#44

OCT 23 2014

Chandler

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All-America City 2010

MEMORANDUM **Planning Division –CC Memo No. 14-101c**

DATE: OCTOBER 23, 2014

TO: MAYOR AND COUNCIL

THRU: RICH DLUGAS, CITY MANAGER RD
MARSHA REED, ASSISTANT CITY MANAGER MR
JEFF KURTZ, PLANNING ADMINISTRATOR JK
KEVIN MAYO, PLANNING MANAGER KM

FROM: ERIK SWANSON, SENIOR CITY PLANNER ES

SUBJECT: ZUP14-0006 MID MOUNTAIN EXCAVATION

Request: Use Permit extension approval for the continued operation of an excavation business

Location: 930 E. Germann Road;
West of the northwest corner of Germann and McQueen roads

Applicant: Ed Johnson; Owner
Mid Mountain Excavation

Planning Staff requested this item be continued from the September 11, 2014, Council meeting to allow time to review the current condition, monitor the maintenance of the site, and to work with the applicant to remedy any outstanding maintenance concerns. The applicant has replaced the screening around the perimeter of the site, removed weeds, and added additional rock materials along the Germann Road frontage.

RECOMMENDATION

Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval with conditions.

BACKGROUND

The request is for Use Permit extension approval to allow the continued operation of an excavation business on property zoned Planned Area Development (PAD) for a mixed-use project with fuel station, RV storage, and retail elements. The excavation business has operated on roughly ¾ of an acre of the 9-acre site that surrounds it since 2004. A Use Permit was granted

for two-years for the business in early 2012. West of the excavation business on the same 9-acre 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 located along the northern property boundary, the remainder of the site is vacant.

The site received PAD zoning and Preliminary Development Plan approval in 2008, for a fuel station, RV storage, and retail project that was to take up the entire site. The project has yet to be developed and is not anticipated to be developed in the upcoming years due to a reduction in commercial demand.

DISCUSSION

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 asphalt 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 6 a.m. to 5 p.m. The applicant would like to continue operating the business in largely the same manner as it currently is.

A number of concerns were expressed by Planning Staff at the time of initial Use Permit approval that primarily involved the ability to meet a number of the Commercial Design Standards. As part of the Use Permit approval, conditions were added requiring the following:

1) Decomposed granite and boulders along the street frontage,
2) Providing screening materials in addition to the chain link fence, and
3) Providing compacted asphalt as an improved drivable surface into the yard.

The conditions were acted upon and the site is operating consistent with the original Use Permit conditions of approval.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- Due to there being only a few property owners within the notification list, a neighborhood meeting was not held; however, a letter explaining the request along with contact information for both the applicant and City staff was provided. Planning Staff has heard from one neighbor who had general questions about the request.

To date, Planning Staff has not received any correspondence in opposition to the request.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:
In Favor: 7 Opposed: 0

RECOMMENDED ACTION

Planning Commission and Planning Staff, upon finding consistency with the General Plan, recommend approval of ZUP14-0006 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. ZUP14-0006, except as modified by condition herein.

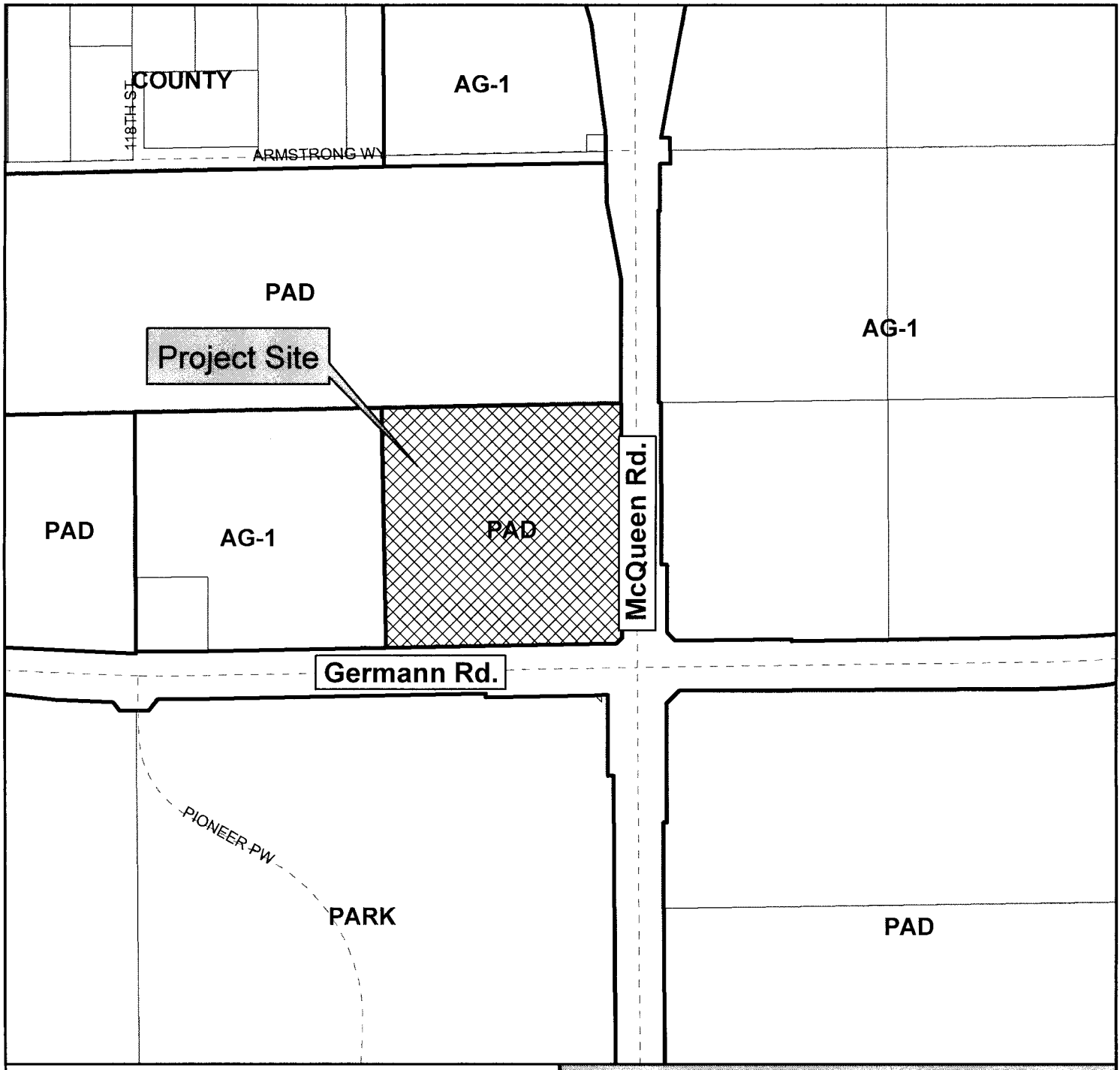
2. The Use Permit shall be extended for a period of three (3) years from the date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

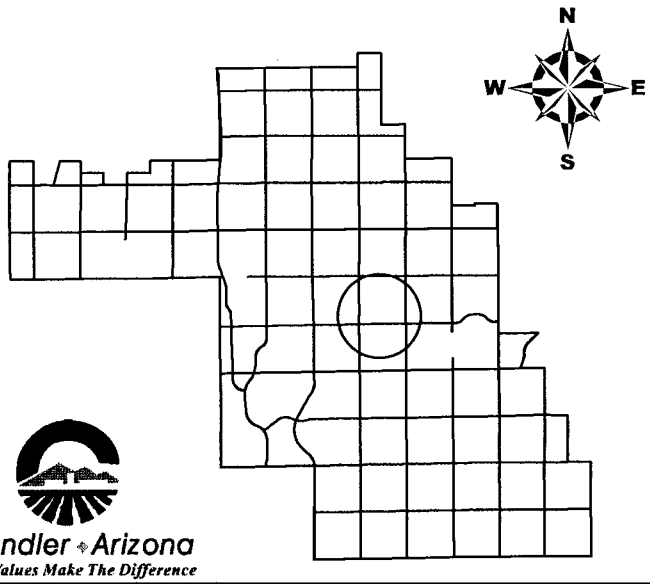
PROPOSED MOTION

Move to approve ZUP14-0006 MID MOUNTAIN EXCAVATION, subject to the conditions recommended by Planning Commission and Planning Staff.

Attachments

1. Vicinity Maps
2. Aerial/Site Plan
3. Photos of Existing Condition
4. Narrative





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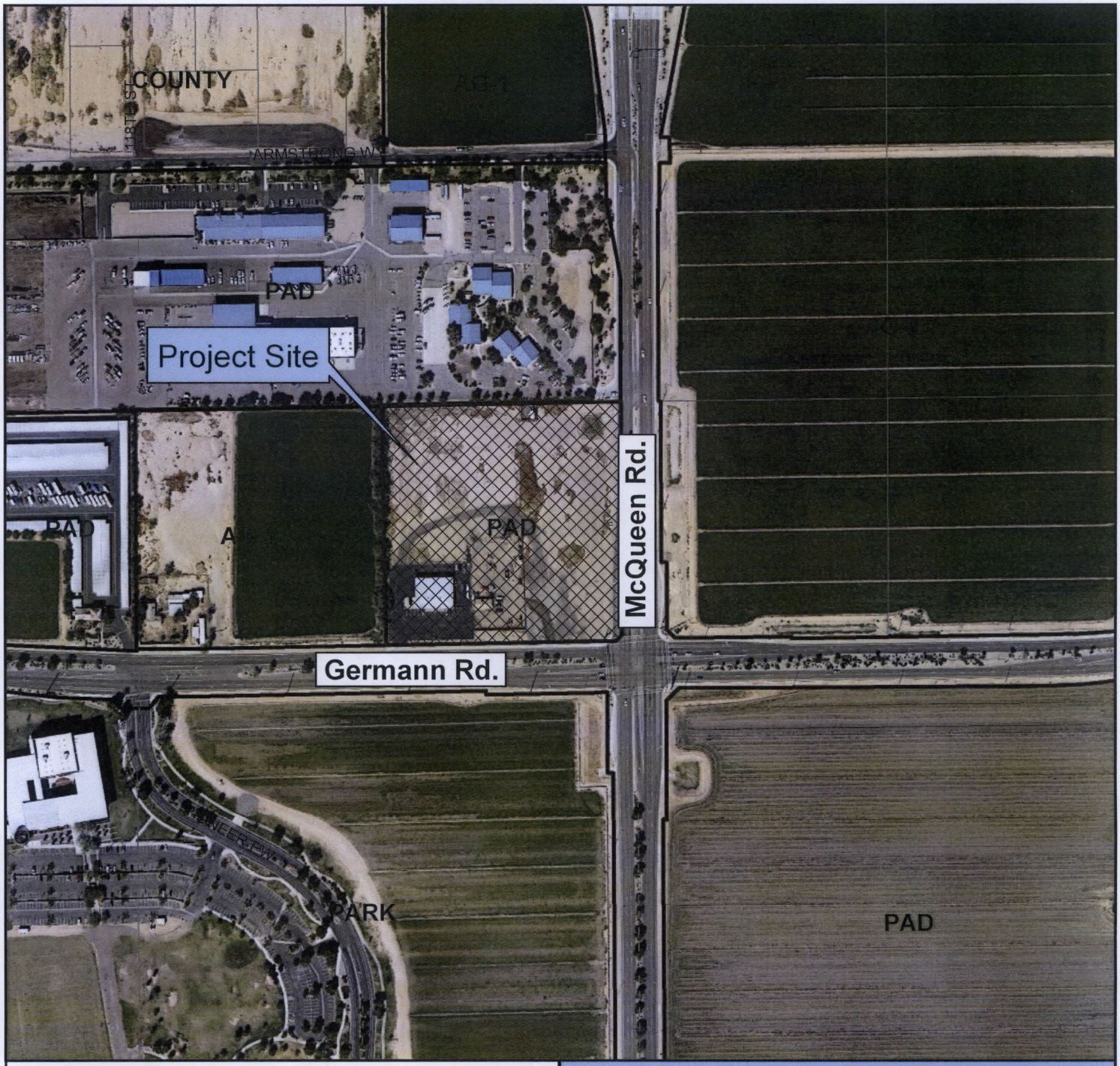
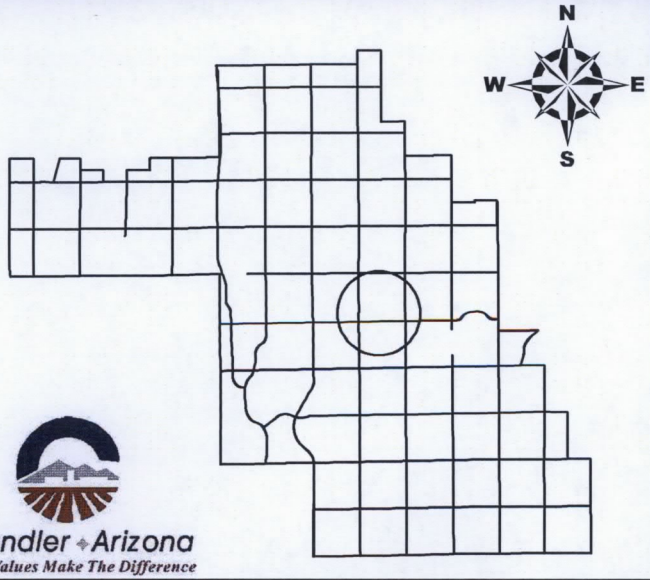
Vicinity Map

ZUP14-0006

Mid Mountain Excavation

CITY OF CHANDLER 3/25/2014





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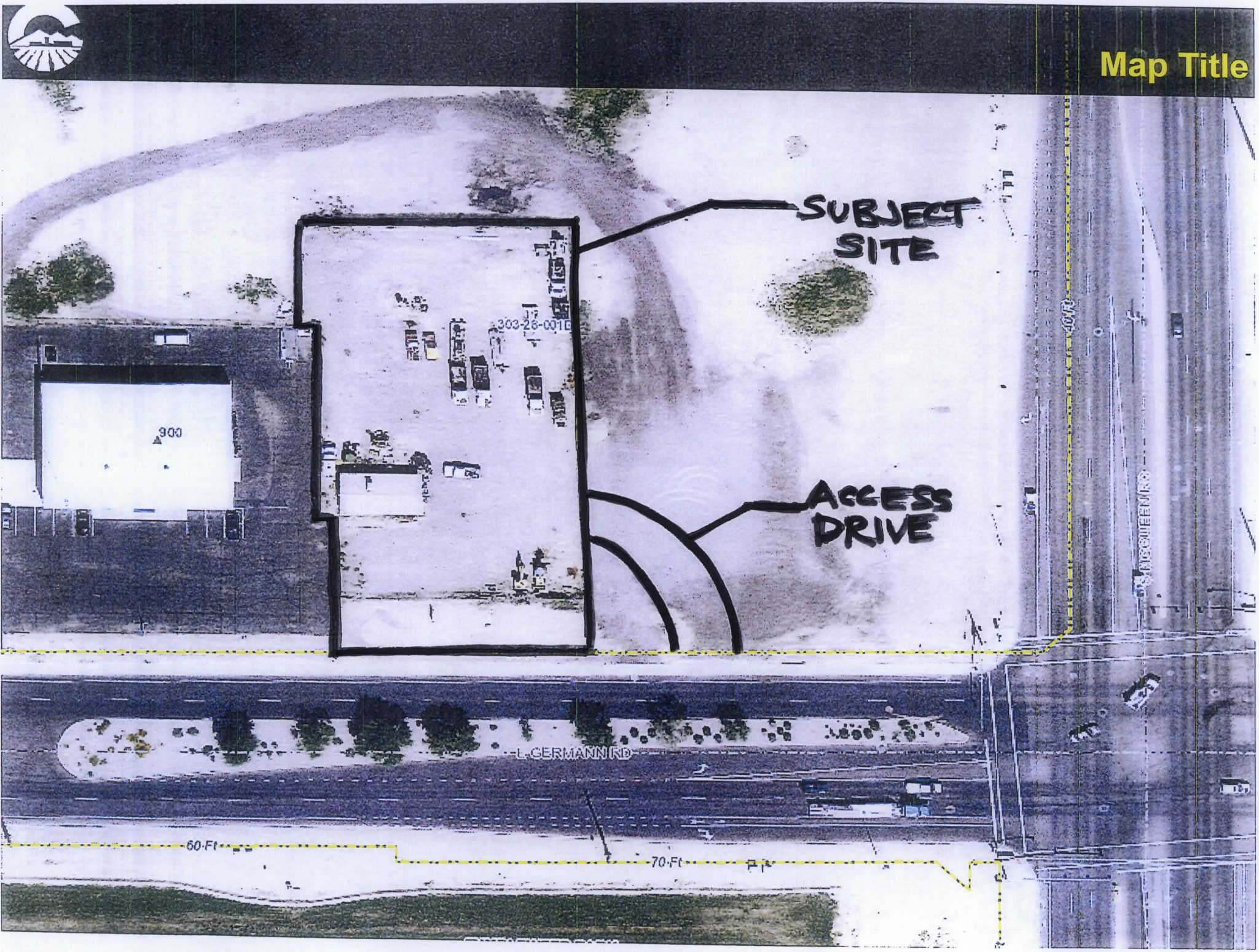
Vicinity Map

ZUP14-0006

Mid Mountain Excavation

CITY OF CHANDLER 3/25/2014

Map Title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900
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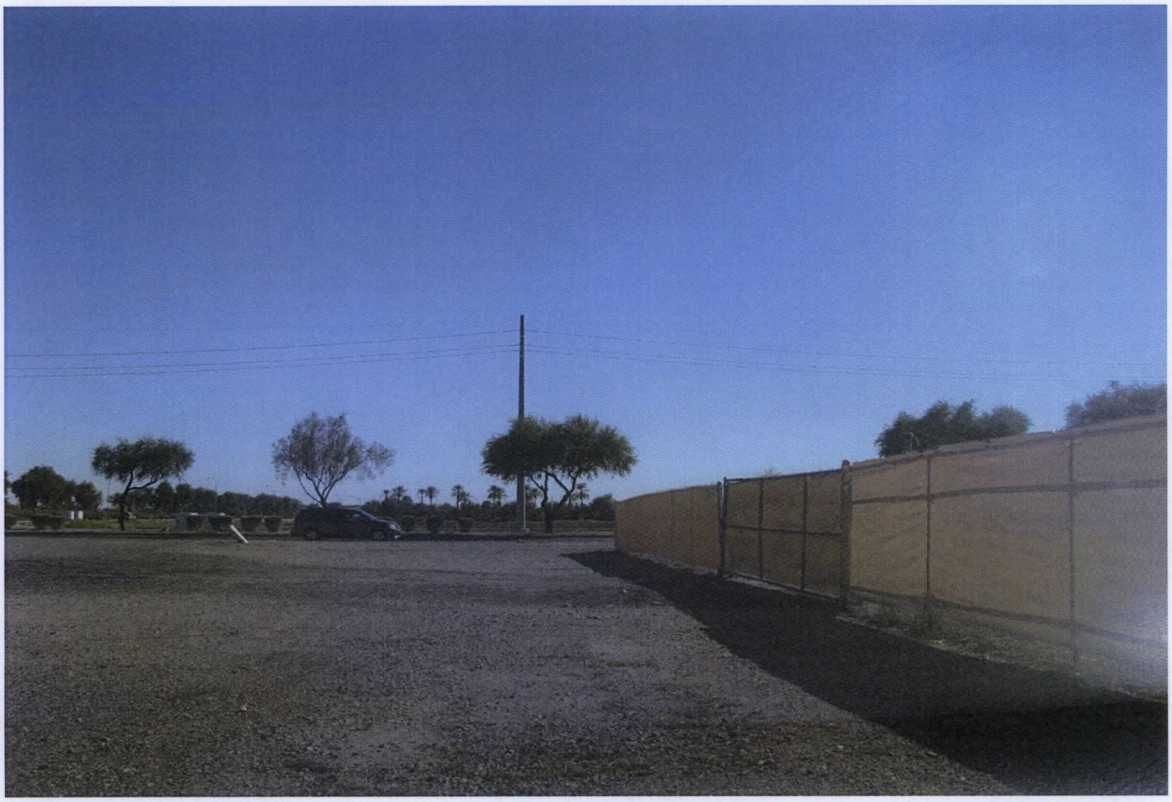
60-Ft
70-Ft



MID MOUNTAIN
Excavation, Inc.

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. Our 7 employees are paid 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 6:00 am – 4:00 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

If we might remind staff, we have been located at the same site since 2004 without any issues. 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 and plan to return to our quiet existence.

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.

We worked close with Bill Dermody on the original USE Permit, all goals were met and Counsel approved. We would like to ask for extended period of time, 4-6 years, to keep paper work and time to a minimum. This would be cost effective for all.

Ed Johnson
President