



PLANNING COMMISSION INTERPRETATION – STAFF REPORT

File: AP24-01

Location: 306 South C Street; 38-1W-16AD-3100 & -3200

Land Use District: General Industrial (G-I)

Date Notice Mailed: June 6th, 2024

Date of Hearing: July 8th, 2024

I. OWNER

Lesley Properties LLC
7551 S Flat Ln
Kuna, ID 83634

II. APPLICANT

Silhouette Farms & Forestry LLC
PO Box 4058
Medford, OR 97501

III. AGENT

CSA Planning, LTD
4497 Brownridge, Ste 101
Medford, OR 97504

IV. SUMMARY

On April 17, 2024 staff received an inquiry regarding the use of G-I zoned properties for *chainsaw repair, heavy equipment maintenance and parking* for a forestry/land management business (**EXHIBIT A**). Shortly after, staff informed the realtor by phone that the proposed uses do not align with the allowed uses in the G-I District.

On May 24th, the agent requested a formal code interpretation from the Planning Director. The proposal at this time is to use the existing site for: *office/admin building, warehouse storage for company equipment, tools and supplies, parking for company service vehicles & employee parking*. (**EXHIBIT B, Page # 2**)

Because the topic was already breached informally at the planning counter hours earlier, staff was familiar with the code and the Planning Director issued a formal interpretation on the same day (**EXHIBIT C**).

On May 30th, the applicant's agent submitted a request to appeal the Planning Director interpretation to the Planning Commission (**EXHIBIT D**).

V. APPLICABLE PHOENIX LAND DEVELOPMENT CODE (PLDC)

PLDC Chapter 2.5 – General Industrial (G-I) District
PLDC Chapter 2.6 – Light Industrial (L-I) District
PLDC § 4.1.5 – Type III Procedure (Quasi-Judicial)
PLDC Chapter 4.8 – Code Interpretations

VI. BASIS OF PLANNING DIRECTOR INTERPRETATION

1. **The proposed uses are not listed as being permitted in the G-I district.** Per PLDC § 2.5.1, the purpose of the General-Industrial (G-I) land use district is to:

segregate incompatible developments from other districts, while providing a high-quality environment for businesses and employees.

Table 2: 2.5.2.A – Land Uses Types Permitted in the General Industrial District

Industrial
Heavy manufacturing, assembly, and processing of raw materials* [CUP]
Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods)
Urban agriculture (indoor crop cultivation, aquaculture, plant nurseries) < 5,000 square feet GLA
Urban agriculture (indoor crop cultivation, aquaculture, plant nurseries) > 5,000 square feet GLA* [CUP]
Warehousing and distribution (this does not include Mini-Warehouse Storage facilities)
Uses similar to those listed above
Commercial
Offices and other commercial uses are permitted when they are integral to a primary industrial use (e.g., administrative offices, wholesale of goods produced on location, and similar uses).

CONCLUSION: Table 2.5.2(A) Lists the Permitted Uses in the G-I District. The permitted uses in the G-I district appear to center on manufacturing, on-site agriculture, and “warehousing and distribution.” It is Staff’s interpretation that the proposal, being centered on the storage of equipment and vehicles, does not align with the allowed uses of the underlying zone. Merriam-Webster online dictionary defines ‘warehousing’ as follows:

a structure or room for the storage of merchandise or commodities

Absent a definition in the Phoenix Land Development Code, this dictionary definition tells us that a warehouse is a place meant for the temporary storage of goods before they go to market; this is fundamentally different than a building or site used for the storage of tools, equipment and vehicles.

2. **Similar uses appear to be disallowed in the G-I district.**

Table 3: 2.5.2.B – Land Uses Prohibited in General Industrial District

Only uses specifically listed in Table 2.5.2.A, and uses similar to those in Table 2.5.2.A, are permitted in this district. The following uses are expressly prohibited: new housing, churches and similar facilities, schools, junk yards, mini-ware housing storage facilities, tow truck businesses and vehicle storage yards.

CONCLUSION: Table 2.5.2(B) Lists Uses Prohibited in the G-I District. Immediately following the table of allowed uses is the above footnote that indicates prohibited uses. The pattern appears to be unsupportive of uses associated with storage of equipment and vehicles.

3. **There are more appropriate Land Use Districts for the proposed uses.** On page 2 of the Formal Interpretation request, the agent for the applicant asks a good question: *“If this type of employment use is not allowed in the General Industrial zone – then where would it be allowed?”* The purpose of the Light Industrial (L-I) district is as follows:

The L-I district accommodates a range of light manufacturing, industrial-office uses, automobile-oriented uses and similar uses...

Table 4: 2.6.2.A – Land Use Types Permitted in the Light Industrial District

Industrial
Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods)
Research facilities
Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheet metal, stone monuments, upholstery, welding, auto body, and auto and truck repair.
Warehousing and distribution (this does not include Mini-Warehouse Storage facilities)
Similar uses
Commercial
Offices and other commercial uses are permitted when they are integral to a primary industrial use (e.g., administrative offices, wholesale of goods produced on location, and similar uses).
Automobile-oriented uses (vehicle repair, sales, rental, storage, service; and drive-up, drive-in, and drive-through facilities)
Entertainment (e.g., theaters, amusement uses)
Medical and dental clinics and laboratories
Outdoor commercial uses (e.g., outdoor storage and sales)* (CUP)
Personal and professional services (e.g., child care, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, and similar uses)
Kennels* (CUP)
Repair services
Retail trade and services, not exceeding 25% of floor area per building
Wholesale trade and services
Uses similar to those listed above

CONCLUSION: Table 2.6.2 Lists Uses Permitted in the L-I District. Within this use table, automobile-oriented uses (vehicle repair, storage, service), general repair services and office uses (accessory to an industrial use) are all listed as permitted uses. The Commercial Highway district may also allow such uses.

VII. SUMMARY

In conclusion staff made this interpretation because: it does not appear that the proposed uses are “similar” to those allowed in the G-I district; to the contrary, similar uses to those proposed are disallowed. Lastly, it should be noted that a commonly accepted land use principle is that if a Use Table lists a use as being permitted in one district, and that use is completely without reference in another, then that exclusion was intentional.

VIII. RECOMMENDATION

Provided in summary above.

IX. PROPOSED MOTION

Agree with Staff’s interpretation

I move to affirm staff’s interpretation based on the information provided in the Planning Manager’s staff report.

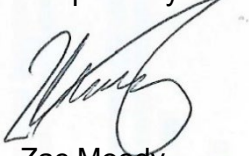
Disagree with Staff’s interpretation

I move to modify staff’s interpretation based on the following... “(Planning Commission to provide basis for modification).

X. EXHIBITS

- A. Initial correspondence, 4/17/2024
- B. Request for Planning Director Interpretation, 5/24/2024
- C. Planning Director Interpretation memo, 5/24/2024
- D. Appeal of Planning Director Interpretation, 5/30/2024
- E. Supplemental Memo from CSA, 7/3/2024

Respectfully Submitted,



Zac Moody
Planning Manager