

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

August 6, 2020
9:30 a.m.

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Phoenix, Arizona

MEMBERS PRESENT:

Mr. Lucas Schlosser, Chairman
Mr. Greg Arnett, Vice Chairman
Mr. Nathan Andersen
Mr. Bruce Burrows
Mr. Matt Gress
Mr. Jimmy Lindblom

MEMBERS ABSENT:

Ms. Francisca Montoya
Ms. Jennifer Ruby
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:

Z2020051, Z2020055

REGULAR:

CPA2019013, Z2019112

Chairman Schlosser called the meeting to order at 9:32 a.m. and made the standard announcements, and noted agenda item #1 – CPA2019013 and #2 – Z2019112 are moving from the consent agenda to the regular agenda.

CONSENT AGENDA

Z2020051 - Zoning

District 1

Project name: **Barr Property**
Applicant: Maricopa County Planning & Zoning Commission
Location: Generally located south of the southeast corner of Tangelo Ave. & Cherry Hills Place in the Queen Creek area
Request: Rezone from R-4 to Rural-43 RUPD

Z2020055 - Zoning

District 1

Project name: **Carroll Property**
Applicant: Maricopa County Planning & Zoning Commission
Location: Generally located south of the southeast corner of the San Tan Boulevard & Valencia Ave in the Queen Creek area

Request: Request for Commission initiation, and rezone from R-4 to Rural-43 RUPD

Mr. Gerard presented the consent agenda.

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

COMMISSION ACTION: Commissioner Andersen motioned to approve the consent agenda, Z2020051 and Z2020055 with condition 'a'. Commissioner Gress second. Approved 6-0.

Z2020051 and Z2020055 condition;

a. Subject to all conditions of case Z2005006, including the following Rural-43 RUPD development standards:

1. Average lot area per dwelling unit: 43,560 sq. ft.
2. Minimum lot area: 35,000 sq. ft.
3. Minimum lot width: 120'
4. Maximum lot coverage: 20%
5. Minimum Distance between buildings: 15'
6. Minimum Front setback: 20'
7. Minimum Rear setback: 25'
8. Minimum Side setback: 5'
9. Minimum Street-side setback: 10'
10. Maximum building height: 30'
11. Accessory Dwelling Units: One (1) secondary dwelling unit allowed with MCESD approval of liquid waste disposal system.

REGULAR AGENDA

CPA2019013 – Comprehensive Plan Amendment

District 4

Project name: **Rose Estates**
Applicant: Jordan Rose, Rose Law Group, PC
Location: Northeast corner of the intersection of 115th Ave. (alignment) and Williams Dr. (alignment) in the Peoria area.
Request: Comprehensive Plan Amendment (CPA) to change the White Tanks/Grand Ave. Area Plan land use designation from Mixed-Use Employment, Open Space, and Small Lot Residential (2-5 du/ac) to Small Lot Residential (2-5 du/ac) and Open Space

Mr. Gerard presented CPA2019013.

COMMISSION ACTION: Chairman Schlosser motioned to approve CPA2019013 with conditions 'a' –'d'. Commissioner Andersen second. Approved 6-0.

a. Development of the site shall be in substantial conformance with the CPA Land Use Exhibit, entitled "Rose Estates", consisting of one (1) full sized sheet,

dated June 2020, and stamped date received on June 10, 2020, except as modified by the following conditions.

- b. Development of the site shall be in substantial conformance with the CPA Narrative Report, entitled "Rose Estates", consisting of 11 pages, dated June 2020, and stamp date received on June 10, 2020, except as modified by the following conditions.
- c. The total number of residential dwelling units on the site shall not exceed 440.
- d. 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.

Z2019112 – Zoning

District 4

Project name:	Rose Estates
Applicant:	Jordan Rose, Rose Law Group, PC
Location:	Northeast corner of the intersection of 115 th Ave. (alignment) and Williams Dr. (alignment) in the Peoria area.
Request:	Zone change from Rural-43 to R1-6 RUPD

Mr. Gerard presented Z2019112 and noted staff recommends the Commission modify the zoning condition 'c.2' by replacing the language of 'completion' to 'progression'. There's no known opposition.

Ms. Jordan Rose the applicant said she agrees with the change in the stipulation.

COMMISSION ACTION: Chairman Schlosser motioned to approve Z2019112 with conditions 'a' – 'j'. Commissioner Lindblom second. Approved 6-0.

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit, entitled "Rose Estates", consisting of one (1) full size sheet, dated June 2020, and stamp date received on June 10, 2020, except as modified by the following conditions.

- b. Development of the site shall be in substantial conformance with the Zone Change Narrative Report, entitled "Rose Estates", consisting of 10 pages, dated June 2020, and stamp date received on June 10, 2020, except as modified by the following conditions.
- c. The following Planning 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 number of proposed building lots, drainage design, access, roadway widths 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. Any approval and progression in the entitlement process is contingent on ~~completion~~ **progression** of MCDOT TIP TT0248 which includes extension of Williams Drive across the Agua Fria River to Deer Valley Road which is intended to provide access to the site.
 - 3. A Traffic Impact Study must be submitted as part of the Preliminary Plat application.
 - 4. Any new development on the subject premises must provide for at least two (2) paved accesses from the site to an improved public roadway.
 - 5. Encroachment into FEMA Zone AE and FW floodplains/floodways is extremely restrictive. The applicant must address development requirements (e.g. CLOMR/LOMR) required to develop the site in the manner proposed as plans progress and are submitted to the County for further review and/or entitlement.
 - 6. The applicant must address how public improvements, residences and other improvements necessary for development of the site (e.g. retention basins) will be protected from scour along the Agua Fria River (33,000 CFS) as development plans progress and are submitted to the County for further review and/or entitlement. A significant portion of the site outside of the regulatory floodplains is contained within a mapped lateral migration erosion zone.
 - 7. Engineering review of re-zone cases are conceptual in nature. 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.
- d. The following R1-6 RUPD standards shall apply:

1. Minimum Front Setback of 10 feet
 2. Minimum Rear Setback of 15 feet
 3. Minimum Lot Area of 5,175 square feet
 4. Minimum Lot Width of 45 feet
 5. Maximum Lot Coverage of 55%
- e. Prior to the approval of any Final Plat, the developer shall obtain a Certificate of 100-Year Assured Water Supply from the Arizona Department of Water Resources.
- f. Prior to the approval of any Final Plat, the developer shall abandon all Patent Easements on the site.
- g. All outdoor lighting shall conform to Section 1112 of the Maricopa County Zoning Ordinance.
- h. 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.
- i. 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.
- 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 never been granted.

Chairman Schlosser adjourned the meeting at 9:43 a.m.

Prepared by Rosalie Pinney
Recording Secretary
August 6, 2020