

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

April 23, 2020
9:30 a.m.

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Phoenix, Arizona

MEMBERS PRESENT:

Mr. Lucas Schlosser, Chairman
Mr. Nathan Andersen
Mr. Greg Arnett
Mr. Matt Gress (arrived 9:36 a.m.)
Mr. Broc Hiatt
Mr. Jimmy Lindblom
Ms. Jennifer Ruby

MEMBERS ABSENT:

Mr. Bruce Burrows
Ms. Francisca Montoya
Mr. Robert Zamora

STAFF PRESENT:

Mr. Darren Gerard, Planning Services Manager
Ms. Rachel Applegate, Senior Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Mr. David Anderson, Business Engagement Manager, OET
Ms. Rebecca Quince, Senior Project Manager, OET

CONTINUANCE:

MCP2019005

CONSENT:

**Z2019057, Z2019117, S2019037, Z2019119,
CPA2019011, Z2019100, Z2019099**

REGULAR:

Z2019106

Chairman Schlosser called the meeting to order at 9:31 a.m. and made the standard announcements, and asked the Commission to elect a Vice Chairman.

COMMISSION ACTION: Chairman Schlosser motioned to elect Commissioner Arnett to serve as Vice Chairman. Commissioner Lindblom second. Approved 6-0

Chairman Schlosser asked if there were any changes or comments to the minutes for January 30 and February 27, none.

COMMISSION ACTION: Chairman Schlosser approved the January 30 and February 27, 2020 minutes as written.

Chairman Schlosser said the applicant for agenda item #9 – MCP2019005 has requested a continuance to the May 14, 2020 hearing.

CONTINUANCE AGENDA

Military Compatibility Permit - MCP2019005 (Cont. from 4/9/20)

District 4

Applicant: Toni Bonar, HilgartWilson, LLC
Location: Generally located north of the intersection of 152nd Avenue and Camelback Road, in the Glendale area.
Request: Military Compatibility Permit with Precise Plan of Development - Falcon

COMMISSION ACTION: Commissioner Ruby motioned to continue MCP2019005 to the May 14, 2020 hearing. Commissioner Andersen second. Continued 6-0.

Commissioner Gress joined the hearing.

CONSENT AGENDA

Zoning - Z2019057 (Cont. from 3/26/20)

District 5

Applicant: Manuel Lopez & Greg Loper, Sandman Properties
Location: Generally located ¼ mile east of the northeast corner of 43rd Ave. and Weir Rd. in the Laveen area
Request: Zone Change from Rural-43 to IND-2 IUPD with a precise plan of development of a metal fabrication facility - The Shop

Zoning - Z2019117 (Cont. from 4/9/20)

District 4

Applicant: Gary Lane, LMK Investments, LLC
Location: Generally located at the southeast corner of Glendale Ave. & 127th Ave. in the Glendale area
Request: Zone Change with Overlay from Rural-43 to R1-6 RUPD - Glendale Ridge Estates RUPD

Preliminary Plat - S2019037 (Cont. from 4/9/20)

District 4

Applicant: Gary Lane, LMK Investments, LLC
Location: Generally located at the southeast corner of Glendale Ave. & 127th Ave. in the Glendale area
Request: Preliminary Plat for 86 lots and 8 tracts in the R1-6 RUPD zoning district - Glendale Ridge Estates

Zoning - Z2019119 (Cont. from 4/9/20)

District 5

Applicant: Russell Baldwin, MCP, U-Haul Center of Western Arizona
Location: Generally located on the northwest corner of 43rd Ave. and Southern Ave. in the Laveen area

Request: Zone Change with Overlay from IND-1 and IND-2 to IND-1 IUPD with a precise plan of development for a self-storage facility - U-Haul of Laveen II

Comprehensive Plan Amendment - CPA2019011

District 4

Applicant: Dennis Newcombe, Beus Gilbert McGroder PLLC
Location: Generally located approx. ¼ mile southeast of the southeast corner of 339th Ave. and Van Buren St. alignments
Request: Comprehensive Plan Amendment to change the Tonopah/Arlington Area Plan land use designation of Rural (0-1 d.u./ac.) to Industrial – Agave Ranch

Zoning - Z2019100

District 4

Applicant: Dennis Newcombe, Beus Gilbert McGroder PLLC
Location: Generally located approx. ¼ mile southeast of the southeast corner of 339th Ave. and Van Buren St. alignments
Request: Zone Change from Rural-43 to IND-2 IUPD – Agave Ranch

Special Use Permit - Z2019099

District 4

Applicant: Dennis Newcombe, Beus Gilbert McGroder PLLC
Location: Generally located 310' east of the southeast corner of 339th Ave. and Van Buren St. alignments.
Request: Special Use Permit (SUP) for short term RV Park - Agave Ranch

Mr. Gerard presented the consent agenda.

COMMISSION ACTION: Commissioner Lindblom motioned to approve the consent agenda, Z2019057 with conditions 'a'-i', Z2019117 with conditions 'a'-j', S2019037 with conditions 'a'-r', Z2019119 with conditions 'a'-f', CPA2019011 with conditions 'a'-c', Z2019100 with conditions 'a'-g', and Z2019099 with conditions 'a'-g'. Commissioner Hiatt second. Approved 7-0.

Z2019057 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Z2019057-The Shop", consisting of one (1) full-size sheet, dated January 29, 2020, and stamped received February 10, 2020, except as modified by the following conditions.
- b. Development of the site shall be substantial conformance with the Narrative entitled "The Shop", consisting of nine (9) pages, dated February 6, 2020, and stamped received February 10, 2020, except as modified by the following conditions.
- c. A "Will Serve" Letter from the City of Phoenix concerning water and sewage shall be submitted at time of Building Permits.
- d. Sound attenuation measures shall be added to the proposed shop building to minimize noise pollution emanating from the building.

- e. The following IND-2 IUPD development standards shall apply:
 - 1. Maximum height for structures of 40-feet adjacent to a rural or residentially zoned property;
 - 2. Use of chain link fences without the use of view obscuring material as screening of outdoor storage;
 - 3. Use of decomposed asphalt or granite in parking, driveway, and maintenance yard areas instead of pavement;
 - 4. No screening of parking areas.

- f. The following Planning Engineering comments shall apply:
 - 1. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance, Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies; standards and best practices at the time of application for construction;
 - 2. Engineering review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and Drainage Policies and Standards; Floodplain Regulations for Maricopa County; and the MCDOT Roadway Design Manual;
 - 3. Detailed Grading and Drainage Plans and Final Drainage Report showing the new site improvements must be submitted for approval and acquisition of building permits.

- g. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval due to non-compliance with conditions.

- h. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.

- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application.

It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

Z2019117 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Glendale Ridge Estates", consisting of 3 full-size sheets, dated March 5, 2020, and stamped received March 6, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Glendale Ridge Estates", consisting of 18 pages, dated March 5, 2020, and stamped received March 6, 2020, except as modified by the following conditions.
- c. The applicant/property owner shall submit a 'will serve' letter for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- d. All buildings subject to noise attenuation as per ARS § 28-8482(B).
- e. The following Planning Engineering comments shall apply:
 1. No development approval is inferred by this review, including, but not limited to drainage design, access and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement (i.e. preliminary plat).
 2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- f. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be

subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/ or contact the Maricopa County Planning and Development Department."

- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- h. The following R1-6 RUPD standards shall apply:
 - 1. Front Yard Setback: 10 feet (15 feet for lots 5 – 8 & 24 – 27)
 - 2. Rear Yard Setback: 15 feet
 - 3. Minimum Lot Area: 5,400 square feet
 - 4. Minimum Lot Area per Dwelling Unit: 7,204 square feet
 - 5. Minimum Lot Width: 45 feet
 - 6. Maximum Lot Coverage: 55%
 - 7. Maximum Monument Sign Area: 42.5 square feet
- i. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- j. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this

approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

S2019037 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Glendale Ridge Estates" consisting of 2 full-size sheets, dated March 5, 2020, and stamped received March 6, 2020, except as modified by the following conditions.
- b. Development and use of the site shall be in substantial conformance with the Narrative Report entitled "Glendale Ridge Estates", consisting of 18 pages, dated March 5, 2020, and stamped received March 6, 2020, except as modified by the following conditions.
- c. Development of the site shall be generally consistent with the Landscape Plan entitled "Glendale Ridge Estates", consisting of 5 pages, dated December 19, 2019, and stamped received March 6, 2020, except as modified by the following conditions.
- d. Prior to Final Plat and Infrastructure Permit submittal, the applicant is required to attend a pre-submittal meeting in order to coordinate the permitting process for improvements, fees, and assurances associated with the subdivision. Intake of the Final Plat and Infrastructure permit shall be by appointment only.
- e. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.
- f. The following Planning Engineering conditions shall apply:
 1. Improvements along 125th Avenue must match those constructed with the Falcon View subdivision to the south.
 2. Improvements along 127th Avenue must transition to a major collector section (ultimate ½ width) along the east side of 127th Avenue from the improvements constructed to the south with the Falcon View II subdivision. The offset at 127th Avenue and Glendale Avenue must be remedied. Additional paving/pavement tapers

may be required on the west side of 127th Avenue to accomplish the removal of the offset.

3. The applicant must coordinate with the City of Glendale who is planning a traffic signal at the Glendale and 127th Avenue intersection. A financial contribution may be required.
 4. The new 126th Avenue intersection, and improvements to 125th Avenue and 127th Avenue at Glendale Avenue, and any associated offsite improvements, are subject to review and approval with the City of Glendale.
 5. Based on the conceptual design nature of the information submitted, changes to the site layout and/or a reduction in the number of building lots may be necessitated by the final engineering design of the subdivision drainage infrastructure.
 6. Detailed Grading and Drainage (Infrastructure) Plans must be submitted with the application for Final Plat.
 7. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- g. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
 - h. Prior to Final Plat approval, Water, Wastewater Plans and Approval to Construct (ATC) shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
 - i. Prior to or concurrent with the submittal of a Final Plat for any portion or phase of this development, a traffic impact analysis (TIS) must be provided as deemed necessary by the Maricopa County Department of Transportation (MCDOT) and the City of Glendale.
 - j. Specific roadway cross-sections and pavement sections are not approved as shown on the Preliminary Plat. The number and width of lanes, including turn and auxiliary lanes, as well as pavement thickness, will be approved on construction improvement plans in conjunction with the Final Plat, in compliance with the Traffic Impact Statement (TIS) approved by the Maricopa County Department of Transportation (MCDOT) and the City of Glendale.

- k. Prior to Final Plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from Rural Metro. The Final Plat shall contain a note referencing the will serve letter.
- l. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a grading permit or approval of a Final Plat. The applicant must contact the state office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this condition.
- m. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/ or contact the Maricopa County Planning and Development Department."

- n. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B) and applicable Maricopa County Building Codes.
- o. Prior to Final Plat approval, a licensed engineering investigation report of the site shall be conducted and submitted identifying any land subsidence or earth fissuring which affect the site and the report shall include suggested mitigation. The Final Plat shall have a note that the property is within an area of known land subsidence and/or earth fissuring. Further, notice that the property is in area of known land subsidence and/or earth fissuring and a definition of both land subsidence and earth fissures shall be displayed on the front door in the sales office, written in the covenants, conditions and restrictions (CC&Rs), and written in any disclosure statements for conveyance documents. However, if said report concludes negative impact regarding land subsidence and/or earth fissuring the required notification should include such results.
- p. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- q. Preliminary Plat approval shall expire two (2) years from the date of Commission approval. Any request for an extension of time shall be submitted prior to the expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.
- r. The Final Plat shall include a note that states that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.

Z2019119 conditions;

- a. Development of the site shall be in substantial conformance with the Narrative Report entitled "U-Haul Moving and Storage of Laveen II", dated February 16, 2020, stamped received February 21, 2020, except as modified by the following conditions.
- b. The following Planning Engineering conditions shall apply:
 - a. Adjoining right-of-ways are within City of Phoenix jurisdiction, who must permit all new access and any offsite improvements.
 - b. Engineering review of planning and/or zoning cases are for conceptual design only. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction; and,

- c. Detailed Grading & Drainage Plans must be submitted with the application for Building Permit(s).
- c. The following IND-1 IUPD development standards shall apply:
 - a. Interior side yard of zero feet, regardless of the adjacent zoning district
 - b. Fences without required view-obscuring material
 - c. Minimum required parking of 50 spaces
- d. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- e. The property owner(s) and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions. Moreover, it does not reduce any rights that existed on the date of application to use, divide or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

CPA2019011 conditions;

- a. Development and use of the site shall comply with the narrative report entitled "Agave Ranch – 339th & Van Buren" including all exhibits dated January 30, 2020 and stamped received February 11, 2020 except as modified by the following conditions.
- b. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the uses existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the land use designation that existed on the date of application. It is,

therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such change of the land use. The land use enhances the value of the property above its value as of the date the land use change is granted and reverting to the prior land use designation results in the same value of the property as if the land use change had never been granted.

- c. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that such change due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such change.

Z2019100 conditions:

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Agave Ranch – 339th & Van Buren", consisting of 5 full-size sheets, dated January 30, 2020 and stamped received February 11, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Agave Ranch – 339th & Van Buren", consisting of 15 pages, dated February 13, 2020, and stamped received February 13, 2020, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - 1. The drainage report and grading and drainage plans are prepared in such a manner that requires the entire 159.5 acre site to be developed simultaneously. At the time of application for building/grading permits, the owner/applicant must demonstrate that the drainage and roadway designs can be constructed so as not to be reliant on other phases of this project; or provide for interim improvements. Otherwise, the entire 159.5 acre site must be permitted and developed simultaneously.
 - 2. Retention basins must drain within 36 hours.

3. Retention basins with a calculated high water elevation greater than 3 feet must be fenced and be pool barrier compliant.
4. The requirement for channel stabilization must be addressed as part of the final design, particularly at channel bends/curves. Channels located adjacent to County right-of-way shall be designed to contain one (1) foot of freeboard (minimum) based on the 100 year design flow.
5. Berms between channels and basins must contain a minimum top width of 8 feet.
6. Detailed Grading and Drainage Plans demonstrating that all onsite flow will be directed to a retention basin must be submitted with the applications for building (grading) permits.
7. Clear zone provision for headwalls must be addressed at the time of final design. 339th Avenue shall be classified as an arterial road for the purposes of determining the required clear zone width.
8. Dedication of R/W (65') along the east side of 339th Avenue will be required. The dedication must extend from Van Buren Street to the southern site boundary. Dedication must be completed within 6 months of POD/SUP approval or prior to issuance of any building/grading permits for work on the site.

Dedication of R/W (40') along the eastern (335th Ave.) & southern (Buchanan St.) site boundaries will also be required subject to the conditions noted above and below.

An 8' wide Public Utility Easement must be provided immediately adjacent to the new R/W.

An additional drainage easement (30x50') north of Buchanan Street upstream of the site outflow location will also be required in the event a future culvert is required under Buchanan Street.

See <https://www.mcdot.maricopa.gov/744/Right-of-Way-Dedications> for more information on the dedication process.

9. Road improvements necessary to provide access to the site will be required. The road improvements must extend from Van Buren Street to the southern site boundary. Related drainage improvements along the route required for road construction must be included with the road design. Road improvements shall be based on the MCDOT approved Traffic Impact Study. All phased development must be designed such that each phase can stand alone.

10. Engineering review of planning and/or zoning cases is conceptual in nature and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and Drainage Policies and Standards; Floodplain Regulations for Maricopa County; and the MCDOT Roadway Design Manual.
- d. The following IND-2 IUPD standard shall apply:
 1. The 25' x 25' sight visibility triangles within the interior roadways of the manufactured home community shall be waived.
- e. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- f. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- g. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

Z2019099 conditions:

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Agave Ranch – Short Term RV Park – Z2019099", consisting of 5 full-size sheets, dated revised January 30, 2020, and stamped received February 11, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Agave Ranch – 339th & Van Buren – Special Use Permit Narrative Report", consisting of 7 pages, dated revised January 30, 2020, and stamped received February 11, 2020, except as modified by the following conditions.

- c. The owner/developer shall provide a parcel number for the proposed land division of the 80 acres as part of the initial construction permit submittal associated with this Special Use Permit (Z2019099).
- d. The following Planning Engineering conditions shall apply:
 - 1. The drainage report and grading and drainage plans are prepared in such a manner that requires the entire 159.5 acre site to be developed simultaneously. At the time of application for building/grading permits, the owner/applicant must demonstrate that the drainage and roadway designs can be constructed so as not to be reliant on other phases of this project; or provide for interim improvements. Otherwise, the entire 159.5 acre site must be permitted and developed simultaneously.
 - 2. Retention basins must drain within 36 hours.
 - 3. Retention basins with a calculated high water elevation greater than 3 feet must be fenced and be pool barrier compliant.
 - 4. The requirement for channel stabilization must be addressed as part of the final design, particularly at channel bends/curves. Channels located adjacent to County right-of-way shall be designed to contain one (1) foot of freeboard (minimum) based on the 100 year design flow.
 - 5. Berms between channels and basins must contain a minimum top width of 8 feet.
 - 6. Detailed Grading and Drainage Plans demonstrating that all onsite flows will be directed to a retention basin must be submitted with the applications for building (grading) permits.
 - 7. Clear zone provision for headwalls must be addressed at the time of final design. Van Buren Street & 339th Avenue shall be classified as arterial roads for the purposes of determining the required clear zone width.
 - 8. Dedication of R/W (65') along the site's frontage south side of Van Buren Street and the east side of 339th Avenue will be required. The Van Buren Street dedication must extend from 339th Avenue to the eastern site boundary. The 339th Avenue dedication must extend from Van Buren Street to the southern site boundary. Dedication must be completed within 6 months of POD approval or prior to issuance of any building/grading permits for work on the site.

An 8' wide Public Utility Easement must be provided immediately adjacent to new R/W.

See <https://www.mcdot.maricopa.gov/744/Right-of-Way-Dedications> for more information on the dedication process.

9. Road improvements necessary to provide access to the site will be required. The road improvements along Van Buren Street must extend from 339th Avenue to the eastern site boundary. The road improvements along 339th Avenue must extend from Van Buren Street to the southern site boundary. Related drainage improvements along the route required for road construction must be included with the road design. Road improvements shall be based on the MCDOT approved Traffic Impact Study. All phased development must be designed such that each phase can stand alone.
 10. Engineering review of planning and/or zoning cases is conceptual in nature and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and Drainage Policies and Standards; Floodplain Regulations for Maricopa County; and the MCDOT Roadway Design Manual.
- e. This special use permit shall expire on May 20, 2040, or upon termination of the use for a period of 120 or more days, whichever occurs first. All site improvements associated with the special use permit shall be removed within 120 days of such expiration or termination of use.
 - f. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
 - g. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

REGULAR AGENDA

Special Use Permit - Z2019106 (Cont. from 3/26/20)

District 4

Applicant: Gary McCoskey
Location: Generally located 1/3 mile east of the southeast corner of 163rd Ave. and Pinnacle Peak Rd. in the Surprise area
Request: Special Use Permit for a Mini-Storage facility in the Rural-43 zoning district – Peak RV Storage

Mr. Gerard presented Z2019106 and noted there is one email in opposition with five signatures. The storage facility will have an office building with living quarters to accommodate an overnight caretaker. The site capacity will be 179 covered spaces paved, and a block wall will enclose the perimeter of the facility. Development of the site is to occur in two phases, and an entry sign will meet County requirements. The proposal will complement the residential development in the surrounding areas. There are light poles throughout the facility to be shielded directing down the horizontal plane. The concerns of the opposition are lights and traffic, and a business in the neighborhood would have a negative impact, and possible aquifer contamination with underground storage tanks. Staff is recommending approval with conditions 'a'-'f'.

Vice Chairman Arnett asked if these will be covered spaces and are they going to put in a new building without permanent entitlement. With RV's there is dumping and the opposition talks about contamination. Will they be dumping onsite or is it just going to be storage?

Mr. Michael Clayton the applicant said he understands the neighbors' concerns. As far as the lighting goes there will be minimal light pollution. The lights will also conform to the dark sky requirements. The walls will be 6' block walls. The traffic will only be one or two cars a week and they will be closed after hours. The dry wells are double chambered and the settling chamber is specifically designed to treat and separate oils from the water. The dry well discharge pipe is drilled to 75 feet and the Arizona Department of Environmental Quality (ADEQ) requires logs and data to the proximity table when installed. As far as the aquifer goes it is usually over 200 feet deep, so it shouldn't be an issue at all and usually trailers don't leak oil. If they do have motorhomes on the property they will have CC&R's in place to ensure they are repaired adequately. This property has been abandoned for 50 plus years, it was his grandfather's land and he purchased it from his family. There will be a wall around the property and it is important that the neighbors are happy with us.

Vice Chairman Arnett asked if they will be dumping on site and will there be stipulations to that, and are they putting a brand new building on site with an SUP. Mr. Clayton said yes, and as far as the dumping station this is something they can negotiate, and if there is opposition to have this covered they can have just a parking lot for boats and RV's.

Vice Chairman Arnett said right now they are just talking about the SUP and if they put in the covered parking or additional structures that would have to go through the permitting process, so we are just talking about the use at this point. Mr. Gerard said yes they would still have to go through construction permitting. His understanding the

building would be a prefabricated structure that can still act as a residence when the Special Use Permit goes away.

Vice Chairman Arnett asked if we approve this SUP and they can store boats and RV's for the next 15 years, the question is how high the structures are and how visible from the street it will be. Is there a limit to the height of the structures? Mr. Gerard said the underlining zoning ordinance maximum height is 30 feet, and he believes the height of the structures are 18 feet, but he would have to defer to the applicant. Staff did not stipulate to a maximum height different than the zoning district height.

Commissioner Gress said one of the concerns with the opposition was paved parking. In the project summary, the property is vacant with proposed paved surfacing for non-residential uses, but under the staff analysis most parking does not meet that standard. He asked is the property getting paved or not. Mr. Clayton said yes it would be paved.

Commissioner Ruby said she would like to hear from staff on what their analysis was on what led them to a consistent use for the area. It seems like an intense use for a residential area other than it is rural. 179 RV spaces is going to be pretty intense on less than 5 acres. Mr. Gerard said to keep in mind it is front facing on a section line road; even though there is a lot of large residential lots that are lot splits, there's a significant amount of that territory that is non-residential. There is a lot of wholesale and retail nurseries and other RV storage facilities in that half section of land. We are not seeing the planned residential development in that area, but we are in the City of Surprise to the north, and further west across Sarival. In this particular area, the development seems to be an eclectic mix of non-residential servicing that region. There is also one campground in that area that he believes it is a failed project, and it could possibly transition to RV storage as well.

Vice Chairman Arnett asked if those other uses are an SUP, or permanent zoning, or a wait and see. Mr. Gerard said they tend to be by-right wholesale nurseries or special uses that are on a 10 to 20 year basis. It is a kind of wait and see with the idea as these places develop. Most of these planned moderate density subdivisions in Surprise did not exist 10 years ago. As they come up for renewal, a new analysis whether the use would be appropriate or whether they should be long term permanent zoning.

Chairman Schlosser said this area seems to be appropriate and this would be an improvement for the area.

COMMISSION ACTION: Commissioner Andersen motioned to approve Z2019106 with conditions 'a' – 'f'. Commissioner Lindblom second. Approved 7-0.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Peak RV Storage", consisting of 1 full-size sheet, stamped received December 13, 2019, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Narrative for Peak RV Storage", consisting of 4 pages, dated revised November 25, 2019 and stamped received December 13, 2019 except as modified by the following conditions.

- c. The following Planning Engineering conditions shall apply:
1. No building permit will be issued until such time that the Pinnacle Peak Road north half-street paving is complete from the site entrance to 163rd Avenue.
 2. The revised Traffic Impact Statement is under review at MCDOT; comments will be provided when the MCDOT review is complete.
 3. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
 4. Engineering review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and Drainage Policies and Standards; Floodplain Regulations for Maricopa County; and the MCDOT Roadway Design Manual.
 5. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for the acquisition of building permits.
- d. This Special Use Permit shall expire 15 years from the date of approval by the Board of Supervisors. All of the site improvements associated with the SUP shall be removed within 120 days of such expiration.
- e. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Chairman Schlosser adjourned the meeting at 10:02 a.m.

Prepared by Rosalie Pinney
Recording Secretary
April 23, 2020