

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

April 25, 2019
9:30 a.m.

Board of Supervisors Auditorium
301 W. Jefferson Street
Phoenix, Arizona

MEMBERS PRESENT:

Mr. Jimmy Lindblom, Chairman
Mr. Nathan Andersen
Mr. Greg Arnett
Mr. Michael Cowley
Ms. Jennifer Ruby (telephonically)
Mr. Lucas Schlosser

MEMBERS ABSENT:

Ms. Francisca Montoya, Vice Chair
Mr. Bruce Burrows
Mr. Broc Hiatt
Mr. Robert Zamora

STAFF PRESENT:

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

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney

CONTINUANCE:

TA2018001, CPA2018007, Z2018100

CONSENT:

**Z2018096, Z2019020, Z2018073, Z2018123, S2018043,
S2018041**

REGULAR:

Z2017123, Z2017124, Z2017125, S2018035

Chairman Lindblom called the meeting to order at 9:30 a.m.

Chairman Lindblom asked if there were any changes or comments to the January 31 minutes, none.

COMMISSION ACTION: Chairman Lindblom approved the January 31, 2019 minutes as written.

CONTINUANCE AGENDA

Text Amendment - TA2018001 (Cont. from 4/11/19)

All Districts

Applicant: Becker Boards Small, LLC / Joseph White

Request: Text Amendment to amend Chapter 2, Definitions and Chapter 14, Articles 1403 and 1404 of the Maricopa County Zoning Ordinance (MCZO) relating to Off-Site Advertising Signs (Billboards). TA2018001 proposes additional usage, allowance for digital billboards currently prohibited

Mr. Gerard presented TA2018001 and requested a continuance to the May 30 Zoning Infrastructure, Policy, Procedure and Ordinance Review (ZIPPOR) meeting for further discussion.

Commissioner Arnett asked if there's been dialogue with the applicant and the billboard industry. Mr. Gerard said there's been communication but he doesn't believe all the industry has been involved at the same time, and they are hoping to have dialogue at next meeting. He doesn't believe there's a consensus, and there's been significant changes to discuss at the next meeting.

COMMISSION ACTION: Commissioner Cowley motioned to continue TA2018001 to the May 30, 2019 ZIPPOR meeting. Commissioner Andersen second. Continued 6-0.

Comprehensive Plan Amendment - CPA2018007

District 5

Applicant: William E. Lally, Tiffany & Bosco, PA
Location: Generally located at the southwest corner and southeast corner of Broadway Rd. and 83rd Ave. in the Phoenix area
Request: Comprehensive Plan Amendment (CPA) to change the Estrella Area Plan land use designation from Rural Densities (0-1 d.u./ac.) to Multiple Family Low (8 – 12 d.u./ac.) and Community Retail - 83rd Ave. & Broadway Rd.

Zoning - Z2018100

District 5

Applicant: William E. Lally, Tiffany & Bosco, PA
Location: Generally located at the southwest corner and southeast corner of Broadway Rd. and 83rd Ave. in the Phoenix area
Request: Zone Change with Overlay from Rural-43 to R-5 RUPD and C-2 – 83rd Ave. & Broadway Rd.

Mr. Gerard said the Commission does not have to vote on CPA2018007 and Z2018100, since the notice was in error, and there will be a brand new notice posted and advertised.

No action required by the Commission.

CONSENT AGENDA

Special Use Permit - Z2018096 (Cont. from 4/11/19)

District 3

Applicant: Rose Law Group
Location: Generally located on the east side of 12th St. approx. 1,500' northeast of the intersection of Cloud Rd. and 12th St.

Request: Special Use Permit (SUP) for pet sitting and dog daycare - Dog Gone Purr-Fect Pet Sitting and Doggie Daycare

Plan of Development - Z2018073 (Cont. from 4/11/19)

District 4

Applicant: Toby Rogers, Butler Design Group
Location: Generally located at the southwest corner of Loop 303 and Glendale Ave.
Request: Plan of Development for an industrial warehouse in the Rural-43 MAAMF overlay zoning district and IND-2 IUPD zoning district – 303 & Glendale Industrial

Zoning - Z2018123 (Cont. from 4/11/19)

District 4

Applicant: David Coble, Coe & Van Loo Consultants, Inc.
Location: Approx. 650' northwest of the northwest corner of RH Johnson Blvd. and Camino del Sol Rd. in the Sun City West area
Request: Zone Change from R-3 SC to R-3 SC RUPD – Four Seasons in Sun City west

Preliminary Plat - S2018043

District 4

Applicant: Coe & Van Loo Consultants
Location: Approx. 650' northwest of the northwest corner of RH Johnson Blvd. and Camino del Sol Rd. in the Sun City West area
Request: Preliminary Plat containing 50 residential lots and 8 tracts in the R-3 SC RUPD and C-2 zoning districts – Four Seasons in Sun City West

Preliminary Plat - S2018041

District 4

Applicant: Chris Clonts, Lennar
Location: Generally located approx. 1,000 ft. north of the northeast corner of Northern Ave. and Cotton Ln., in the Glendale area
Request: Preliminary Plat containing 279 residential lots and 19 tracts in the R1-6 RUPD zoning district – Northern Crossing

Mr. Gerard presented the consent agenda and noted item #5 – S2018041 will be voted on separately, and item #7 - Z2017123, #8 - Z2017124, and #9 - Z2017125 is moving to the regular agenda.

Commissioner Andersen asked for clarification on item #4 – Z2018096 regarding the number of years of the Special Use Permit. Mr. Gerard said the applicant requested 25 years, but there's a violation and there's minimal improvements for the existing facility. Staff is recommending 10 years to make sure there's a good track record before making a longer term entitlement.

COMMISSION ACTION: Commissioner Cowley motioned to approve Z2018096 with conditions 'a'-'g', Z2018073 with conditions 'a'-'f', Z2018123 with conditions 'a'-'g', S2018043 with conditions 'a'-'n'; and S2018041 with conditions 'a'-'p'. Commissioner Arnett second. Approved 6-0.

Z2018096 conditions;

- a. Development of the site shall comply with the Site Plan consisting of three full-size sheets, stamped received March 29, 2019, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Dog-Gone Purrr-fect Pet Sitting and Doggie Daycare", consisting of 6 pages, and stamped received March 29, 2019, except as modified by the following conditions.
- c. Customers with vehicles dropping off or picking up pets shall be allowed to enter through the gate and turn around within the property. Customers with vehicles dropping off or picking up pets shall not be allowed to do so within the right of way.
- 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. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors. All of the site improvements shall be removed within 60 days of such termination or expiration.
- f. Within 30 days of Board of Supervisors approval, the applicant shall dedicate the additional required 8.75 feet of right of way for 12th Street.
- 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.

Z2018073 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Approval for a Plan of Development: Loop 303 & Glendale Avenue Proposed Industrial Development", consisting of 1 full-size sheet,

dated March 8, 2019, and stamped received March 19, 2019, except as modified by the following conditions.

b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Barclay 303 Industrial", consisting of 5 pages, dated February 27, 2019, and stamped received March 19, 2019, except as modified by the following conditions.

c. The following Planning Engineering conditions shall apply:

1. The Owner shall provide a total half-width of right-of-way for the following roadway:

Glendale Avenue	65 feet
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All such dedications shall be in fee and free of all liens and encumbrances. Prior to acceptance of such dedication, the applicant shall provide the County an owner's title insurance policy issued to the County, the MCDOT environmental checklist and any and all other requirements as set forth in the "MCDOT Right-of-Way Dedications Reference Guide". Until Maricopa County has accepted said dedication, all responsibilities, including but not limited to maintenance and repair for the property to be dedicated shall be that of the applicant.

2. Construct ultimate half-width improvements on Glendale Avenue. Roadway must meet County Standards in effect at the time they are constructed. A waiver from this requirement may be requested from MCDOT.

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 property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.

f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, 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 Plan of Development. The Plan of Development enhances the value of the property above its value as of the date the Plan of Development is granted and reverting to the prior zoning results in the same value of the property as if the Plan of Development had never been granted.

Z2018123 conditions;

- a. Development of the site shall comply with the Zoning Exhibit entitled "Site Plan for K. Hovnanian's Four Seasons in Sun City West", consisting of three full-size sheets, dated March 11, 2019, and stamped received March 12, 2019, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "K. Hovnanian's Four Season An Active Adult Community in Sun City West", consisting of 13 pages, dated March 11, 2019, and stamped received March 12, 2019, except as modified by the following conditions.
- c. The following R1-6 RUPD standards shall apply:
 1. Minimum Lot Area: 3,000 sq. ft.
 2. Minimum Lot Area per Dwelling Unit: 3,000 sq. ft.
 3. Minimum Lot Width: 35'
 4. Open Space: 0%
 5. Maximum Lot Coverage: 75%
 6. Maximum Height: 40'
 7. Minimum Front Yard: 5'
 8. Minimum Interior Side Setback: 5'/3' – Single family detached (6' minimum building separation)
 9. Minimum Rear Yard: 10'
- 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. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- f. The 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.

- g. The 25' x 25' sight visibility triangles (SVT's) along the Sandridge Dr. and RH Johnson Blvd. shall be waived. The developer must demonstrate safe sight visibility at this intersection based on Figures 9.1 and 9.1a of the MCDOT Roadway Design Manual with the final design of the subdivision's infrastructure. The internal 25' x 25' SVT's for the shared access easement along Sandridge Dr. will not be required.

S2018043 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled 'Preliminary Plat for K. Hovnanian's Four Seasons in Sun City West' consisting of 3 full-size sheets, dated revised April 12, 2019, and stamped received April 12, 2019, except as modified by the following conditions.
- b. Development and use of the site shall in substantial conformance with the Narrative Report entitled "K. Hovnanian's Four Seasons", consisting of 24 pages, dated revised April 12, 2019, and stamped received April 12, 2019, 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. 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.
- f. 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.
- g. The following Planning Engineering conditions shall apply:
 - 1. The Drainage Waiver applied for under case DRB2018003 must be approved.
 - 2. An outlet structure must be provided on the discharge pipe from Basin R-2 to Basin R-3 to provide the effective volume noted for Basin R-2.

3. Berms used for retention basins must have a minimum top width of eight (8) feet; or an alternative structural improvement must be provided at final design.
 4. Basin R-4 must be equipped with an emergency spillway designed in accordance with the Maricopa County Drainage Policies and Standards Manual.
 5. Final design for retention basins must provide for one (1) foot of freeboard.
 6. An ADA accessible sidewalk along with west side of Sandridge Drive must be extended from RH Johnson Blvd. northeast into the site.
 7. Prior to final plat approval, the emergency access easement through the church property must be recorded. The recording information will be required to be shown on the final plat.
 8. A Stop sign with appropriate pavement markings must be included in the final design for the northeast approach of the intersection of RH Johnson Blvd. and Sandridge Drive.
 9. Based on the conceptual design nature of the information submitted, changes to the site layout and/or reduction in the number of building lots may be necessitated by final engineering design of the subdivision drainage infrastructure.
 10. Detailed Grading and Drainage (Infrastructure) Plans must be submitted with the application for Final Plat Approval and Building Permits.
- h. 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).
- i. 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 appropriate North County Fire & Medical 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.
- j. 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."

- k. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- 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 delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.

S2018041 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Preliminary Plat Northern Crossing Subdivision" consisting of 9 full-

size sheets, dated stamped received February 25, 2019, except as modified by the following conditions.

- b. Development and use of the site shall comply with the Narrative Report entitled "Northern Crossing – Narrative Report for Preliminary Plat", consisting of 8 pages, dated stamped received February 25, 2019, except as modified by the following conditions.
- c. The following Engineering conditions shall apply:
 1. A minimum of 9.97 acre-feet of onsite retention for onsite rainfall runoff and adjacent half-street runoff shall be provided. One foot of freeboard above the 100-year, 2-hour storm high water surface shall be provided in all retention basins. The retained stormwater shall percolate or infiltrate within 36 hours per Maricopa County requirements.
 2. One-foot Vehicular Non-Access Easements shall be provided along all parcel boundaries where there are not public or private roads.
 3. APS shall agree in writing to allow the proposed retaining wall and subdivision block theme wall across the electrical easements at the subdivision boundaries.
 4. All public and private roads shall be designed per Maricopa County requirements.
 5. At such time as a MCDOT approved Traffic Impact Study (TIS) demonstrates that sufficient warrant(s) exist for the installation of traffic signal(s), the development that generates the traffic that will trigger such sufficient warrant(s) shall be responsible for the installation of the traffic signal(s) as part of its infrastructure/site improvements.
 6. Based on the Traffic Impact Study submitted with this application, development of the subject premises and surrounding properties will warrant the need for traffic signals at the intersections of Cotton Lane and Northern Avenue; and Cotton Lane and Granite Vista Loop South at some future time as development progresses. An updated TIS must be submitted with the final plat application associated with this preliminary plat. If the updated TIS demonstrates that this development will trigger the need for traffic signal(s), design and permitting of these signals must be provided by the applicant as part of the subdivision's infrastructure.
 7. Signal foundations, conduit runs, junctions boxes, underground utilities, ADA ramps and sidewalks shall be constructed to roadway ultimate cross section as part of the developer improvements on

east side of Cotton Lane. MCDOT will perform traffic counts and analysis to determine timing of signal installation.

- d. The following Addressing condition shall apply:
 - 1. On the Final Plat, replace W. Butler Ave. with Evergreen Rd. (8475N).
- 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. 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.”

- 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 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.
- l. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- m. 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.
- n. 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.
- o. 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.
- p. 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.

Modification of Conditions - Z2019020 (Cont. from 4/11/19)

District 4

Applicant: Jeff Wimmer, Dibble Engineering
Location: Generally located between Thunderbird Blvd. to the north, Santa Fe Dr. to the south, 103rd Ave. to the east, and 105th Ave. to the west in the Sun City area
Request: Modification of Conditions to Z2018038 – Banner Boswell Medical Center

Chairman Lindblom recused himself from this case - Z2019020.

COMMISSION ACTION: Commissioner Arnett motioned to approve Z2019020 with conditions 'a'-'i'. Commissioner Andersen second. Approved 5-0-1 (Lindblom).

- a. Development of the site shall comply with the Site Plan entitled "Precise Plan of Development Banner Boswell Webb Medical Center Emergency Department", consisting of 4 full-size sheets, dated April, 2018, and stamped received September 6, 2018, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Banner Boswell Medical Center ED Expansion Tower Project", consisting of 8 pages, dated April, 2018, and stamped received September 6, 2018, except as modified by the following conditions. Development of the site shall also be in conformance with the modification of conditions Narrative Report entitled, 'Modification of Conditions CUPD Case Z2019020 Narrative Report for Banner Boswell Medical Center', consisting of 9 pages dated March 14, 2019 and stamped received March 14, 2019.
- c. The following Planning Engineering conditions shall apply:
 1. At the time of the Building Permit, the Drainage Area Exhibits need to be printed full size and to scale.
 2. At the time of the Building Permit, the Drainage Area Map must be updated, or a new drainage area map must be created, to show the contributing areas of B1-1 to B1-8, offsite, Pipe 1, Pipe 2A, Pipe 2B, Pipe 3, RD1, and RD2.
 3. At the time of the Building Permit, provide a manhole at the pipe turn south of the far east underground storage pipe. See Sheet 3.2.
 4. At the time of the Building Permit, existing and proposed spot elevations around New Medical Office Building and the New Parking Garage will be required.

The Engineered Grading and Drainage Plans.

5. At the time of the Building Permit for the Underground Storage, the submittal must go according to the Maricopa County Drainage

Policies and Standards Manual Standard 6.10.9. Third party inspections will be required.

- d. The following Planning Engineering (Transportation) conditions shall apply
 - 1. Any construction (driveway, utilities, etc.) within Thunderbird Boulevard Right-of-Way will require a Maricopa County Department of Transportation (MCDOT) Right-of-Way Permit.
 - 2. Any construction (driveway, utilities, etc.) within 103rd Avenue Right-of-Way will require a Maricopa County Department of Transportation (MCDOT) Right-of-Way Permit.
- e. The following C-2 CUPD standards shall apply:
 - 1. Building Height for the hospital tower: 125'
 - 2. Parking 1,495 spaces
- f. 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.
- 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 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. 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 Plan of Development]. The Plan of Development enhances the value of the property above its value as of the date the Plan of Development is granted and reverting to the prior zoning results in the same value of the property as if the Plan of Development had never been granted.

REGULAR AGENDA

Zoning - Z2017123 (Cont. from 4/11/19)

District 2

Applicant: Greg Loper
Location: Generally located on the east side of Sossaman Rd. ½ mile north of Warner Rd. in the east Mesa area
Request: Zone Change from Rural-43 to IND-2 UPD for RV storage, equipment storage and contractor yard – King's Equipment Storage and Contractor's Yard

Mr. Bak presented Z2017123 and said staff recommends approval. He noted changes to stipulations 'e' regarding the screening of the property, and an error in stipulation 'h' where Special Use Permit needs to be removed.

Mr. Greg Loper, the applicant, said he is in agreement with the proposed modification to the stipulations.

Chairman Lindblom asked why is there a requirement for a certain type of tree. Mr. Bak said the applicant proposed the Mesquite tree.

Mr. Loper said on site there are already Mondell Pines, so this supplements those. One of the sites has mature Mesquites along the perimeter and the other site is completely vacant, so we thought we would keep that Mesquite theme going since they are close to each other.

Mr. Gerard said there was a technical review to this and as part of the CUPD we are waiving the screen requirements for a solid wall. The species of trees being stipulated have a 20 foot canopy after a few years and it will make a nice covering, softer than a wall.

COMMISSION ACTION: Commissioner Andersen motioned to approve Z2017123 with conditions 'a'-'j' with modifications to conditions 'e' and 'h'. Commissioner Arnett second. Approved 6-0.

- a. Development of the site shall comply with the Site Plan entitled "Rezoning for King Enterprises", consisting of three full-sized sheets, dated October 21, 2018, and stamped received November 28, 2018, except as modified by the following conditions. Within 30 days of Board approval the applicant shall submit a revised site plan showing required right of way dedication and all items out of the ultimate right of way, an updated IUPD development standards chart, and perimeter landscaping.
- b. Development of the site shall be in conformance with the Narrative Report entitled "King's Equipment Storage & Contractor Yard", consisting of six pages, dated November 5, 2018, and stamped received November 28, 2018, except as modified by the following conditions. *Within 30 days of Board approval the applicant shall submit a revised narrative report detailing varied development standard for the IND-2 IUPD zoning district for the type of screening required.*

- c. *Prior to zoning clearance for any construction permits the property owner shall dedicate the 40' ultimate half-width right-of-way for Mesquite Street unless there has been a written waiver from MCDOT for lesser or no dedication.*
- d. *Prior to zoning clearance for any construction issuance of any permits, a "Lot Split" of APN 304-30-008Q shall be completed to create a new and separate parcel for the subject 15-acre Z2017123 IND-2 IUPD site.*
- e. The following IND-2 IUPD standard shall apply:
 - 1. **Mondell Pines (Pinus eldarica) or Mesquite (Prosopis glandulosa or chilensis)** shall be planted **or maintained** ~~±0'~~ **20'** on center and maintained along the **west** ~~east and south~~ lot line and along the ultimate Mesquite St. street line. Outdoor storage of products and materials shall not exceed the height of the enclosure not to exceed 12'. Stored vehicles and related shade structures may not exceed a height of 20'
- f. The IUPD 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. Adult-oriented businesses and medical marijuana facilities shall be prohibited.
- g. 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.
- h. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this ~~{Special Use Permit or Zone Change}~~ as set forth in the Maricopa County Zoning Ordinance.
- 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.

Zoning - Z2017124 (Cont. from 4/11/19)

District 2

Applicant: Greg Loper
Location: Generally located 955' south of southwest corner of Mesquite St. and 202nd Pl. on the west side of 202nd Pl. in the east Mesa area
Request: Zone Change from Rural-43 to IND-2 IUPD for equipment storage and contractor yard – King's Equipment Storage and Contractor's Yard

Mr. Bak presented Z2017124 and said staff recommends approval. He noted changes to stipulations 'c' regarding the screening of the property, and an error in stipulation 'e' where Special Use Permit needs to be removed.

COMMISSION ACTION: Commissioner Cowley motioned to approve Z2017124 with conditions 'a'-'h' with modifications to conditions 'c' and 'e'. Commissioner Andersen second. Approved 6-0.

- a. Development of the site shall comply with the Site Plan entitled "Rezoning for King Enterprises", consisting of two full-sized sheets, dated August 20, 2018, and stamped received September 18, 2018, except as modified by the following conditions. Within 30 days of Board approval the applicant shall submit a revised site plan showing *an updated IUPD development standard chart, and perimeter landscaping.*
- b. Development of the site shall be in conformance with the Narrative Report entitled "King's Equipment Storage & Contractor Yard", consisting of five pages, dated November 5, 2018, and stamped received November 28, 2018, except as modified by the following conditions. *Within 30 days of Board approval the applicant shall submit a revised narrative report detailing varied development standard for the IND-2 IUPD zoning district and perimeter landscaping.*
- c. The following IND-2 IUPD standards shall apply:
 - 1. Mondell Pines (Pinus eldarica) or Mesquite (Prosopis glandulosa or chilensis) shall be planted or maintained ~~10'~~ **20'** on center along the ~~lot perimeter and/or street lines~~ **north and south lot lines**. Outdoor storage of products of and materials shall not exceed the height of the enclosure not to exceed 12'. Stored vehicles and related shade structures may not exceed a height of 20'.
- 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. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this ~~{Special Use Permit or Zone Change}~~ as set forth in the Maricopa County Zoning Ordinance.
- f. The IUPD 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. Adult-oriented businesses and medical marijuana facilities shall be prohibited.
- 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 owner to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application 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.

Zoning - Z2017125 (Cont. from 4/11/19)

District 2

Applicant: Greg Loper
 Location: Generally located at the southwest corner of Mesquite St. and 202nd Place in the east Mesa area
 Request: Zone Change from Rural-43 to IND-2 IUPD for equipment storage and contractor yard - King's Equipment Storage and Contractor's Yard

Mr. Bak presented Z2017125 and said staff recommends approval. He noted changes to stipulation 'd' regarding the screening of the property, and an error in stipulation 'f' where Special Use Permit needs to be removed.

COMMISSION ACTION: Commissioner Cowley motioned to approve Z2017125 with conditions 'a'-'i' with modifications to conditions 'c', 'd', 'f' and 'g'. Commissioner Andersen second. Approved 6-0.

- a. Development of the site shall comply with the Site Plan entitled "Rezoning for King Enterprises", consisting of two full-sized sheets, dated October 21, 2018, and stamped received November 28, 2018, except as modified by the following conditions. Within 30 days of Board approval the applicant shall submit a revised site plan showing required right of way dedication and all items out of the ultimate right of way, *an updated IUPD development standard chart, and perimeter landscaping.*
- b. Development of the site shall be in conformance with the Narrative Report entitled "King's Equipment Storage & Contractor Yard", consisting of five pages, dated November 5, 2018, and stamped received November 28, 2018, except as modified by the following conditions. *Within 30 days of Board approval the applicant shall submit a revised narrative report detailing varied development standard for the IND-2 IUPD zoning district.*
- c. The following Planning Engineering conditions shall apply:
 1. Prior to zoning clearance for any construction permits the property owner shall dedicate the 40' ultimate half-width right-of-way for Mesquite Street, **unless there has been a written waiver from MCDOT for lesser or no dedication.**
 2. Retention basins must drain within 36 hours.
- d. The following IND-2 IUPD standards shall apply:
 1. Mondell Pines (*Pinus eldarica*) **or Mesquite (*Prosopis glandulosa* or *chilensis*)** shall be planted **or maintained** ~~10'~~ **20'** on center along ~~the east and south~~ **all** lot lines **adjacent to Rural-43 zoning** and along the ultimate Mesquite St. street line. Outdoor storage of products and materials shall not exceed the height of the enclosure not to exceed 12'. Stored vehicles and related shade structures may not exceed a height of 20'.
- e. 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.
- f. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this ~~{Special Use Permit or Zone Change}~~ as set forth in the Maricopa County Zoning Ordinance.
- g. The IUPD 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. **Adult-oriented businesses and medical marijuana facilities shall be prohibited.**

- 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. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application 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.

Preliminary Plat - S2018035

District 4

Applicant: HilgartWilson
Location: Generally located at the southeast corner of Camelback Rd. & Jackrabbit Trail, in the Buckeye area.
Request: Preliminary Plat consisting of 388 lots, 20 tracts in the R1-6 RUPD zoning district – The Landings

Mr. Gerard presented S2018035 and noted there's no known opposition and staff recommends approval. There's a revision to stipulation 'g.4' and to delete 'g.5' regarding participation and signalization to the Camelback and Jackrabbit intersection.

Mr. Taylor Barn said he is representing HilgartWilson on behalf of the applicant. He supports staff's recommendation and thanks staff for getting them through the process.

COMMISSION ACTION: Commissioner Cowley motioned to approve S2018035 with conditions 'a'-'p' with modifications to condition 'g.4' and elimination of condition 'g.5'. Commissioner Andersen second. Approved 6-0.

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled 'The Landings Preliminary Plat' consisting of 11 full-size sheets, dated March 2019, and stamped received March 14, 2019, except as modified by the following conditions.
- b. Development and use of the site shall in substantial conformance with the Narrative Report entitled "Preliminary Plat Narrative for The Landings",

consisting of 10 pages, dated revised January 3, 2019, and stamped received January 7, 2019, 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. 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.
- f. 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.
- g. The following Planning Engineer conditions shall apply:

- 1. The Owner shall dedicate to the public a total half-width of right-of-way for the following roadway:

Camelback Road 65 feet

All such dedications shall be in fee and free of all liens and encumbrances. Prior to acceptance of such dedication, the applicant shall provide the County an owner's title insurance policy issued to the County, the MCDOT environmental checklist and any and all other requirements as set forth in the "MCDOT Right-of-Way Dedications Reference Guide". Until Maricopa County has accepted said dedication, all responsibilities, including but not limited to maintenance and repair for the property to be dedicated shall be that of the applicant.

- 2. The MCDOT Urban Minor Arterial half-width street improvements shall be constructed on Camelback Road. Roadway shall be constructed to County Standards in effect at the time they are constructed.
- 3. Prior to final plat recordation, an easement for the emergency access with recordation number must be placed on the final plat.
- 4. ~~At such time as a MCDOT approved Traffic Impact Study (TIS) demonstrates that sufficient warrant(s) exist for the installation of traffic signal(s), the development that generates the traffic that will~~

~~trigger such sufficient warrant(s) shall be responsible for the installation of the traffic signal(s) as part of its infrastructure/site improvements.~~ **Since The Landings development will contribute traffic volume to the intersection of Camelback Road and Jackrabbit Trail and warrant signal by year 2025, the developer is required to contribute 25% of the cost of the signal through a development agreement. MCDOT will perform counts and analysis to determine when signal warrants are met.**

~~5. Based on the Traffic Impact Study submitted with this application, development of the subject premises and surrounding properties will warrant the need for traffic signals at the intersection of 195th Ave & Camelback Road at some future time as development progresses. An updated TIS must be submitted with the final plat application associated with this preliminary plat. If the updated TIS demonstrates that this development will trigger the need for traffic signal(s), design and permitting of these signals must be provided by the applicant as part of the subdivision's infrastructure.~~

- h. 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).
- i. 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 appropriate Buckeye Valley 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.
- j. 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."

- k. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- l. The total number of residential dwelling units shall not exceed 388.
- m. Streetlights installed in County public streets must be approved and permitted by the Maricopa County Department of Transportation.

When public streetlights are provided, construction costs for said streetlights shall be borne by the Developer and said streetlight facilities will become property of the local power utility company. In addition, streetlights that are installed within public streets accepted by the Board of Supervisors must establish a Street Lighting Improvement District (SLID) or comparable authority to purchase or pay for the energy expended by the streetlights. The Developer should contact the Office of the Superintendent of Streets for information regarding the SLID establishment process.

- 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 or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.

Chairman Lindblom adjourned the meeting at 9:51 a.m.

Prepared by Rosalie Pinney
Recording Secretary
April 25, 2019