Amendment (GPA-16-003) from MDR To Employment Type A, Conditional Use Permit (CU16-002) for outdoor storage and Major Site Plan (SP16-001) to facilitate the development of a drywall distribution facility.

September 20, 2017: Town Council passed Resolution 1165-17 adopting P17-0103 (2018 General Plan Update), which was approved by the majority of votes at a Special Election on May 15, 2018, providing the property with a Neighborhood General Plan Designation.

March 16, 2023: Staff administratively approved the Rain Deck Site plan, case P22-0018, subject to the conditions imposed under Ordinance 638-17 with minor revisions as applicable.

Project Information:

Project Name: Rain Deck Bus Storage CUP (P23-0186)
Site Location: North of the NEC of Ellsworth and Rittenhouse Roads
Current Zoning: EMP-A
General Plan Designation: Neighborhood
Surrounding Zoning Designations:
North- PRC/R1-12 (Queenland Manor)
South- EMP-B (UPRR)
East- R1-12 (Queenland Manor)
West- Ellsworth Rd., C-2 (existing QCUSD Bus Maintenance Yard) and
EMP-B (UPRR)
Total Site Acreage: Approx. 7 acres
CUP Site Acreage: Approx. 4.2 acres
Building Area: 23,625 sq.ft. (Including outdoor covered storage)
Current Use: Manufacturing
Proposed Use: Manufacturing, Vehicle storage (buses)

Discussion:

This proposal consists of a request from Greg Davis, IPlan Consulting, for a CUP to allow the storage of school buses for the QCUSD at the existing Rain Deck site, within the fenced property, north of the northeast corner of Ellsworth and Rittenhouse roads.

Conditional Use Permit

The applicant is requesting to expand the use at the site to allow for outdoor vehicle storage, specifically for the storage of school buses. Currently, the approved use of the property utilizes several existing structures and the street frontage area, however, much of the rear of the site remains unnecessary for the Rain Deck operations. The applicant indicated that QCUSD contacted the Rain Deck owners to discuss using the under-utilized space at the rear of the site to park buses. This spurred a lease agreement between Rain Deck and QCUSD for the storage of the less-utilized school buses at the site. The applicant has represented that QCUSD will use the property for the storage of the less-utilized school buses. Generally, access to the site will be needed by QCUSD Monday through Friday between the hours of 5AM-8PM. Periodically, after hours or weekend access may be needed to move buses to the main facility for maintenance or special events. No maintenance or refueling of buses will take place on the property.

It should be noted that the outdoor storage of school buses requested under this application has taken place without proper approval since approximately September 2023 and continues through the present. Code Enforcement staff issued a Notice of Violation on September 21, 2023. A follow-up inspection of the site on October 5, 2023 confirmed the continued use of the site in violation of the existing site plan and a citation was issued and a hearing was scheduled. Immediately after issuance of the citation, the applicant filed a pre-application for the storage of school buses at the site. The formal Conditional Use Permit application that is the subject of today's public hearing was filed on December 22, 2023. Staff has continued to work with Rain Deck throughout this process and given the unique nature of this request has allowed the continued storage of the buses at the property during this time period.

Additionally, the Rain Deck use received site plan approval on March 16, 2023. Site improvements under the approved site plan have not yet been completed. Rain Deck submitted improvement plans consistent with the approved site plan on September 27, 2023 for staff's review and this first review was completed by staff on November 8th. Rain Deck resubmitted their plans for review in February of this year and received another set of staff comments on March 27th. During this time period Rain Deck has represented that they were working with SRP to resolve issues with undergrounding a power pole at the front of their property, which held up the resubmittal of the improvement plans and the completion of work approved under the site plan. The improvement plans have also been modified from the original site plan approval to accommodate the proposed bus storage use. To date, Rain Deck has completed some crucial site improvements, including the partial installation of a parking screen wall adjacent to Ellsworth Road, façade updates to the existing main building

including the installation of metal awnings, new windows, and new paint, and the installation of an 8'-high screen wall around the storage area.

The proposed bus storage use will maintain the requirements imposed under the previous site plan approval, including landscaping requirements. All previous conditions of approval will remain in effect except as modified herein. Namely, a double row of offset trees required within a 30ft-wide landscape buffer adjacent to the residential at the north and east property lines will be installed and vehicles on site will not utilize "beeping" backup alarm systems, including the mitigation of the beeping alarm system by utilizing pull-through spaces. Additionally, a three-quarter access restriction at the driveway to the site allowing for right-in, right-out and left-in only access will be maintained. These conditions were provided with the site plan approval to mitigate any nuisances imposed by the operations of Rain Deck for the residents in the immediate vicinity. Imposing these same conditions for the bus storage use will also serve to mitigate nuisances associated with this use for the neighboring residential properties. Further, additional COAs for this project include a prohibition on storage of any other types of large vehicles except for schools buses, a requirement that any expansion of the bus storage area will require a new CUP, and a prohibition on refueling or maintenance of school buses at the property. Given these conditions, staff is in support of this project.

Public Participation:

A neighborhood meeting was held by the applicant on March 4, 2024 at the Community Chambers with five (5) residents in attendance from three (3) households. All of the residents were those immediately adjacent to the Rain Deck property. Those that attended the meeting were generally neutral on the use of the rear area for storage of school buses. As the property is currently being used for the bus storage that is seeking approval under this project, the residents commented on how the restriction on "beeping" backup alarm systems is helpful to mitigate noise issues with the buses. One resident requested that the trees be installed as soon as possible as the buses reflect the sun and shine directly into their home. The residents asked what the time frame for the storage of buses is proposed to be and the applicant responded that while it is difficult to determine based on the operation of the QCUSD, the reality is that within 2-5 years QCUSD will look to store buses at their own facilities.

Analysis:

General Plan: The General Plan Land Use designation for this project is Neighborhood. The current EMP-A/PAD zoning of the property was approved under Ordinance 638-17, which rezoned the property from R1-43 to EMP-A/PAD. A minor general plan amendment was also processed at that time. The proposed bus storage use is ancillary to the property's approved use and while the use is not consistent with the General Plan Land Use designation, the use is considerable under the EMP-A zoning irrespective of this land use designation.

Zoning Review: The proposed outdoor bus storage is a considerable use under the current EMP-A zoning of the property and is ancillary to the property primary use. A Conditional Use Permit is being requested to allow the outdoor storage of vehicles, as set forth within the Town of Queen Creek Zoning Ordinance.

Landscape and Wall Review: To assist with screening the outdoor storage use, the applicant is required to install a double row of offset trees within a 30' wide landscape buffer adjacent to the existing residential north and east of the property. The applicant has already installed an 8'-high block wall to screen the site operations from the adjacent residential and the right of way.

Conditional Use Review: Conditional Use Permits are authorized under Article 3.5 Conditional Use Permits of the Zoning Ordinance. Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use as a particular location within a given zoning district.

Conditional use review in the Zoning Ordinance sets forth the following criteria for evaluating a proposed conditional use:

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.

Applicant's Response- The proposed use is located in the rear yard of an existing industrial parcel, meets all required setbacks and landscaping buffer requirements, and is consistent with the applicable provisions of Article 4 and 5 of the Town's Zoning Code.

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.

Applicant's Response- The property is zoned EMP-A and is in an enclave of other industrial uses for which vehicle storage is appropriate. There are no additional buildings or structures proposed as part of this CUP thus do not anticipate the character of the area to be affected.

3. Adequate utilities, access roads, drainage, fire protection, and other necessary facilities shall be provided.

Applicant's Response- Since the proposed vehicle storage use is secondary to the existing manufacturing use, all necessary infrastructure, access, and emergency facilities are already present.

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.

Applicant's Response- Access to the property has already been approved and is able to serve the proposed vehicle storage use. The QCUSD bus operation can produce traffic congestion in this area due to the peak time usage, but that condition already exists and is not exacerbated by this proposal.

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

Applicant's Response- The proposed vehicle storage does not generate vibrations, odor, smoke, or gas, but will generate common levels of vehicular noise during their operation which are not excessive or offensive. Furthermore, the parking areas will be treated with a dust-proof palliative drastically reducing the amount of dust produced by this property.

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 diminishes or impairs the property values within the neighborhood.

Applicant's Response- The proposed vehicle storage is a low impact use and is not likely to be detrimental to any of the surrounding properties. There are existing homes to the north and south of the site for which a large landscape buffer was required with the industrial development to mitigate any potential compatibility issues. This buffer will also serve to mitigate any potential issues for the proposed vehicle storage use.

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.

Applicant's Response- The proposed vehicle storage use in no way will impede adjacent development.

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.

Applicant's Response- The proposed vehicle storage use is a low intensity use that should not affect the public health, safety, morals, comfort, or general welfare of the community.

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.

Applicant's Response- We do not anticipate any detrimental impacts to the community and also believe the public is better served by the proposed use both by enhancing the QCUSD operation and by providing proximate and secure vehicle storage for area residents.

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 and Town Code applicable to this case.
2. The proposed outdoor vehicle storage area shall only be utilized for the storage of school buses.
3. All conditions imposed under the Site Plan approval (P22-0018) shall remain, except as modified herein. For clarity these conditions are listed below:
 - a. This project shall be developed in accordance with the plans and exhibits attached to this case and all the provisions of the zoning ordinance applicable to this case.
 - b. Onsite lighting shall not exceed 0.2 footcandles adjacent to residential zoning at the north, east and south property lines. Shielding of site lighting may be required to meet this standard.
 - c. Outdoor storage materials shall only be allowed within the outdoor yard areas as noted on the site plan proposed with this application, and shall not be stacked above the height of the proposed site walls.
 - d. The site shall not be expanded to include new buildings that encroach closer to the northern or eastern boundary of the site, without public outreach, Public Hearings and with the approval of a Site Plan Amendment application.
 - e. The use of forklifts onsite shall not have "beeping" backup alarm systems. The onsite forklifts shall be equipped with a backup strobe light mechanism that will flash a bright light on the ground behind the forklift.
 - f. Mechanical equipment, electrical meter and service components, and similar utility devices whether ground level, wall mounted, shall be screened and designed to appear as an integral part of the building.
 - g. All signs shall comply with the zoning ordinance requirements, and shall require separate permits.
 - h. Driveway shall be designated as right-in, right-out and left-in only. It shall be constructed with a raised median, or, at the discretion of the Town Traffic Engineer, a combination of traffic delineators, ceramic markers, and signage to have the effect of restricting left-out turns.
 - i. The Developer shall be responsible to construct the Ellsworth Road full half-street improvements. Improvements shall include removal and replacement of pavement out to the centerline, curb and gutter, sidewalk, street lighting, applicable drainage features, utilities, undergrounding of utilities, traffic signal interconnect, and landscaping for the entire frontage of the property along Ellsworth Road.
 - j. The driveway entrance on Ellsworth Road shall be a MAG 251 modified with 9" thick MAG class A concrete.
 - k. All potable water and/ or fire water lines connections from the property to the Town's potable water line system shall be equipped with a Town approved backflow prevention device.
 - l. Connection of commercial facilities to the Town of Queen Creek sewer system is required where a Town sewer line is available per Chapter 16 of Town Code. This facility may continue to utilize the current sewer septic tank so long as no additional "CHANGE" (modifications, maintenance, or additions) is required. The Town will not approve a request from the property owner, or from any other regulatory agency for any CHANGE to the septic system on this site. When the site is eventually required to connect to the Town's sewer system, the existing septic tank shall be decommissioned through the prevailing regulatory agency process.

4. Condition 5 under P22-0018 (listed here as 3e), shall be amended as follows, “The use of any heavy equipment or vehicle, including school buses, shall not have “beeping” backup alarm systems. For safety, where required by applicable federal, state, or local regulations, such equipment or vehicles shall be equipped with a backup strobe light mechanism that will flash a bright light on the ground behind the equipment/vehicle. In the event that the school buses are equipped with “beeping” safety alarms, pull through spaces shall be utilized to avoid engaging the safety system.
5. Any expansion of the bus storage area approved under this case shall require a new conditional use permit application and approval.
6. The storage of large vehicles, RVs, boats, and similar vehicles is prohibited.
7. No refueling or repair of school buses may be completed on site.
8. The CUP shall be valid for a period of two (2) years from issuance. After which time, the applicant or owner shall be required to apply for an extension of the CUP.
9. Ellsworth Rd (western boundary of the subject site) is identified as a major arterial which requires a half street right-of-way of 55’. Additional right-of way dedication will be required for Ellsworth Rd so that the half street right-of-way is 55’. All right-of-way dedication shall be free and unencumbered.
10. An updated grading & drainage plan is required to be reviewed and approved prior to the buses locating on the site. The approved drainage plan shall be per Town of Queen Creek’s requirements and shall provide retention for storm waters in an onsite retention area.
11. All onsite improvements, including landscaping, shall be completed prior to the site being used for bus storage.

Attachment(s):

1. [Aerial.pdf](#)
2. [Zoning Map.pdf](#)
3. [General Plan.pdf](#)
4. [Project Narrative.pdf](#)
5. [Site Plan.pdf](#)
6. [Landscape Plan.pdf](#)
7. [Neighborhood Meeting Summary.pdf](#)