### Attachment B



### Staff Report Z-SP-3-21-1 January 11, 2022

Deer Valley Village Planning Committee Meeting Date:	January 13, 2022
Planning Commission Hearing Date: Request From:	February 3, 2022 <u>A-1 SP DVAO</u> (Light Industrial, Special Permit, Deer Valley Airport Overlay District) (37.24 acres) and <u>A-1 DVAO</u> (Light Industrial, Deer Valley Airport Overlay District) (2.30 acres)
Request To:	<u>A-1 SP DVAO</u> (Light Industrial, Special Permit, Deer Valley Airport Overlay District) (39.54 acres)
Proposed Use:	Special permit to allow continuation of a sand and gravel mining operation, concrete batch plant, asphalt blending plant, and all underlying A-1 uses.
Location:	Southwest corner of Central Avenue and Alameda Road
Owner:	Airpark 30, LLC
Applicant: Representative: Staff Recommendation:	Beus Gilbert McGroder, PLLC Beus Gilbert McGroder, PLLC Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Industrial	
Street Map Classification	Central Avenue	Local Street	40-foot west half street right-of-way easement
	Alameda Road (Misty Willow Lane)	Local Street	40-foot south half street right-of-way easement
STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; AIRPORTS; LAND USE PRINCIPLE: Continue to carefully monitor and evaluate all future land uses around the airports, protecting the airport from incompatible development that could pose			

a safety hazard to aircraft passengers, or to individuals living or residing in those

# areas. Additionally, ensure that future land uses within the Sky Harbor Center area will be compatible with the safe operation of Sky Harbor International Airport.

The development proposes the continued operation of a mine and related uses on the site. Being a non-residential development, this proposal is consistent with the intent of the Deer Valley Airport Overlay Area 1.

### CONNECT PEOPLE AND PLACES; OPPORTUNITY SITES; DESIGN PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.

As stipulated, the development will have enhanced setbacks and landscape standards along the street frontages, which will screen the mining operations from surrounding lots.

### BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The development, as stipulated, will incorporate large caliper trees that will provide shade and help reduce the urban heat island effect while also improving thermal comfort to site users and pedestrians.

## Applicable Plans, Overlays, and Initiatives

Deer Valley Airport Overlay District – See Background Item No. 4.

Tree and Shade Master Plan – See Background Item No. 7.

**<u>Complete Streets Guiding Principles</u>** – See Background Item No. 8.

Surrounding Land Uses/Zoning		
	Land Use	Zoning
On Site	Sand and gravel mining operation	A-1 SP DVAO and A-1 DVAO
North (across Alameda Road/Misty Willow Lane)	Undeveloped	S-1 DVAO and A-1 DVAO
South	Various industrial uses	A-1 DVAO and IND-2P (Maricopa County)

East (across Central Avenue)	Undeveloped portion of a U.S. Bureau of Reclamation facility	S-1 DVAO
West	Vacant (Previously Auto Storage/Police Impound Yard)	A-1 DVAO

A-1 District – Light Industrial District			
<u>Standards</u>	<u>Requirements</u>	Provisions on the Proposed Site Plan	
Gross Acreage		39.54 gross acres	
Building Setbacks			
North	Minimum 25 feet for enclosed building and minimum 75 feet for outdoor uses.	Not identified	
West	0 feet	Not identified	
South	0 feet	Not identified	
East	Minimum 25 feet for enclosed building and minimum 75 feet for outdoor uses.	Not identified	
Landscape Setbacks			
North	Minimum 8 feet times the lot frontage	Not identified	
West	Minimum 0 feet	Not identified	
South	Minimum 0 feet	Not identified	
East	Minimum 8 feet times the lot frontage	Not identified	
Lot Coverage	No maximum	No buildings proposed	
Building Height	Maximum 56 feet, up to 80 feet with a Use Permit.	No buildings proposed	

# Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone 39.54 acres located at the southwest corner of Central Avenue and Alameda Road from 37.24 acres of A-1 SP DVAO (Light Industrial District, Special Permit, Deer Valley Airport Overlay District and 2.30 acres of A-1 DVAO (Light Industrial, Deer Valley Airport Overlay District) to 39.54 acres of A-1 SP DVAO (Light Industrial, Special Permit, Deer Valley Airport Overlay District) to allow the continuation of a sand Staff Report: Z-SP-3-21-1 January 11, 2022 Page 4 of 11

and gravel mining operation, concrete batch plant, asphalt blending plant, and all underlying A-1 uses.

GENERAL PLAN LAND USE MAP DESIGNATION

2. The General Plan Land Use Map designation for the site is Industrial. The proposal for A-1 SP DVAO zoning is consistent with the General Plan Land Use Map designation. The General Plan Land Use Map designation for properties in the surrounding area are also Industrial.



General Plan Land Use Map, Source: Planning and Development Department

EXISTING CONDITIONS AND SURROUNDING ZONING

3. The City of Phoenix annexed the subject property in 2001 as part of Annexation 254. This annexation included over 3,244 acres. Equivalent zoning for the site was approved in Rezoning Application Z-43-02-1. At the time of annexation, Sun State Rock and Materials Company was operating as a mining facility at the site. Through the equivalent rezoning process, the property was granted a Special Permit to allow the mining operations to continue. Rezoning case Z-43-02-1 included a time stipulation which limited operations of the mine until 2010. Furthermore, no mining excavation was allowed below the average surrounding at-grade property elevation in the previous rezoning case approvals. However, Section 647.A.1.i. (1) through (4) outlines requirements that were not in place at the time the previously approved cases went through the rezoning process. Upon abandonment of the Special Permit or to any preliminary site plan approval for any portion of the site, a reuse plan shall be developed. This is addressed in Stipulation No. 1.

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The property to the north of the subject site, across Alameda Road (Misty Willow Lane), is zoned A-1, approved through Rezoning Case No. Z-43-02 and Z-14-05. The properties to the south of the subject site are zoned A-1 DVAO through Rezoning Case No. Z-43-02 and Ind-P2 (Light Industrial), a Maricopa County designation. The property to the east of the subject site, across Central Avenue, is zoned S-1 through Rezoning Case No. Z-43-02. The property abutting the subject site to the west is zoned A-1 DVAO, approved through Rezoning Case No. Z-43-02.

Historic Aerial Images, Source: Maricopa County Assessor





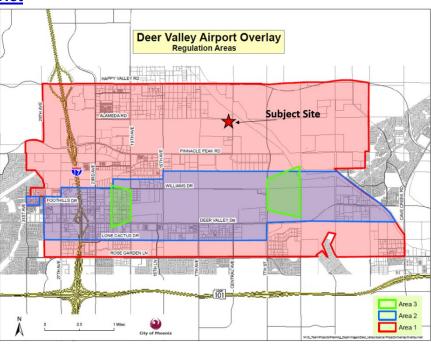


2001

2010

2019

Deer Valley Airport Overlay District



Deer Valley Airport Overlay District Map; Source: City of Phoenix Aviation Department

owners. The proposed mining operation would be consistent with the DVAO requirements.

#### PROPOSAL

5. The conceptual site plan depicts the existing sand and gravel mining operations, concrete batch plant, and asphalt blending plant on the site.

Various types of fencing elements are present along the perimeters of the site, which help delineate the boundaries of the property. Uses on the property are primarily outdoors, and several structures that are present on the site are proposed to be removed.

Within the site, the access drives and parking areas are considered temporary and are subject to relocation until the mining activities cease. All the temporary roads, access points, parking and maneuvering areas will maintain dustproof surfaces and minimum width, load and maneuvering requirements per Zoning and Fire Code requirements. Parking, maneuvering, ingress/egress areas, and outdoor storage areas may be improved using certain alternative dust proofing materials as approved by the Zoning Administrator.

Current air quality regulations require that the plant obtain and comply with an individual or general (portable plant) air quality permit. This permit addresses emissions from the facility which are strictly regulated by Maricopa County. The combined dust emissions on and off the site require a detailed Dust Control Plan and an Operations and Maintenance Plan for all the dust control activities. This permit is issued by the Maricopa County Air Quality Department.

Stipulation No. 1 requires that a site reuse plan be approved when the site redevelops to a different permitted use in the future. Stipulation No. 2 requires that building elevations of new buildings or additions, contain architectural embellishments and detailing to help improve the site from public view.

Staff recommends enhanced building and landscape setbacks along adjacent public rights-of-way to help screen operations from public view. These are addressed in Stipulation Nos. 3, 4 and 5.

6. Additional Special Permit requirements for rock quarrying, sand and gravel, and other mineral extraction, as well as necessary processing and storage ancillary to extraction, asphaltic and concrete mixing plants and storage ancillary thereto are as follows per Section 647.A.1.i.:

(1) The applicant shall indicate a proposed re-use of the land upon expiration or abandonment of the special permit, said re-use to be in compliance with regulations of the zoning district in which located. Necessary recontouring of the site to accommodate

such re-use shall be reflected on the site plan or on a separate sheet of the plan. The reuse plan shall indicate an anticipated phasing thereon.

- (2) The operation needs to follow the minimum standards:
  - a) There shall be a minimum site size of five acres for any extractive operation.
  - b) No building or structure other than conveyor belts or tubes shall be closer to a dwelling unit than 500 feet.
  - c) No part of any excavation shall be closer to the boundary of the site than 50 feet.
  - d) All operations including excavation and processing and all interior drives and any roads connecting the site to the nearest collector or arterial street shall be maintained by the applicant so as to prevent dust emission beyond the boundaries of the site. Compliance with all federal, State and County air pollution standards and requirements shall constitute compliance with this section.
  - e) That portion of the site actually being used for operations at any particular period shall be enclosed by a wall or fence at least six feet in height and constructed so as to prevent uninvited access to the operations of the site.

The proposal meets the above conditions.

### STUDIES AND POLICIES

### 7. Tree and Shade Master Plan

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Stipulations No. 7 requires enhanced planting and shading standards to contribute to the urban forest and increase thermal comfort for pedestrians and site users.

### 8. Complete Streets Guidelines

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. Stipulation No. 10 requires that any street improvements to be built to ADA and City of Phoenix standards to promote accessible and safe street improvements.

#### COMMUNITY INPUT SUMMARY

9. The applicant has completed the Citizen Participation requirements as outlined in the Rezoning Process Packet. At the time this staff report was written, staff has not received any community correspondence in support or opposition.

### INTERDEPARTMENTAL COMMENTS

- 10. The Street Transportation Department requested a 40-foot dedication of right-of-way along the south side of Alameda Road and a 40-foot dedication of right-of-way on the west half of Central Avenue. Furthermore, all street improvements shall be constructed to ADA accessibility standards and per plans approved by the Planning and Development Department. These are addressed in Stipulation Nos. 7, 8 and 9.
- 11. The Public Transit Department requested clearly defined accessible pathways to connect building entrances with the public sidewalk; that where pedestrian pathways cross drive aisles they be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast with the adjacent parking and drive aisle surfaces; and that trees or shade structures provide at least 75 percent shade coverage on all pedestrian paths. Outdoor uses primarily comprise the site, with existing buildings proposed to be removed. However, Section 507.Tab. A of the Zoning Ordinance requires that pedestrian pathways connect building entrances and a minimum of 50 percent shade be provided along these pathways. Furthermore, Stipulation No. 6 requires shade trees along perimeter streets.
- 12. The subject site is in close proximity to the Deer Valley Airport and is in an area with heavy overflight traffic. The Aviation Department has noted that the following mitigating stipulations be added if approved:
  - Development must provide Avigation Notice consistent with DVAO.
  - The developer shall grant and record an avigation easement to the City of Phoenix.
  - Development must file an FAA Form 7460 and provide the City the FAA's no hazard determination prior to construction permit approval.

These are addressed in Stipulation Nos. 10, 11 and 12.

- 13. The Fire Department commented that the site and buildings shall comply with the Phoenix Fire Code, additional fire hydrants will likely be needed, the final layout of fire lanes is subject to the approval of the Phoenix Fire Department, that curves in fire lanes are required to have a minimum 45-foot centerline turning radius and any gates installed across fire lanes are required to comply with PFC Sections 503.6 and 512.
- 14. The City of Phoenix Water Services Department noted the property has existing water and sewer mains that can potentially serve the site. However, the requirements and assurances for water and sewer service are determined during the site plan application review.

## OTHER

15. The site is located in a larger area identified as being archaeologically sensitive. If further review by the City of Phoenix Archaeology Office determines the site and immediate area to be archaeologically sensitive, and if no previous archaeological projects have been conducted within this project area, it is recommended that

archaeological Phase I data testing of this area be conducted. Phase II archaeological data recovery excavations may be necessary based upon the results of the testing. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within a 33-foot radius of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation Nos. 13, 14 and 15.

16. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments may be required.

## **Findings**

- 1. The proposal is consistent with the General Plan Land Use Map designation of Industrial.
- 2. The request will allow an established business and operation to remain in the area.
- 3. The existing mining operation is compatible with the surrounding industrial uses.

### **Stipulations**

- 1. Upon abandonment of the Special Permit or prior to any preliminary site plan approval for any portion of the site for a use not related to the Special Permit, a reuse plan shall be developed in compliance with the provisions in Section 647 of the Zoning Ordinance, as approved by the Planning and Development Department.
- 2. New buildings or building additions visible from public right-of-way shall contain architectural embellishments and detailing such as material changes, pilasters, offsets, recesses, variation in window size and location, and/or overhang canopies, as approved by the Planning and Development Department.
- 3. A minimum building setback of 50 feet shall be provided along the east side of the site.
- 4. A minimum building setback of 50 feet shall be provided along the north side of the site.
- 5. A minimum 20-foot wide landscape setback shall be provided along the east and north sides of the site, as approved by the Planning and Development Department.

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- 6. The landscape setbacks along the street frontages shall include shade trees placed 20 feet on center or in equivalent groupings. Twenty five percent of the trees shall be minimum 4-inch caliper and 75 percent of the trees shall be minimum 3-inch caliper, as approved by the Planning and Development Department.
- 7. The developer shall dedicate 40 feet of right-of-way and construct the south half of Alameda Road (Misty Willow Lane) alignment, including a detached sidewalk, for the full limits of the project per Cross Section E standards, as approved by the Street Transportation and Planning and Development Departments.
- 8. The developer shall dedicate 40 feet of right-of-way and construct the west half of Central Avenue for the full limits of the project, including a detached sidewalk, per Cross Section E standards or as approved by the Street Transportation and Planning and Development Departments.
- 9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
- 10. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Deer Valley Airport to future owners or tenants of the property. The form and content of such documents shall be approved by the Planning and Development Department.
- 11. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
- 12. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
- 13. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.

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- 14. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.
- 15. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.

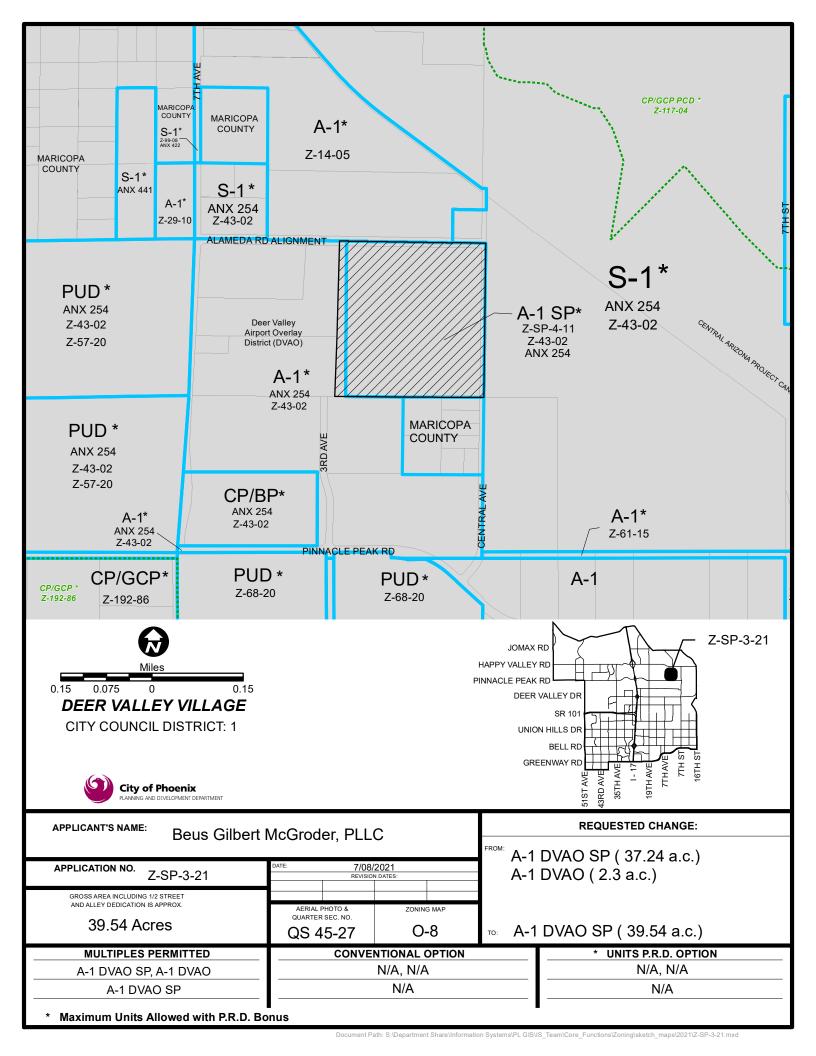
#### <u>Writer</u>

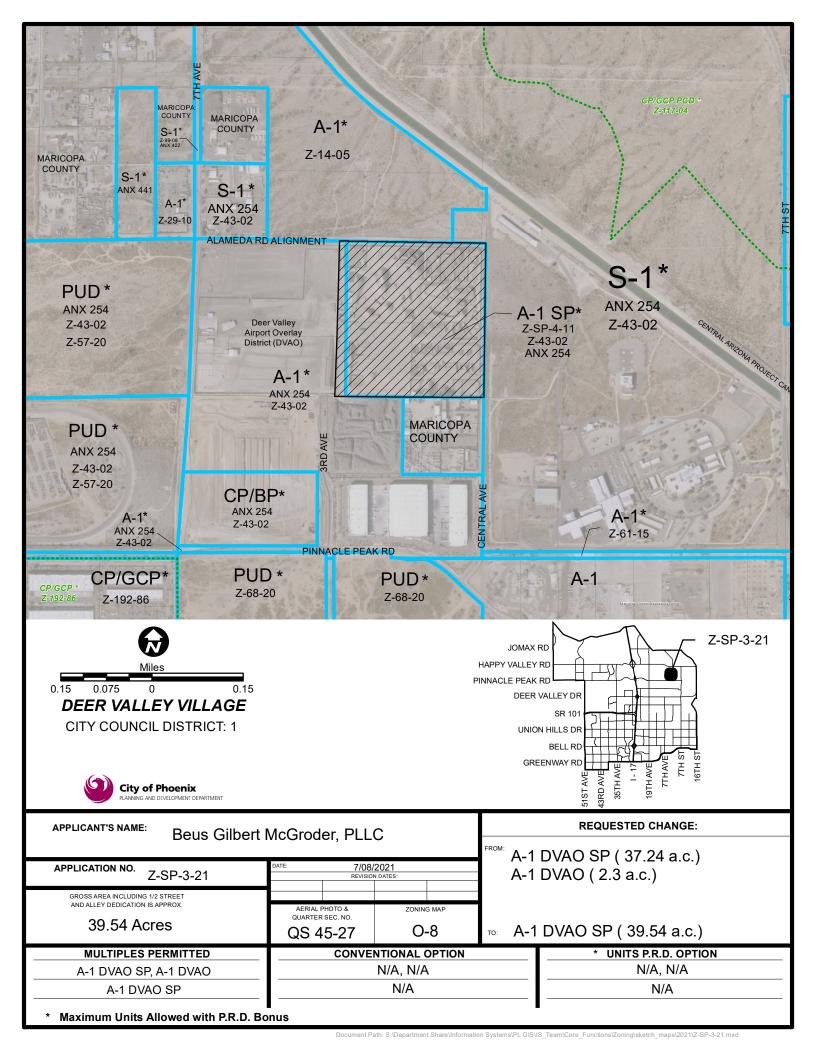
David Simmons January 11, 2022

Team Leader Samantha Keating

#### Exhibits

Sketch Map Aerial Sketch Map Conceptual Site Plan date stamped April 22, 2021 (3 pages)





#### SPECIAL PERMIT AMENDMENT APPLICATION CONCEPTUAL SITE & REUSE PLAN COPART PHOENIX EAST 37 AC YARD BEING A PORTION OF THE SW QUARTER OF

SECTION 8, TOWNSHIP 4N, RANGE 3E, OF THE GILA & SALT RIVER MERIDIAN MARICOPA COUNTY, ARIZONA

N. 7TH AVENUE	W. HAPPY VALLEY ROAD	N. 7TH STREET	
_	SITE	IITY MAP	

#### LEGAL DESCRIPTION

© 2020 We

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ALSO DESCRIBED IN ALTA/NSPS SURVEY PREPARED BY MKA DATED AUGUST 10, 2020, LAST REVISED AUGUST 13, 2020, AS JOB NO. 6565--20--6895, AS FOLLOWS:

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THE LEGAL DESCRIPTION DESCRIBES THE SAME PROPERTY AS INSURED IN SUCH TITLE INSURANCE COMMITMENT AND AII PROPERTY SPECIFIC EXCEPTIONS HAVE BEEN NOTED HEREIN.

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MAST ARM UNDERGROUND WATER ALL EXISTING INFRASTRUCTURE TO REMAIN UNDERGROUND SEWER R.O.W. RIGHT OF WAY EXISTING STOCKPILE A.P.N. ASSESSOR PARCEL NUMBER EXISTING ROAD REGRADING DRAINAGE ARROW REGRADED INSLOPE

SHEET INDEX

2-3

COVER SHEET

SITE PLAN

SITE AREA

SITE ADDRESS

23742 N CENTRAL AVE PHOENIX, AZ 85054

PROPERTY AREA TOTAL: AREA = 1,619,406 SQ. FT. OR 37.176 ACRES MORE OR LESS

OWNER AREA 1: AREA = 887,132 SQ. FT. OR 20.366 ACRES MORE OR LESS

LEASE AREA 1: AREA = 413,060 SQ. FT. OR 9.483 ACRES MORE OR LESS

LEASE AREA 2: AREA = 207,147 SQ. FT. OR 4.755 ACRES MORE OR LESS

LEASE AREA 3: AREA = 92,360 SQ. FT. OR 2.120 ACRES MORE OR LESS

ACCESS ROAD AREA: AREA = 19,707 SQ. FT. OR 0.452 ACRES MORE OR LESS

#### FLOOD ZONE

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP, MAP NUMBER 04013-C1280L DATED OCTOBER 18, 2013. THE SUBJECT PROPERTY IS LOCATED IN 20NE X. SOTE X IS DEFINED AS "AREAS OF 0.25 MANULA CHANCE OF LOOD. BRAC OF 3% MANULA (CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS FORCIETO BY ILVERS FROM 3% ANNULA (CHANCE FLOOD WITH

#### ZONING

THE SUBJECT PROPERTY LIES WITHIN THE CITY OF PHOENIX AND ZONED (A-1), "LIGHT INDISTRIAL DISTRICT", SOURCE, MARICOPA COUNTY ASSESSORS. NO ZONING REPORT WAS PROVIDED BY CLIENT.

#### SURVEY BACKGROUND

SURVEY BACKGROUND INFORMATION PROVIDED BY MKA ASSOCIATES, INC., DATED

#### OWNER / DEVLOPER

COPART OF ARIZONA, INC. 14185 DALLAS PARKWAY, SUITE 300 DALLAS, TX 75254 PHONE: (972) 391-5000 CONTACT: MASON LAYCOCK OR BEN STEPHENS

#### ENGINEER

WESTWOOD PROFESSIONAL SERVICES 6909 EAST GREENWAY PARKWAY, SUITE 250 SCOTTSDALE, AZ 85254 TELE-480-747-6558 CONTACT: JOHN BLENKER EMAIL: JOHN BLENKER

ASSESSORS PARCEL NUMBER A.P.N. 210-16-003A

#### BASIS OF BEARING

THE MONUMENT LINE OF CENTRAL AVENUE, USING A BEARING OF SOUTH 00 DEGREES 43 MINUTES 19 SECONDS WEST.

#### EASEMENT TABLE

EASEMENT(S) FOR THE PURPOSE(S) SHOWN AND RIGHTS INCIDENTAL THERETO AS SET DURDOSE: EASEMENT FOR DURUCUTUTIES

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2.S.#

NULLA NEV.

Westwood

YARD

#### **CITY OF PHOENIX**

APR 2 2 2021

#### **Planning & Development** Department



01/11/ T DATE: PROJ:

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