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## STAFF REPORT

<b>To:</b>	Honorable Mayor and City Council
<b>Through:</b>	Martin Scribner, Director Development Services Department
<b>From:</b>	Kazi Haque, Zoning Administrator
<b>Meeting Date:</b>	September 4, 2018

## REQUEST SUMMARY

**PUBLIC HEARING TXT18-02:**  
A request by Red River Cattle, LLP for review and approval of a proposed text amendment to the City of Maricopa Zoning Code, Article 205 Industrial Districts, Table 205.03 Development Standards for Industrial Districts; Article 401.08 Exceptions to Height Limit, and Table 401.08 Allowed Projections above Height Limits (**Discussion and Action**).

**Existing Zoning:** CI-2

**General Plan Land Use:**  
Employment/Industrial

## PROPERTY LOCATION/AERIAL



## APPLICANT/OWNER

**Applicant:**  
Contact: Scott Harrison  
Phone: 602-694-2553  
C/o Red River Cattle, LLP  
5601 W. Elliot Rd., Laveen, AZ 85339  
Phone: 602-237-4003

## COUNCIL PRIORITIES CONSIDERED

- Quality of Life
- Managing the Future
- Public Safety

**PROJECT INFORMATION**

The City received an application for a pellet mill to be located adjacent to the ethanol plant within the heavy industrial district. However, the current 40 feet maximum height limit is a major obstacle for the plant design to construct vertical conveyors and conveyor equipment, which requires the height of 140 feet similar to the existing Arizona Grain Mill operation and the ethanol plant smokestack and scrubbers (see photo below).

Red River Cattle, LLP owns the 46.21-acre subject property located southeast of the intersection of Cowtown Road and North White and Parker Road (see Figure 1). The existing zoning of the property is based on the Old Zoning Code, Industrial Zone (CI-2), and is used as a cattle feedlot. The owner proposes to restrict the feedlot activity to an adjacent parcel to the south and develop the subject parcel as a feed pellet milling operation and retail store. The owner is cognizant of the New Zoning Code, which was adopted by the City Council in 2014. As such, the owner would like to rezone the property to the New Zoning Code Zoning District designation of General Industrial (GI) without giving up any uses currently permitted on their property. The rezoning application will be submitted later and is contingent upon the approval of this text amendment request.

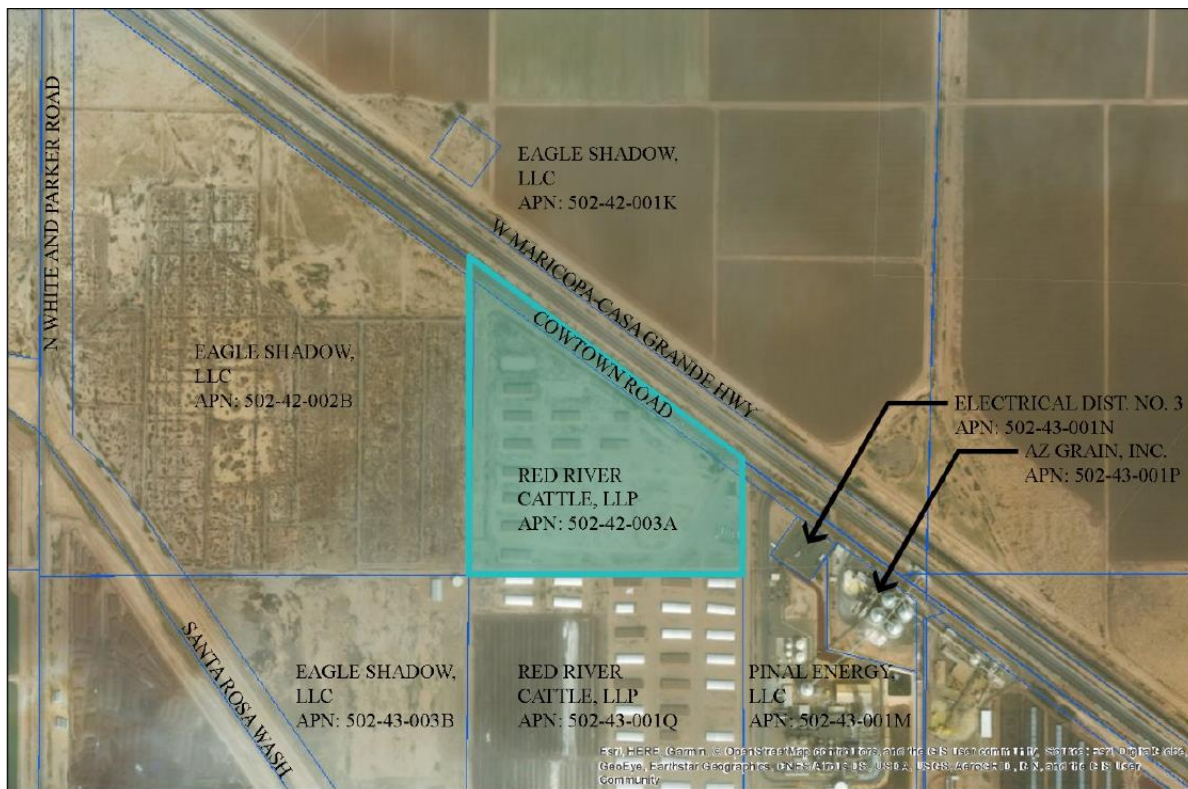


Figure 1

**REQUESTED AMENDMENT**

The current Zoning Code has been effective since December 2014. Per the City of Maricopa Zoning Code Article 205 Industrial Districts, the current maximum building height for a General Industrial (GI) parcel is 40 feet. Although language exists to allow exceptions to height limits, Article 401.08 does not currently address agricultural grain operations including the use of grain elevators and storage silos. Grain elevators typically reach heights of up to 120 feet with silos extending up to 275 feet (see Narrative - Appendix B). Red River Cattle, LLP requests a text amendment to the Zoning Code to provide an additional building height allowance up to a maximum of 100 feet to be obtained with a conditional use permit. For example, the existing Arizona Grain Mill to the east of this property shows a greater height than 40 feet for its elevator equipment.



Per the attached narrative, the applicant provided height limit examples from other municipalities in Arizona (see Appendix C). This and further research by staff shows the height dimensions for industrial use varies in Arizona, and many municipalities allow height increase through a conditional use permit process. This use permit process would allow additional scrutiny and is dealt with on a case-by-case basis.

The proposed text amendment is attached (Exhibit A) for review: red font's letters in

CAPS are the proposed addition to the zoning text and the Asterisks \* as shown in Table 205.03 identify GI (General Industrial District) as the only area where the change will affect.

In staff's assessment, the proposed amendments improve the Purpose statements as found in Sec. 205.01 of the Article 205 Industrial Districts, and it will avoid unnecessary restrictions from height limitation in the General Industrial District.

**ADHERENCE TO THE GENERAL PLAN**

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The text amendments to the Zoning Code is in conformance with the following goals and objectives outlined in the General Plan (Planning Maricopa).

**B. Land Use Element**

Objective B1.4.5: Update and consistently enforce the community's development codes, including zoning, subdivision, and related regulations.

**F. Economic Development Element**

Objective F1.2.9: Streamline and simplify governmental permitting processes to assist businesses in locating or expanding within the community.

**PUBLIC OUTREACH**

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As required per the City's Zoning Code Sec. 509.03, notification via a public hearing process is required. However, additional outreach methods were conducted to solicit input and acceptance of the proposed amendment.

- April 18: staff reviews research findings and the proposed amendments.
- May 7: staff presents proposed amendments to the department head.
- May 7: staff added initiation of text amendments to the Zoning Code for May 14 PZ agenda.
- May 14: PZ initiates text amendments
- May 15: public meeting notifications (newspapers), and webpage information
- May 15: email notifications to stakeholders
- June 5: Council work session
- June 11: Open house 4 pm - 5 pm
- July 23: Council and Planning Commission joint meeting

- July 26: public hearings notifications – Casa Grande Dispatch and Maricopa Monitor
- Aug: 13: Planning and Zoning Commission (PZ) public hearing
- Sept 4: City Council public hearing and adoption

### Public Notification

In adherence to the Zoning Code requirements of a Public Hearing, per Sec. 502.06, staff issued the following notifications (which exceed minimum requirements):

1. Public Hearing Notice in Newspapers
  - o Both regional circulated and locally circulated papers
  - o Both for Planning & Zoning Commission public hearings and the City Council
2. Notice at City Hall and the Maricopa Public Library
  - o A copy of the Annotated Draft Text Amendment available at each location
3. Circulated TXT18-01 Annotated Draft Text to stakeholders via email contact list with public hearing notice
4. Posted Web Articles
  - o Articles published to the City’s website for both Planning Commission and the City Council public hearings

At the time of writing this report, staff did not receive any comments for or against the proposed text amendment.

On August 13, the Planning and Zoning Commission held a public hearing and reviewed the text amendment with recommendation for approval and possible adoption.

### **PLANNING AND ZONING COMMISSION FINDINGS**

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Per the Zoning Code, Sec. 509.04, the Commission shall make the following findings in their recommendation to the City Council:

1. The amendment is consistent with the General Plan;
2. *OMITTED* (applicable for zoning map amendments);
3. The amendment will promote the growth of the City in an orderly manner and protect the public health, safety, peace, comfort and general welfare.

### **CONCLUSION**

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Staff recommends approval of the proposed **Text Amendment case #TXT18-02**, and as amended by the Planning and Zoning Commission.

#### **Proposed Text Amendments:**

1. Amend Sec. 205.03 Development Standards, Table 205.03 Building Form and Location for General Industrial (GI) District;
2. Amend Article 401.08 Exceptions to Height Limits and Table 401.08 Allowed Projections Above Height Limits.
3. The above amendments will allow height above 40 feet in the General Industrial (GI) District, and processed through a conditional use permit and on a case-by-case basis.

Exhibit A – Proposed text amendment (TXT18-02)

Exhibit B – Applicant’s narrative of the proposed text amendment (TXT18-02)