



**Chandler • Arizona**  
*Where Values Make The Difference*



**MEMORANDUM**

**Transportation & Development – PZ Memo No. 11-066**

**DATE:** JULY 7, 2011

**TO:** PLANNING AND ZONING COMMISSION

**THRU:** R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR  
JEFF KURTZ, PLANNING ADMINISTRATOR  
KEVIN MAYO, PLANNING MANAGER *KM*

**FROM:** BILL DERMODY, SENIOR CITY PLANNER *BD*

**SUBJECT:** ZUP11-0003 MID MOUNTAIN EXCAVATION

**Request:** Use Permit approval to operate an excavation business

**Location:** 930 E. Germann Road, west of the northwest corner of Germann and McQueen Roads

**Applicant:** Mid Mountain Excavation

**Owner:** Executive Property Dev, LLC

**Zoning:** Planned Area Development (PAD)

**RECOMMENDATION**

Staff, finding consistency with the General Plan and Airpark Area Plan, recommends approval of the request for one (1) year subject to conditions, including that the storage yard be relocated within the site.

**BACKGROUND**

The application requests Use Permit approval to allow an excavation business to be operated on land zoned PAD for a mixed-use project with fuel station, RV storage, and retail elements. The excavation business has reportedly been operated on a portion of the 9-acre site (in violation of the zoning) since 2004. West of the excavation business on the same site is a legal nonconforming auto repair business that includes a metal building and a paved parking lot. Besides the two businesses and a cell tower at the northern end, the rest of the site is vacant.

The General Plan refers to the Airpark Area Plan for detailing the goals, objectives, and policies that apply to the 9-square-mile area surrounding the Chandler Municipal Airport that includes the subject site. The Airpark Area Plan designates approximately the eastern  $\frac{3}{4}$  of the subject parcel for Neighborhood Commercial uses and the western  $\frac{1}{4}$  of the parcel for Light Industrial uses. The Neighborhood Commercial designation generally calls for uses like grocery stores, clustered retail, personal services, and restaurants on developments of 10 to 20 acres in size that attract patrons primarily from a 1- to 2-mile radius.

The site received PAD zoning and Preliminary Development Plan (PDP) approval in 2008 for a fuel station, RV storage, and retail project that was to take up the entire site (DVR08-0005 EXECUTIVE TOY STORAGE). The project has not been developed and is not anticipated to be developed in the next couple years. The subject business is currently located in an area that straddles the fuel station and RV storage areas, effectively precluding any part of the approved plans from being developed unless the subject business is removed or relocated elsewhere on the site.

The subject business is primarily a swimming pool excavation business, with ancillary contractor and municipal construction services. It uses an existing house on the property for its main office that is set back approximately 90' from the Germann Road ROW. Surrounding the office building is a 36,000 square foot vehicle and equipment storage yard enclosed by a chain-link fence that is set back 35' from the Germann Road ROW. Vehicles and equipment stored in the yard include dump trucks, backhoes, smaller trailers, and employee vehicles. The yard surface is unimproved. An unimproved driveway connects the gate on the eastern portion of the fencing to the existing Germann Road curb cut. Hours of operation will vary seasonally within the window of approximately 5 a.m. to 5 p.m. The applicant would like to continue operating the business in largely the same manner as it is currently. Staff recommends relocating the storage yard farther back on the site in order to lessen the aesthetic impact, and notes that a number of site development standards must be applied that will somewhat change the overall effect.

If the Use Permit is approved, the business will be subject to administrative review of conformance to site development standards. Due to the use's temporary nature, Staff does not anticipate that all such standards will be strictly applied. However, it is anticipated that the following improvements would be among those required:

- Pave drive aisles inside and outside of the storage yard
- Move fences at least 50' from planned right-of-way (the minimum setback)
- Replace chain-link fence with solid block fence and solid gates
- Install landscaping (trees and shrubs) along south and east sides of storage yard in the amounts and sizes required by the Zoning Code
- Remove piles of material located outside of the fenced area

## **DISCUSSION**

Staff finds the requested use to be compatible as a temporary use if modified by condition. The primary negative effects of the use in its current form are its poor aesthetics and its moderate hindrance to a permanent development solution. The poor aesthetics will be mitigated by application of the above-noted site development standards, including solid walls and

landscaping. Staff also recommends partially relocating the storage yard so that no part of it is closer to Germann Road than the office building, thereby moving it somewhat farther from public view and reducing the aesthetic impact. It is noted that a construction-oriented excavation business will be somewhat easier to relocate than many other types of businesses when the time comes for permanent development. Staff recommends a one (1) year time limit to allow evaluation of conformance with the recommended conditions.

#### **PUBLIC/NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held June 30, 2011 at the Chandler Municipal Airport. No citizens attended.
- At the time of this writing, Staff is not aware of any opposition to the request.

#### **RECOMMENDED ACTION**

Staff, upon finding consistency with the General Plan, recommends approval of rezoning and PDP in case ZUP11-0003 MID MOUNTAIN EXCAVATION subject to the following conditions:

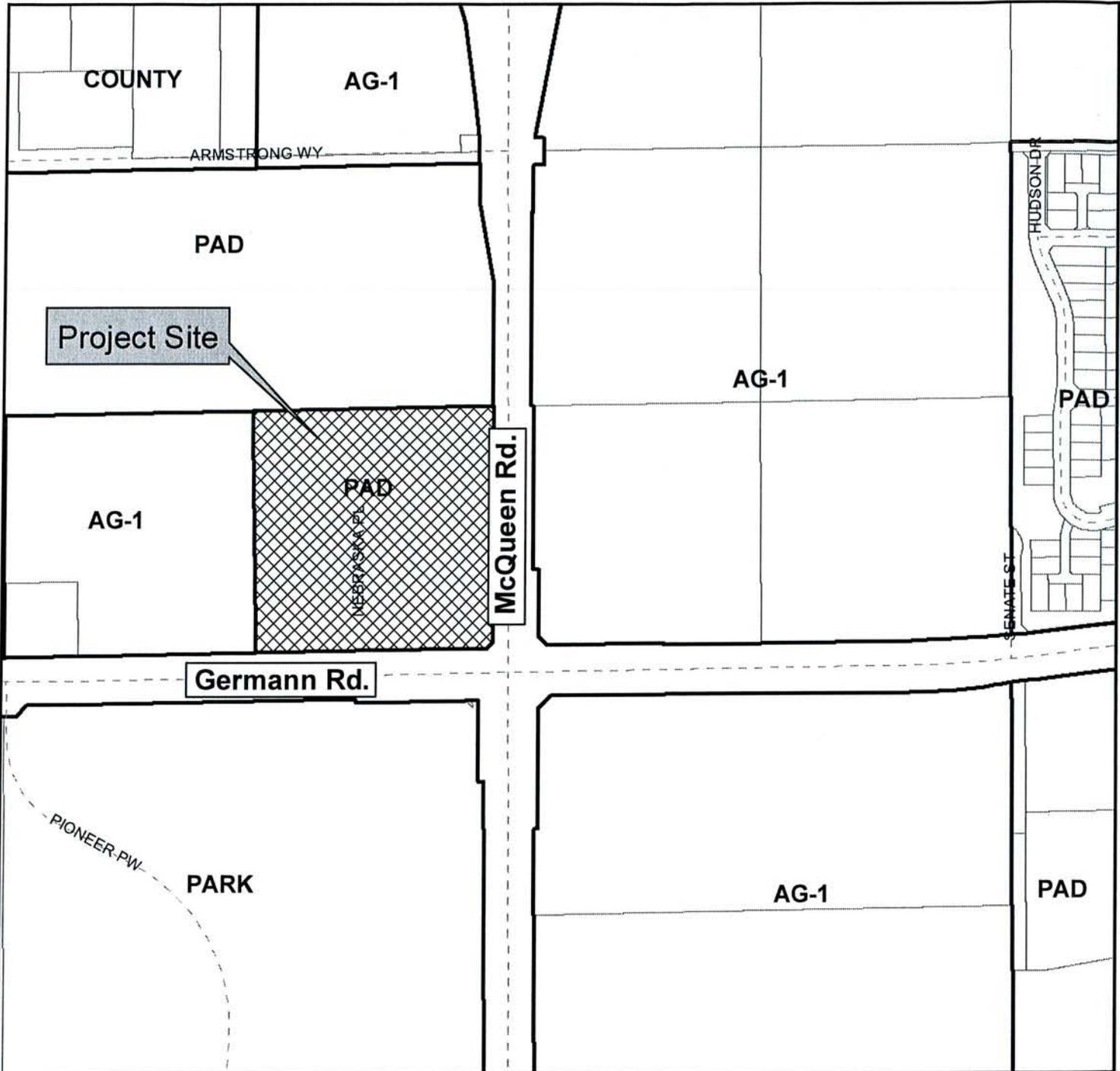
1. Substantial conformance with application materials (Site Plan, Narrative) kept on file in the City of Chandler Planning Division, in File No. ZUP11-0014, except as modified by condition herein.
2. Site improvements required to comply with the Zoning Code's site development standards shall be completed within six (6) months of City Council approval.
3. No materials may be located outside of the storage yard. Existing materials piles outside the storage yard must be removed within one (1) week of City Council approval.
4. Landscaping planted in and adjacent to the storage yard shall be maintained at a level consistent with or better than at the time of planting.
5. The storage yard shall be relocated so that no part of it is closer to Germann Road than the existing office building. Also, no part of the yard may be moved closer to McQueen Road than currently exists.

#### **PROPOSED MOTION**

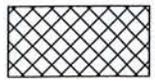
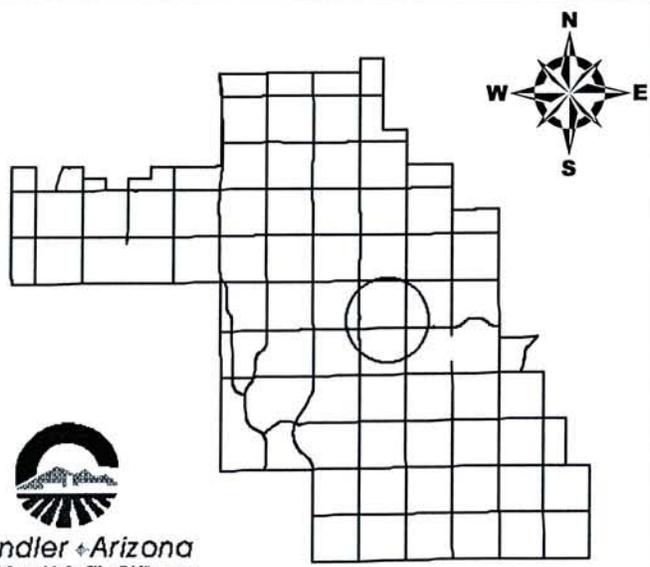
Move to recommend approval of ZUP11-0003 MID MOUNTAIN EXCAVATION subject to the conditions recommended by Staff.

#### **Attachments**

1. Vicinity Maps
2. Aerial Close-up/Site Plan
3. Narrative
4. Approved site plan (DVR08-0005 EXECUTIVE TOY STORAGE)



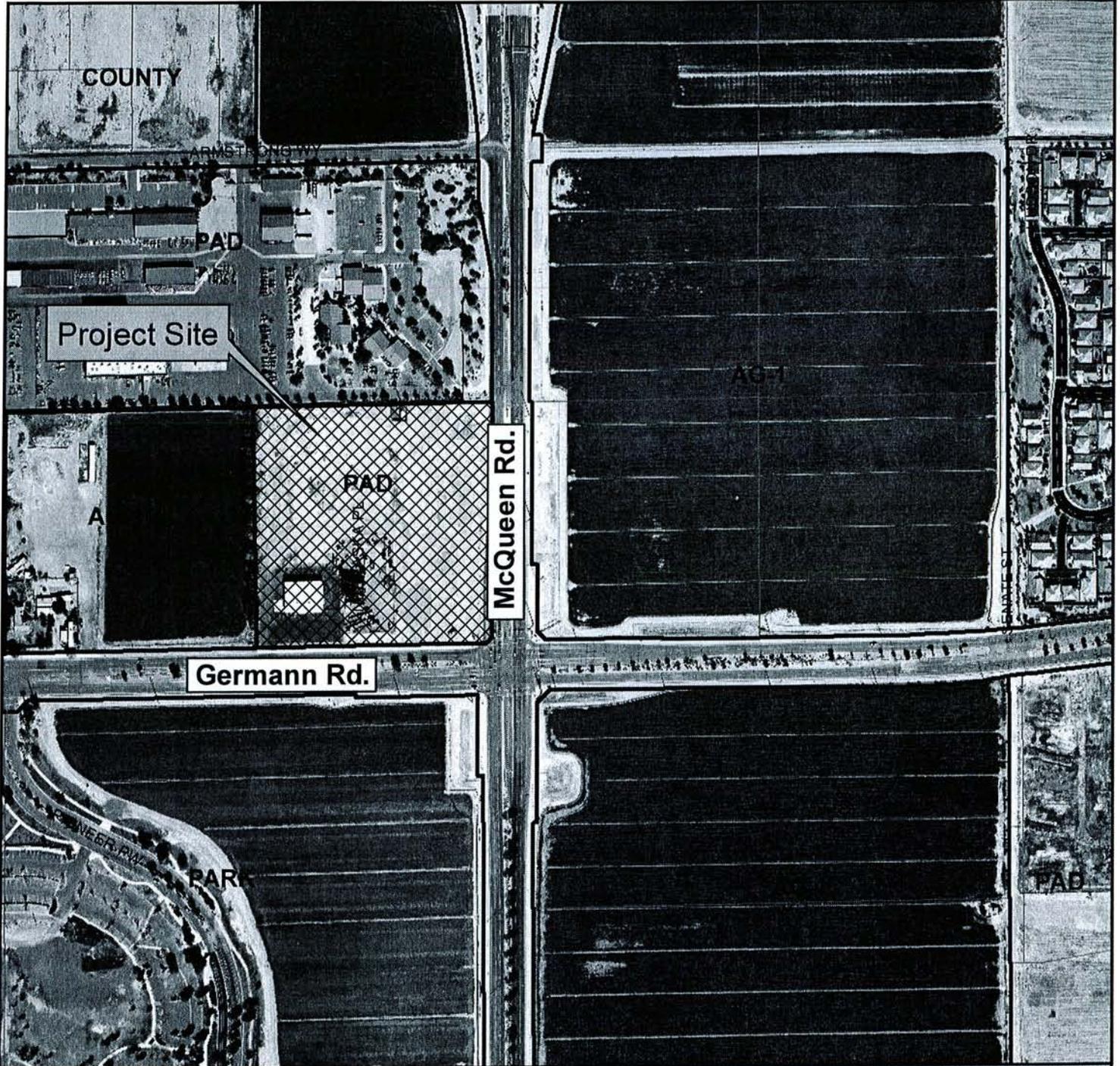
**Vicinity Map**



ZUP11-0003

**Mid Mountain Excavation**





## Vicinity Map



ZUP11-0003

Mid Mountain Excavation



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CITY OF CHANDLER 2/8/2011

# County Parcels

←  
2



ZUP11-0003



Mid Mountain Excavation is a family owned and operated business incorporating in 1999. With 85% of it's annual sales generated by swimming pool excavation and 15% by services supplied to other contractors and municipalities such as the City of Chandler, hours of operation vary with the winter and summer seasons.

As a construction based business, with late spring and summer being our busiest, hours usually begin around 5:00 am or sunrise to beat the heat and make best use of daylight hours. We invoice and pay on a piece rate basis and will stay later to complete a job as necessary, making our hours later into the evening. However our goal is to begin hours of operation around 7:00 am – 5:00 pm in the winter and 5:00 am – 3:00 pm in the summer months. With the current cost of fuel, we strive to leave equipment on the jobsite whenever possible and limit the number of times our trucks and equipment must return to the yard. Often times we just move from one site directly to another.

Currently all equipment in the yard area is used in our excavation operation. We have no plans to sublet any portion of the premises at present time. The material dropped on the outside of the fence was for driveway maintenance and came from the Germann Road Repavement Project. We will immediately spread the material as planned or dispose of it.

If we might remind staff, we have been located at the same site since 2004 without any issues. We did have an overcrowding problem late in January, however, with personnel changes, we have brought the site up to prior standards and are planning to return to our quiet existence. We have never been an issue to neighbors, businesses and residential alike and would like to remain in the City of Chandler where have been located for years.

The property is currently in P.A.D. development process. And although we do not know how long it will take to complete this, however, we would like to occupy the property until then. We have an optimal business relationship with the property owner and he has asked us to stay until development starts. We feel this is the highest and best use of the property for all concerned. We are established long term residents, provide jobs, concentrate revenue for the down town area and prevent yet another building to sit vacant subject to vandalism and transient issues.

Ed Johnson  
President

A handwritten signature in black ink, appearing to read "Ed Johnson", written over a horizontal line.

