

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

July 23, 2020
9:30 a.m.

Gotowebinar.com
Phoenix, Arizona

MEMBERS PRESENT:

Mr. Lucas Schlosser, Chairman
Mr. Greg Arnett, Vice Chairman
Mr. Matt Gress
Mr. Jimmy Lindblom
Ms. Francisca Montoya
Ms. Jennifer Ruby

MEMBERS ABSENT:

Mr. Nathan Andersen
Mr. Bruce Burrows
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:

Z2020011

CONSENT:

**S2019021, Z2019123, S2020008, Z2018102, Z2018125,
Z2019094, Z2020021, Z2020041**

REGULAR:

Z2019129, Z2020015

Chairman Schlosser called the meeting to order at 9:31 a.m. and made the standard announcements.

Chairman Schlosser asked if there were any changes or comments to the minutes for May 14 and June 11, none.

COMMISSION ACTION: Chairman Schlosser approved the May 14, 2020 and June 11, 2020 minutes as written.

Mr. Gerard said items #7 – Z2019129 and #8 – Z2020015 are being pulled from the consent agenda to the regular agenda for further discussion, and item #11 – Z2020011 is requesting a continuance to September 10.

CONTINUANCE AGENDA

Special Use Permit - Z2020011

District 5

Project name: **Eagletail Airstrip**
Applicant: Gretchen House & Michael Tragarz, 99AZ Eagletail Runway Association
Location: Generally located between Broadway Rd. and Southern Ave. approximately ¼ mile west of 539th Ave., in the Harquahala area
Request: Modification of Condition for permanent extension of Special Use Permit (SUP) Z99-87

COMMISSION ACTION: Commissioner Montoya motioned to continue Z2020011 to the September 10, 2020 hearing. Commissioner Lindblom second. Continued 6-0.

CONSENT AGENDA

Preliminary Plat - S2019021

District 4

Project name: **Zanjero Trails Parcel 34**
Applicants: HilgartWilson, LLC & SBH Zanjero Trails LP
Location: Generally located at the southeast corner of Bethany Home Rd. alignment and Jackrabbit Trail (195th Ave. alignment) in the Buckeye planning area
Request: Preliminary Plat for 595 residential lots, 73 tracts and 6 parcels in the R1-6 RUPD zoning district

Zoning - Z2019123

District 4

Project name: **Trethan Farms**
Applicant: Adam Baugh, Withey Morris PLC
Location: Generally located at the southwest corner of Olive Ave. & Cotton Ln.
Request: Rezone from Rural-43 and C-3 to R1-6 RUPD

Preliminary Plat - S2020008

District 4

Project name: **Trethan Farms**
Applicant: Adam Baugh, Withey Morris, PLC
Location: Generally located at the southwest corner of Olive Avenue & Cotton Lane, in the Glendale area
Request: Preliminary plat for 76 lots and 3 tracts in the R1-6 RUPD zoning district

Zoning - Z2018102

District 3

Project name: **Southwest Barricades**
Applicant: Rod Jarvis, Earl & Curley
Location: Generally located 520' east of the southeast corner of 19th Avenue and Parkview Lane in the Phoenix area
Request: Zone change from Rural-43 to IND-2 IUPD

Special Use Permit - Z2018125

District 4

Project name: **Upland RV and Boat Storage**
Applicant: Karl Von Wolff, Upland RV and Boat Storage Inc.
Location: Approx. 625 feet north of the NEC of Lower Buckeye Road and 272nd Avenue alignment, in the Buckeye area

Request: Special Use Permit for Outdoor RV and Boat Storage in the Rural-43 Zoning District

Special Use Permit - Z2019094

District 4

Project name: **18507 W Van Buren St.**
Applicant: Brian Smith
Location: Generally located approx. 1,146' south of the SEC of Perryville Rd. & Van Buren St. in the Goodyear area
Request: Special Use Permit (SUP) for Interim Industrial Uses in the Rural-43 Zoning District

Zoning - Z2020021

District 2

Project name: **Fry's Shops Monument Signs**
Applicant: Kaytlin Fox, Evergreen – Development Company
Location: Generally located 200' south and east of the southeast corner of Ellsworth Rd. and Broadway Rd. in the Mesa area
Request: Amend the C-S CUPD overlay zoning district to allow two (2) new freestanding monument signs per street frontage

Special Use Permit - Z2020041

District 1

Project name: **Arizona Olympian Gymnastics**
Applicant: Lindsay C. Shube, Gammage & Burnham PLC
Location: Generally located west of Gilbert Rd. at the Eastern Canal and north of Brooks Farm Rd. in the Chandler area.
Request: Modification of conditions to a Special Use Permit (Z2007003) to amend condition 'o'

Mr. Gerard presented the consent agenda.

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

COMMISSION ACTION: Commissioner Ruby motioned to approve the consent agenda, S2019021 with conditions 'a'-'n', Z2019123 with conditions 'a'-'j', S2020008 with conditions 'a'-'p', Z2018102 with conditions 'a'-'g', Z2018125 with conditions 'a'-'g', Z2019094 with conditions 'a'-'h', Z2020021 with conditions 'a'-'i', and Z2020041 with conditions 'a'-'z'. Commissioner Gress second. Approved 6-0.

S2019021 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Preliminary Plat for Zanjero Trails – Parcel 34" consisting of 16 full-size sheets, dated revised June 18, 2020, and stamped received June 22, 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 "Preliminary Plat Narrative for Zanjero Trails Parcel 34", consisting of 28 pages, dated revised May 21, 2020, and stamped received May 29, 2020, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:

1. Prior to any final plat approval, the owner/applicant must obtain a Right-of-Way Permit from the Flood Control District for the extension of 195th Avenue (Jackrabbit Trail) to the site.
 2. Prior to any final plat approval, the owner/applicant must provide evidence that a MCDOT agreement or permit is in place; or payment of the owner/applicant's proportionate share has been made to MCDOT, for the traffic signal located at 195th Avenue (Jackrabbit Trail) and Camelback Road.
 3. Prior to the final plat approval for Parcels 34E, 34F or Infrastructure for Bethany Home Road, the applicant must obtain a Right-of-Way Permit from the Flood Control District to construct the drainage channel north of Bethany Home Road.
 4. PND Engineering plan 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.
 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 Approval and Building Permits.
- d. The following Maricopa County Environmental Services Department (MCESD) condition shall apply:
1. Applications for Approvals to Construction, water and sewer lines, must be submitted and issued prior to final plat approval.
- e. 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.
- f. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.
- 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 and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.

- 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 applicable Fire District 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 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."

- l. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- 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 Final Plat shall include a note that states that there shall be no further division of land or parcels within the area of this subdivision plat without approval by the Board of Supervisors.

Z2019123 conditions;

- a. Development of the site shall be in substantial conformance with the conceptual Site Plan entitled "Olive Avenue and Cotton Lane", consisting of 2 full-size sheets, dated May 6, 2020, and stamped received May 12, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Trethan Farms", consisting of 8 pages, dated April 3, 2020, and stamped received May 12, 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 shall be subject to noise attenuation as per ARS § 28-8482(B) and Maricopa County requirements.
- e. The following Planning Engineering comments shall apply:
 - 1. Without the submittal of a precise plan of development, 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.
 - 2. Storm water retention for the development of this site shall be in accordance with MCZO 1205.7.6.2.
 - 3. A traffic impact study must be submitted with any future entitlement application (i.e. Preliminary Plat).
 - 4. An application for a CLOMR must be submitted to the Flood Control District of Maricopa County concurrent with any future entitlement application (i.e. Preliminary Plat).
 - 5. 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: 15 feet
2. Rear Yard Setback: 20 feet
3. Minimum Lot Area: 4,378 square feet
4. Minimum Lot Area per Dwelling Unit: 7,000 square feet
5. Minimum Lot Width: 45 feet
6. Maximum Lot Coverage: 55%

- 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.

S2020008 conditions;

- a. Development of the site shall be in substantial conformance with the Preliminary Plat entitled "Trethan Farms", consisting of 2 full-size sheets, sheet 1 dated June 8, 2020, and sheet 2 dated June 23, 2020, and stamped received June 23, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Trethan Farms", consisting of 7 pages, dated April 28, 2020, and stamped received June 8, 2020, except as modified by the following conditions.
- c. 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.
- d. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.
- e. The following Planning Engineering conditions shall apply:
 - 1. The developer must contribute 25 percent of the design and installation of a traffic signal at Cotton Ln. and Granite Vista Loop N. prior to Final Plat approval.
 - 2. The FIRM Index date on the Floodplain Table should be updated to 11/04/2015.
 - 3. The Letter of Map Revision (LOMR) must be approved by the Flood Control District of Maricopa County prior to Final Plat approval.

4. Buildings on lots within the regulatory floodplain must comply with the Floodplain regulations until such time that the LOMR is effective (typically 90-120 days after FEMA approves the LOMR). All work within the floodplain prior to approval is done "at-risk" with no guarantee of approval.
 5. 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.
 6. 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.
 7. 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.
 8. Detailed Grading and Drainage (Infrastructure) Plans must be submitted with the application for Final Plat Approval and Building Permits
- f. The following Maricopa County Environmental Services Department comment shall apply:
1. Approval to Construct (ATC) may be needed at the time of development, if applicable.
- 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).

- 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).
- 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. The Final Plat shall contain a note referencing the will serve letter.
- l. 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.

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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."

- m. 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.
- n. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- o. 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.
- p. The Final Plat shall include a note that states that there shall be no further division of land within the area of this subdivision plat without approval by the Board of Supervisors.

Z2018102 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Southwest Barricades", consisting of 2 full-size sheets, dated October, 2019, and stamped received May 14, 2020.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Southwest Barricades Narrative Report", consisting of 6 pages, dated May 11, 2020, and stamped received May 14, 2020, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - 1. Retention basins must drain within 36 hours. Minimum drywell spacing in the retention basin shall be 50 feet.
 - 2. This site is encumbered by federal patent easements. No new improvements may be constructed within the easements. Certain entities have the right to work within or otherwise use these easements which may cause damage to or removal of the existing perimeter fence and/or material located within the easements. Approval of this application does not constitute permission to interfere with or use the easements in any way.
 - 3. A minimum 25 foot separation is required between retention basins and septic facilities.
 - 4. 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.

5. Detailed Grading and Drainage Plans indicating that the site will drain towards the retention basin(s) will be required with the submission of building/grading permit application(s).
- d. 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.
- e. The following IND-2 IUPD standards shall apply:
 1. Front Yard 5-feet
 2. Side Yard, 0-feet
 3. Corner Side Yard, 0-feet
 4. Rear Yard, 0-feet
 5. Enclosure and Screening, existing 6' (h) chain link
- f. The zone change is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.
- 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.

Z2018125 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Upland RV & Boat Storage," consisting of 1 full-size sheet, dated May 14, 2020, and stamped received May 18, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Upland RV & Boat Storage," consisting of 6 pages, dated May 14, 2020, and stamped received May 18, 2020, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:

1. Drainage 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, the Maricopa County Drainage Policies and Standards, and the MCDOT Roadway Design Manual.
 2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
 3. All retention basins with 100-year, 2-hour storm water depths deeper than three feet shall be fenced per Section 6.2.7 of the Drainage Policies and Standards for Maricopa County.
 4. All retention basins shall drain within 36 hours per Section 6.10 of the Drainage Policies and Standards for Maricopa County.
- d. The following Maricopa County Environmental Services Department (MCESD) condition shall apply:
1. Prior to construction permit approval new NOID permits must be obtained.
- e. The Special Use Permit shall expire on August 19, 2040. Unless the Special Use Permit is renewed or extended or similar zoning entitlement approved, all improvements 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.

Z2019094 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Special Use Permit for 18507 W Van Buren St", consisting of 2 full-size sheets, dated June 4, 2020, and stamped received June 23, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "18507 W Van Buren St., Goodyear, AZ 85338", consisting of 4 pages, dated June 4, 2020, and stamped received June 23, 2020 except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. Building and floodplain use permits for the site work shown on the approved plans must be applied for within six (6) months of BOS approval; and completed within six (6) months thereafter.
 2. Any renovation to existing buildings on site must comply with the Flood Control District's and FEMA's Substantial Improvement requirements.
 3. Any volume displacement for new construction within the FEMA Zone AH floodplain shall be equally compensated from within the same ponding area.
 4. 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.
 5. Detailed Grading and Drainage Plans must be submitted with the application for building permits.
- d. This special use permit shall expire on August 19, 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-43 Zoning District standards shall apply:
 1. Pavement for Parking Spaces and Internal Driveways – May be waived with acceptance of dust control plan by Maricopa County Air Quality Control except for ADA parking spaces
 2. Sight Visibility Triangle – Not required

- 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.

Z2020021 conditions;

- a. Development of the site shall be in substantial conformance the Site Plan entitled, "Overall Site Plan", consisting of one (1) full-size sheet, dated, April 30, 2020, and stamped received May 7, 2020, except as modified by the following.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "435 & 439 S. Ellsworth Road", consisting of four (4) pages, dated April 30, 2020, and stamped received May 7, 2020, except as modified by the following.
- c. Any new freestanding monument sign shall match the architecture and color pallet of the existing shopping center.
- d. The following Maricopa County Environmental Services Department (MCESD) comment shall apply:
 - 1. Will require minor NOID application approval.
- e. The following Planning Engineering conditions shall apply:
 - 1. Engineering review of planning and/or zoning cases are 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 the Maricopa County Drainage Policies and Standards.

2. All development and engineering designs shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
 3. At the time of application for building permit(s), detailed Grading & Drainage Plans must be provided.
- f. The following C-S CUPD development standards shall apply:
1. The ability to have two (2) freestanding monument signs per street frontage at the location and per the standards identified in conditions 'a' and 'b'.
 2. The ability to place a freestanding monument sign a minimum of 100-feet away from another freestanding monument sign.
- g. Noncompliance with any Maricopa County Regulations shall be grounds for initiating a revocation of this zone change as set forth in the Maricopa County Zoning Ordinance.
- h. The property owners and their successors waive claim of diminution of value if Maricopa County takes action to rescind approval due to noncompliance with conditions.
- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the land owner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the zoning that 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 to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value the property held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the values 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.

Z2020041 conditions;

- a. Development of the site shall comply with the Site Plan entitled "Arizona Olympian Gymnastics", consisting of one (1) full-size sheet, dated February 2009, and stamped received February 10, 2009 except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the bound Narrative Report entitled " Special Use Permit for Arizona Olympian Gymnastics, LLC", consisting of thirty-seven pages (37) pages, including exhibits A through G, dated revised October 21, 2008, and stamped received November 13,

2008, except as modified by the following stipulations. As amended by the narrative report titled "Arizona Olympian Gymnastics" consisting of three (3) pages dated May 27, 2020, and received May 28, 2020.

- c. Development of the site shall comply with the Landscape Plan entitled "Arizona Olympian Gymnastics Proposed Landscape Plan", consisting of one (1) full-size sheet, stamped received March 9, 2009, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisor's approval, a revised Landscape Plan shall be submitted modified as follows:
 - 1) Add a note "All trees shall be double-staked when installed"
 - 2) Call out the sight visibility triangle
 - 3) Add note: "No structures, landscaping, fence, wall, or terrace or other obstruction to view in excess of two feet in height as measured from the centerline of the street shall be placed within the required 25-foot sight visibility triangles"
 - 4) Remove any plants over 2' (h) from the sight visibility triangle
 - 5) Enhance the landscaping to buffer the sight of the parking as seen from Gilbert Rd.
- d. All trees shall be double-staked when installed.
- e. Prior to issuance of any building permits, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened with a continuous parapet for commercial projects.
- g. The owners shall comply with the following Maricopa County Department of Transportation (MCDOT) recommendations:
 - 1) Provide a total half-width of 45 feet of right-of-way on Gilbert Road.
 - 2) Defer bonding for ultimate half-width improvements on Gilbert Road. MCDOT will review the need for bonding on an annual basis and may request the bonding if/when deemed necessary.
 - 3) All parking spaces to be treated with gravel or asphalt millings.
 - 4) All driveways in county right-of-way must be paved.
- h. Permits and all safety inspections for the wall adjacent to Gilbert Rd. shall be obtained prior to dedication of the ultimate right-of-way for Gilbert Rd. Should all or any portion of said wall have to be removed or relocated due to future project for road widening or similar improvements, the removal or relocation shall be completed at the property owner's expense.
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.

- j. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
- k. Development and use of the site shall comply with requirements for fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of any building permits, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- l. Prior to issuance of any building permits, 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 appropriate Fire Department servicing the site.
- m. Prior to issuance of any building permits, a Floodplain Use Permit must be obtained from the Floodplain Management and Services Division of the Flood Control District (FCD) or as otherwise deemed necessary by the FCD.
- n. Development of this site shall comply with the requirements of the Office of State Fire Marshall.
- o. This Special Use Permit shall expire December 31, 2040. Upon termination of the use, the owners shall apply for variances for setbacks and lot coverage for the existing building to be maintained as storage shed.
- p. The applicant shall submit a written report outlining the status of the development at the end of one (1) year and 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 Permit remains in compliance with the approved stipulations. The applicant shall address adequacy of parking with each Status Report and shall apply for any necessary amendments. If a building permit and Certificate of Occupancy has not been issued for the gymnasium by the first status report, staff shall schedule the case for review by the Commission for consideration of SUP revocation.
- q. The school shall close until the property owner final a Building Permit to retrofit the existing building to meet current commercial building code requirements as applicable and obtains a Certificate of Occupancy for the retrofitted building.
- r. No off-site or on-street parking shall be allowed.
- s. Signage shall be limited to two (2) on-site signs each not exceeding 24 sq. ft. – no further advertising is permitted off-site of property and adjacent right-of-way.
- t. No vehicles are permitted to park or stand (idle) along Gilbert Road adjacent to the site.

- u. The site shall operate in a manner that is compliant with Maricopa County Air Quality Department regulations regarding fugitive dust control.
- v. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
- w. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- x. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- y. The property owners and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- z. The applicant shall resolve all outstanding design issues to demonstrate compliance with drainage regulations of Maricopa County. At the time of construction permit application the applicant shall address all items identified in the drainage review comment memo dated 04/02/2009.

REGULAR AGENDA

Zoning - Z2019129

District 4

Project name: **303 and Olive**
 Applicant: William E. Lally, Tiffany & Bosco, P.A.
 Location: Generally located approximately 500' south of the SEC of Olive Ave. & Cotton Ln.
 Request: Zone Change with Overlay from Rural-43 to C-2 CUPD

Mr. Gerard presented Z2019129 and noted there's opposition from an adjacent neighbor with concerns with several operational issues, heavy equipment, and access issues.

Mr. Bill Lally, the applicant with Tiffany & Bosco said he is representing the landowner. This nursery has been operational for 30 plus years as an agricultural nursery. The Glendale General Area Plan recognizes this property as mixed use. As the area has grown there's been a large interest to go from a wholesale nursery to retail. The commercial zoning will allow them to sell directly to consumers and be open to the public instead of just wholesale buyers. The letter of opposition comes from a property owner three houses away where he was told these lots were going to be large custom homes, and the nursery was going to go away. There's been a number of conversations with the operator and property owner about improving the road. Williams Road is a private access road and

the majority is owned by the applicant. There is an easement for all of the property owners to use the access road. The applicant has moved the wall and the setback 25 feet north on Williams Road, so the property owner across the street could better maneuver his RV's and large trailers on the road. The applicant continues to do long term maintenance to the road, but it is a right-of-way easement and not a public road. It was designed for those three homes and the agricultural business. This use has been here before the property owner in opposition moved here, and the rezoning will only change the use to retail customers instead of just wholesalers.

Chairman Schlosser asked will there be any changes to the property. Mr. Lally said the property is fairly built out and developed, and he doesn't think there will be any enhanced development of the property, just the type of sales are going to be different.

Chairman Schlosser said the property to the south was rezoned just last year. Mr. Lally said yes there were two zoning cases and they will have single-family homes with an R1-6 density. We have taken great precautions with a buffer and to eliminate an obnoxious C-2 uses that people are concerned about in residential. This area is definitely intensifying.

Chairman Schlosser asked if this is in line with the Glendale Area Plan. Mr. Lally said Glendale's Area Plan has been one of the most updated plans since the 303 came in. The City of Glendale did not have any opposition and they believe this should be a non-residential corner. C-2 commercial zoning meets that intent.

COMMISSION ACTION: Commissioner Montoya motioned to approve Z2019129 with conditions 'a' – 'i'. Commissioner Ruby second. Approved 6-0.

- a. Development of the site shall comply with the Zoning Exhibit entitled "Loop 303 & Olive", consisting of 1 full-size sheet, stamped received July 7, 2020, except as modified by the following conditions.
- b. Development of the site shall be in general conformance with the Narrative Report entitled "303 & Olive Property Rezone", consisting of 11 pages, stamped received July 7, 2020, except as modified by the following conditions.
- c. The CUPD overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.
- d. The C-2 CUPD shall prohibit the following land uses: Medical Marijuana facilities, Adult Oriented facilities, Automobile repair shops and garages, and Drive-thrus for restaurants.
- e. The following C-2 CUPD standards shall apply for the offsite (billboard) signage:
 1. Maximum height: 45'
 2. Maximum sign area: 672 sq. ft.

3. Rear yard setback for APN 501-05-006M: 0' (east)
 4. Setback to Rural-43 zoning: 0' east and north/50' south
 5. Setback to Rural-43 zoning for illuminated sign: 0' east and north/50' south
 6. Screening: no screening for billboard or nursery
- f. The following Engineering conditions shall apply:
1. Without the submittal of a precise plan of development, 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.
 2. Dedication of additional right-of-way along Cotton Lane may be required as part of future site entitlements (i.e. plan of development).
 3. A Traffic Impact Study must be submitted with the application for future entitlements (i.e. plan of development).
 4. An application for a CLOMR may be required concurrent with any future entitlement application that would impact the FEMA Floodplain along Cotton Lane.
 5. Engineering design for site development 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. 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.
- h. All buildings subject to noise attenuation as per ARS § 28-8482(B) and Maricopa County requirements.

- i. 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.

Special Use Permit - Z2020015

District 1

Project name: **NWC Sossaman Road & San Tan Boulevard – Construction Yard Facility**
Applicant: Chris Webb, Rose Law Group PC
Location: Generally located at the NWC of Sossaman Rd. & San Tan Blvd.
Request: Special Use Permit (SUP) for Construction Yard Facility in the C-3 and R1-35 RUPD Zoning Districts

Mr. Gerard presented Z2020015 and noted the applicant is using the R1-35 RUPD for retention and the construction yard in C-3 commercial zoning with similar uses in close proximity to this site. After the printing of the report, staff received three concern letters requesting increased security and lighting. Staff is recommending approval.

Mr. Chris Webb with Rose Law Group said there is quite a few residential zonings in the area, and the San Tan Blvd. corridor is a very commercial and industrial corridor. It has been for several years. The majority of this property is zoned C-3 which is the County's most intense commercial zoning, and the northern part of the property is zoned R1-35. They are proposing a construction yard on the C-3 portion and a retention basin on the R1-35 portion of the property. This is a very low intensity use as compared to the other

uses allowed in C-3 zoning. There was some concern from one of the neighbors with traffic. A construction yard is a very low traffic generator when compared to some of the other uses. We tried to be conscious with the neighbor's to the north and implemented this large retention basin along the northern boundary, which will also serve as a buffer. It is over 50 feet wide. They won't be able to store anything in it, and it will function as a retention basin. During the public outreach process none of the neighbor's expressed any opposition to this application. The property owner's to the north wrote letters of support, and after the staff reports were printed there were concerns over security and lighting. They will provide a security system as a deterrent of theft in the area. They do have four security lights located along the drive that will go through the facility, 150 watt incandescent bulbs. They were contacted by a neighbor to the north with a concern with one of the light poles too close to their house, and they have agreed to move it further west. An entrance sign will sit on the entrance off of San Tan Blvd. and concern was expressed with the monument sign which is 300 feet from the north. The sign will face east/west traffic along San Tan Blvd. and the side view of the sign is what the neighbors would see to the north 300 feet away. They really don't think it will be an aesthetic problem and it is appropriate for the area. They plan to leave it in place.

Commissioner Gress said he saw other possible intense uses in C-3 zoning, and asked if we approve this and then in 5 years they can set up a nightclub. Mr. Gerard said they do have C-3 zoning entitlement today, and the Special Use Permit is site plan specific and use specific for a contractor's yard. They would need to remove the SUP. What's in the staff report is contrasting to what could go in there today.

Commissioner Ruby asked about the hours of operation, with the 4 a.m. versus the 5 a.m. and why they need that extra hour. Mr. Webb said here in the valley it gets so hot, and construction workers are expected to be out on job sites by 5 a.m. In order to do that they need to pick up their materials prior to 5 a.m. to be out on their job site. We discussed this with staff and they agreed it was appropriate. It doesn't mean the facility will always be accessed at 4 a.m. because in the winter time they aren't starting that early.

Chairman Schlosser asked if there was anybody in the public that wishes to speak. Mr. Anderson said Ms. Kim Brewer was registered in opposition to speak, but she wasn't on the line.

COMMISSION ACTION: Commissioner Lindblom motioned to approve Z2020015 with conditions 'a' - 'h'. Commissioner Gress second. Approved 6-0.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Construction Yard Facility", consisting of 2 full-size sheets, dated July 9, 2020, and stamped received July 9, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Special Use Permit Narrative", consisting of 9 pages, dated July 9, 2020, and stamped received July 9, 2020 except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. Retention basin(s) must drain within 36 hours.

2. The access drive(s) to the site must be paved with asphalt millings compacted with a liquid asphaltic binder, or equivalent.
3. Right-of-way dedication(s) must occur prior to issuance of any construction (building) permits on the site as follows:
 - a. Sossaman Road: 22 feet to provide a total ½ width of 55 feet (to include a 10' wide PUE west of the R/W); and
 - b. San Tan Blvd.: 7 feet to provide a total ½ width of 40 feet.

The applicant is referred to

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

4. 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.
5. Detailed Grading and Drainage Plans must be submitted with the application for building permits.
- d. Unless renewed by the Maricopa County Board of Supervisors, this special use permit shall expire on August 19, 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 C-3/R1-35 RUPD Zoning District standards shall apply:
 1. Height – 40'
 2. Front Yard (South) – 15'
 3. Side Yard (West) – 5'
 4. Street-side Yard (East) – 10'
 5. Rear Yard (North) – 25'
 6. Lot Area – 6,000 sq. ft.
 7. Lot Width – 60'
 8. Lot Area per Dwelling Unit – Not Permitted
 9. Lot Coverage – 60%
 10. Parking Spaces Required – 1 per 600 sq. ft. of floor area
 11. Screening – 6' solid masonry wall along north property line, 6' view-obscuring fencing along east, west and south property lines
 12. Landscaping – Shared 10' public utility easement will also serve as a non-irrigated desert landscaping strip abutting Sossaman Road right-of-way, landscaping strip not required along San Tan Boulevard

- 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.

Chairman Schlosser adjourned the meeting at 10:16 a.m.

Prepared by Rosalie Pinney
Recording Secretary
July 23, 2020