

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

June 11, 2020
9:30 a.m.

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Phoenix, Arizona

MEMBERS PRESENT:

Mr. Greg Arnett, Vice Chairman
Mr. Nathan Andersen
Mr. Broc Hiatt
Mr. Jimmy Lindblom
Ms. Francisca Montoya
Ms. Jennifer Ruby

MEMBERS ABSENT:

Mr. Lucas Schlosser, Chairman
Mr. Bruce Burrows
Mr. Matt Gress
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

CONSENT:

Z2019124, Z2020013, Z2020026, Z2020030, S2019032

Vice Chairman Arnett called the meeting to order at 9:32 a.m. and made the standard announcements.

Vice Chairman Arnett asked if there were any changes or comments to the minutes for April 23, none.

COMMISSION ACTION: Vice Chairman Arnett approved the April 23, 2020 minutes as written.

CONSENT AGENDA

Special Use Permit - Z2019124

District 4

Project name: **Shield RV & Boat Storage**
Applicant: Kimberly Martinez
Location: Approx. 2,000 feet south of the SEC of the intersection of Lower Buckeye Road and Citrus Road, in the Goodyear area

Request: Special Use Permit (SUP) to permit RV and Boat Storage in the Rural-43 Zoning District

Special Use Permit - Z2020013

District 4

Project name: **Zayo Aguila**
Applicant: Rex Atkinson
Location: Generally located approx. 796' northwest of the NWC of J-1 Ranch Rd. & Forepaugh Peak Rd. in the Wickenburg area
Request: Special Use Permit (SUP) for development of Fiber Optic Structure in the Rural Zoning District

Special Use Permit - Z2020026

District 2

Project name: **T-Mobile PH60112A – Apache Auto**
Applicant: Declan Murphy, Coal Creek Consulting for TowerCom
Location: Generally located on the NEC of Sossaman Rd. and Main St. in the Mesa area
Request: Special Use Permit (SUP) for a wireless communication facility in the C-3 zoning district

Special Use Permit - Z2020030

District 3

Project name: **ATC Gunpowder WCF**
Applicant: Scott Quinn, Quinn United/Hoss Consulting
Location: Generally located 620' east of the northeast corner of Pioneer Rd. and Gavilan Peak Pkwy.
Request: Modification of Condition of Special Use Permit (SUP) for a wireless communication facility (WCF) in the Rural-43 zoning district, case Z99-009, to extend validity of the permit for an additional 20 years

Preliminary Plat - S2019032

District 4

Project name: **175th Ave. & Olive**
Applicant: Matthew J. Mancini, P.E., 3engineering LLC
Location: Generally located at the NEC of Olive Ave. and 175th Ave. in the Glendale area
Request: Preliminary Plat containing 178 residential lots and 12 tracts in the R1-6 RUPD zoning district

Mr. Gerard presented the consent agenda.

Vice Chairman Arnett asked if anyone wished to speak on the consent agenda. None.

COMMISSION ACTION: Commissioner Hiatt motioned to approve the consent agenda, Z2019124 with conditions 'a'-'h', Z2020013 with conditions 'a'-'h', Z2020026 with conditions 'a'-'i', Z2020030 with conditions 'a'-'i', and S2019032 with conditions 'a'-'o'. Commissioner Ruby second. Approved 6-0.

Z2019124 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Shield RV & Boat Storage", consisting of 1 full-size sheet, dated April 9, 2020 and stamped received April 13, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Shield RV & Boat Storage, LLC", consisting of 4 pages, stamped received May 4, 2020, except as modified by the following conditions.
- c. This SUP includes several variations to the applicable development standards as follows: No Sight Visibility Triangle (SVT) is provided on the north side of the access ingress/egress easement at its intersection with Citrus Road where an SVT would be required; 90% solid screening is provided where 100% solid screening would be required; and a 14 ft. tall, 30 sq. ft. freestanding sign is provided where a free standing sign would not be permitted, the free standing sign is located within the required front yard where a freestanding sign would not be permitted, the sign area is 30 sq. ft. where 24 ft. would be the maximum permitted, the freestanding sign is 14 ft. tall where 8 ft. would be the maximum permitted.
- d. The following Planning Engineering conditions shall apply:
 1. Documentation that the retention basins will drain within 36 hours must be provided before final approval of building plans.
 2. Citrus Road is within the jurisdiction of the City of Goodyear. The applicant must contact the City to review any traffic impact, right-of-way dedication, and permitting or roadway improvement requirements. Provide evidence of concurrence by the City prior to final approval of the building plans.
 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 and Final Drainage Report showing the new site improvements must be submitted for approval and acquisition of building permits.
- e. The following Maricopa County Environmental Services Department (MCESD) conditions shall apply:
 1. Any RV dump station must not be connected to the septic system. The existing house and its septic system must remain independent.
 2. No driving or parking on septic fields is permitted.
- f. This Special Use Permit shall expire on July 22, 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.
- g. 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.
- h. 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.

Z2020013 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Overall Site Plan", consisting of 5 full-size sheets, dated April 30, 2020, and stamped received May 1, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Zayo Group Aguila, AZ", consisting of 3 pages, dated April 29, 2020, and stamped received May 1, except as modified by the following conditions.

- c. The following Planning Engineering conditions shall apply:
 - a. The site contains Special Flood Hazard Areas associated with Wash T7N-R8W-S25D/S1A that traverses the site. The site contains regulated floodplains (blue) – FEMA Zone A. All new development proposed appears to be within the floodplain. Any development in the floodplain will require a floodplain use permit issued concurrent with building permits. Structures in the floodplain must be elevated to the regulatory flood elevation determined by the engineer. For Zone A floodplains, the regulatory flood elevation is two (2) feet above the base flood elevation.
 - b. Driveway access to Forepaugh Peak Road must be paved (within the ROW) and will require a permit from MCDOT concurrent with the building permit. Drainage flow along the roadway must be maintained.
 - c. 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 and Final Drainage Report showing the new site improvements must be submitted for approval and acquisition of building permits.
- d. This special use permit shall expire on July 23, 2030, 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.
- e. The following Rural-190 Zoning District standards shall apply:
 - a. Height – 30'
 - b. Front Yard – 60'
 - c. Side Yard – 30'
 - d. Street-side Yard – 30'
 - e. Rear Yard – 60'

- f. Lot Area – 190,000 square feet
 - g. Lot Width – 300'
 - h. Lot Area per Dwelling Unit – 190,000 square feet
 - i. Lot Coverage – 5%
 - j. Parking Spaces Required – 1 space
 - k. Paved Parking – Compacted decomposed granite permitted
 - l. Screening – Chain-link fencing and 1' of barbed wire permitted, screening can be no greater than 10' in height
- 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 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.
- h. 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.

Z2020026 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "PH60112A Apache Auto", consisting of 8 full-size sheets, dated stamped received on April 20, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "PH60112A – Apache Auto", consisting of 4 pages, stamped received May 11, 2020, except as modified by the following conditions.
- c. The maximum height of the Wireless Communication Facility shall be limited to 80'.

- d. The following Engineering conditions shall apply:
1. Utility extensions encroaching into the right-of-way of 7th Street, an open and declared County roadway, may require a Wireless Agreement with MCDOT for conduit, fiber optic lines and other work that will be within the County ROW. This agreement must be coordinated with Ms. Kelly Roy, MCDOT Utility Branch Coordination Manager, 602-506-8603 or Kelly.Roy@maricopa.gov. Evidence of said agreement must be provided prior to issuance of any building permits for this project.
 2. Engineering review of planning and/or zoning cases is 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.
- e. A Minor Amendment shall be required to co-locate future carriers on the Wireless Communication Facility.
- f. The wireless communication tower shall retain the stealth properties as originally designed. Any damaged or missing branches shall be replaced within 60 days of such damage occurring.
- g. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors on July 22, 2040. All of the site improvements shall be removed within 120 days of such termination or expiration.
- h. 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.
- 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 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.

Z2020030 conditions:

- a. Development of the site shall comply with the site plan entitled "PHO Gunpowder", consisting of one (1) sheet, dated (revised) February 26, 1999, and stamped received March 1, 1999, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Modification of Special Use Permit Z99-09 Condition 'f'", consisting of six (6) pages, dated April 30, 2020, and stamped received May 5, 2020, except as modified by the following conditions.
- c. Approval of this Special Use Permit is subject to variance approval by the Board of Adjustment for substandard lot area.
- d. The height of the monopole, including any attachments shall be limited to 65'.
- e. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the special use is compatible with the surrounding area.
- f. This special use permit shall expire on July 22, 2040, or upon termination of the use for a period of 120 or more days, whichever occurs first. All of the site improvements including monopole and equipment shall be removed within 120 days of such termination or expiration.
- g. Major changes to this plan of development (the site plan and narrative report) /Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- h. Non-compliance with the Plan of Development (the site plan and narrative report) of the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- i. Where demonstrated possible, the applicant/property owner shall facilitate co-location for other communication service providers. Co-location facilities may be approved administratively by staff of the Planning and Development Department.

S2019032 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "175th Avenue & Olive" consisting of 7 full-size sheets, dated stamped received May 5, 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 "175th Avenue & Olive", consisting of 6 pages, dated stamped received May 5, 2020, except as modified by the following conditions.
- c. The following Engineering conditions shall apply:
 - a. The offsite basin located on the Zanjero Pass Parcel 1-3, Phase 2-4 site must be permitted by the City of Glendale. The recording information for the easement for said basin must be contained on the final plat. No building permits for residential construction shall be issued until said basin has been completed; or other (subdivision) infrastructure has been completed on its tract.
 - b. High water elevations for retention basins shall not be located within any public utility easement (PUE).
 - c. Retention basins shall contain one foot (1') of freeboard.
 - d. A minimum two foot (2') wide bench shall be provided between sidewalks and the top of retention basin slopes.
 - e. The applicant must coordinate with County Real Estate to vacate the drainage easement associated with MCDOT Transportation Improvement Project (TIP) TT0497, located within the site, north of Olive Avenue.
 - f. 173rd and 175th Avenues shall be constructed to provide two-way traffic (minimum pavement width 28 feet on 175th Ave; minimum pavement width 24 feet on 173rd Ave.) as part of the subdivision's infrastructure.
 - g. 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.
 - h. Engineering review of planning and/or zoning cases is 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.

- i. Detailed Grading and Drainage (Infrastructure) Plans must be submitted with the application for Final Plat Approval and Building (Infrastructure) Permits.
- 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. 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.
- g. Prior to final plat approval, water and wastewater plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- h. 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 or contact the Maricopa County Planning and Development Department."

- i. 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).
- j. 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 the Rural Metro servicing the project. This information shall be included in the narrative report for the final plat and the associated public report for the subdivision. The final plat shall contain a note referencing the will serve letter.
- k. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- l. The applicant/owner shall submit a 'will serve' letter from EPCOR for water & wastewater services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- m. 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.
- n. The property owner/s and their successors waive claim to diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- o. 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.

Vice Chairman Arnett adjourned the meeting at 9:43 a.m.

Prepared by Rosalie Pinney
Recording Secretary
June 11, 2020