

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

September 22, 2022
9:30 a.m.

205 W. Jefferson Street, Phoenix, Arizona
and by GoToWebinar

MEMBERS PRESENT:

In-person

Mr. Lucas Schlosser, Vice Chairman
Mr. Greg Arnett
Mr. T.J. Mitchell

GoToWebinar

Mr. Jimmy Lindblom, Chairman
Mr. Kevin Danzeisen
Mr. Erik Hernandez
Ms. Kate McGee
Mr. Jay Swart

MEMBERS ABSENT:

Mr. Spike Lawrence
Ms. Francisca Montoya

STAFF PRESENT:

Mr. Tom Ellsworth, Planning and Development Director
Mr. Darren Gérard, Planning Services Manager
Mr. Matt Holm, Planning Supervisor
Ms. Rachel Applegate, Senior Planner
Mr. Adam Cannon, Senior Planner
Mr. Daniel Johnson, Planner
Mr. Joel Landis, Planner
Mr. Andrew Lorentzen, Planner
Mr. Martin Martell, Planner
Mr. Joseph Mueller, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Mr. David Anderson, Business Engagement Manager, OET
Ms. Pearl Duran, Technical Team
Ms. Alisha Bach, Technical Team
Mr. Martin Camacho, Technical Team

CONTINUANCE:

Z2021161, Z2021162, Z2022087

CONSENT:

**Z2021076, Z2021131, Z2021137, Z2022003, Z2022075,
Z2022085, Z2022109, Z2022111, Z2022121**

REGULAR:

Z2021163, Z2022068, Z2022082

Vice Chair Schlosser made the standard announcements and asked if there were any changes on the agenda.

Mr. Gérard said consent agenda items #9 – Z2022087 will be moving to the continuance agenda.

CONTINUANCE AGENDA

Zoning - Z2021161

District 1

Project name: **Willis Commercial Project**
Applicant: Jessica Sarkissian, Upfront Planning & Entitlements, LLC
Request: Zone Change with Overlay Rural-43 to C-2 CUPD
Location: Generally located at the NEC of 144th St. and Willis Rd.

Mr. Gérard said the applicant requested a continuance of the case to the December 8, 2022 Commission hearing.

No action required by the Commission.

Zoning - Z2021162 (Cont. from 8/4/22)

District 1

Project name: **Brown Family Project**
Applicant: Jessica Sarkissian, Upfront Planning & Entitlements, LLC
Request: Zone Change with Overlay Rural-43 to C-2 CUPD
Location: Approx. 1,640' east of the NEC of 144th St. and Willis Rd.

Mr. Gérard said the applicant requested a continuance of the case to the November 3, 2022 Commission hearing.

No action required by the Commission.

Special Use Permit - Z2022087

District 4

Project name: **El Mirage Rd. LLC**
Applicant: Taylor Earl, Earl & Curley P.C
Request: Modification of Conditions to a Special Use Permit (SUP) for interim industrial in the Rural – 43 SUP zoning district to allow for time extension.
Location: Generally located 1,230' north of the NEC of El Mirage Rd. and Glendale Ave. in the Glendale Area

Mr. Gérard said the applicant requested a continuance of the case to the October 20, 2022 Commission hearing.

No action required by the Commission.

CONSENT AGENDA

Special Use Permit - Z2021076

District 5

Project name: **Superior Tanks**
Applicant: Weston Michael, Superior Tank & Fabrication
Request: A Special Use Permit (SUP) for a cottage industry to accommodate the manufacture of water tanks for water carrying vehicles in the Rural-43 zoning district
Location: A ¼ mile north of the northwest corner of El Mirage Rd. and Southern Ave. in the Avondale area

Zoning - Z2021131

District 2

Project name: **8815 E. Apache Trail**
Applicant: Rod Jarvis, Earl & Curley
Request: Zone Change from R-5 and C-3 to C-3 CUPD with a plan of development for an auto repair business
Location: Generally located 225' east of the southeast corner of Glenmar Rd. and Apache Trail in the Mesa area

Zoning - Z2021137

District 5

Project name: **Envirotech Group**
Applicant: Arno Naekel, Davillier Law Group
Request: Zone Change from Rural-43 to IND-2 IUPD
Location: Generally located at the SWC of Campbell Ave. & 355th Ave.

Special Use Permit - Z2022003

District 1

Project name: **The Flower Shop – Ahwatukee**
Applicant: Andrew Yancy of Bergin, Frakes, Smalley & Oberholtzer, PLLC
Request: Major Special Use Permit Amendment in the C-2 zoning district for the expansion of an existing marijuana establishment onto adjacent parcel and to include the sale of extracted product to third party, off-site licensed dispensaries on the adjacent parcel
Location: Generally located 400' west of the SWC of Elliot Rd. and I-10 Maricopa Frwy. in the Phoenix area

Zoning - Z2022075

District 2

Project name: **NWC 202 & Apache Billboard**
Applicant: Jacob Zonn, Becker Boards
Request: Zone Change from R-5 and C-3 to C-3 CUPD to accommodate the relocation and upgrade of a static billboard to digital
Location: Generally located at the NWC of Apache Blvd. and the Loop 202 Freeway in the Mesa area

Zoning - Z2022085

District 2

Project name: **SEC of Apache & 202**
Applicant: Jacob Zonn, Becker Boards Small, LLC
Request: Amendment to C-3 CUPD zoning district standards
Location: Generally located at the SEC of Apache Trl. and Loop 202

Special Use Permit - Z2022109

District 1

Project name: **LCO Outdoor Advertising – Billboard Digital Conversion**
Applicant: Bergin, Frakes, Smalley & Olberholtzer (BFSO)
Request: Special Use Permit for Digital Billboard Conversion in the IND-2 IUPD zoning district
Location: Approx. 600' northeast of the NEC of Mary St. & Gilbert Dr. in the Tempe area

Special Use Permit - Z2022111

District 1

Project name: **Arrington Outdoor – Scottsdale Rd.**
Applicant: Jayson Williams / Arrington Outdoor Advertising, LP
Request: Special Use Permit to convert LNC static billboard to digital in the IND-2 IUPD zoning district
Location: Generally located approx. 230' east of the NEC of Scottsdale Rd

Special Use Permit - Z2022121

District 1

Project name: **Billboard Conversion SUP**
Applicant: Withey Morris, PLC
Request: Special Use Permit to allow for digital conversion of a Legal Non-Conforming Static Billboard in the IND-2 zoning district
Location: Generally located 490 feet from the NEC of 59th Ave. & Watkins St. in the Phoenix area

Mr. Gérard presented the consent agenda.

Commissioner McGee asked is there an environmental review process for case Z2021076 Superior Tanks and is it part of the SUP. Mr. Gérard said Environmental Services is a primary review agency for all planning and zoning cases. There are more reviews for more technical items at the time of construction permitting. Commissioner McGee asked if that process has already taken place. Mr. Gérard said we have sign-off from Environmental Services on the Special Use Permit.

Vice Chair Schlosser asked if anyone from the public wished to speak on this case. None.

COMMISSION ACTION: Commissioner Arnett motioned to approve the consent agenda - Z2021076 with conditions 'a'-'h', Z2021131 with conditions 'a'-'k', Z2021137 with conditions 'a'-'j', Z2022003 with conditions 'a'-'k', Z2022075 with conditions 'a'-'g', Z2022085 with conditions 'a'-'e', Z2022109 with conditions 'a'-'g', Z2022111 with conditions 'a'-'e', and Z2022121 with conditions 'a'-'g'. Commissioner Swart second. Approved 8-0. Ayes: McGee, Mitchell, Swart, Arnett, Hernandez, Danzeisen, Schlosser, Lindblom.

Z2021076 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Special Use Permit Request for Superior Tank and Fabrication", consisting of two full-size sheets, dated March 21, 2022, and stamped received March 22, 2022, except as modified by the following conditions. Staff may determine slight refinements to remain in substantial conformance with the approved site plan. Minor and major amendments

to the site plan will be determined in accordance with Chapter 3 of the Maricopa County Zoning Ordinance.

- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Superior Tank and Fabrication", consisting of four pages, dated March 13, 2022, and stamped received March 22, 2022, except as modified by the following conditions.
- c. The following Planning Engineering comments shall apply:
 - 1. The regulatory flood elevation for new structures shall be two feet above the base flood elevation for building and floodplain use permitting purposes.
 - 2. New fencing within the floodplain shall be designed such that it will not result in an adverse drainage or flood impact to the site or surrounding properties.
 - 3. Retention basins must drain within 36 hours.
 - 4. The owner shall dedicate right-of-way along the site's El Mirage Rd. frontage to provide a total half-width of 65 feet prior to issuance of any building permits; or within six months of SUP approval, whichever occurs first.
 - 5. Detailed Grading and Drainage (Site Development) Plans indicating that the site will drain to the retention basin(s) must be submitted with the application for Building Permits.
 - 6. 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; and issuance of construction permits.
- d. The two temporary shade structures must be removed or permitted within 12 months. A status report must be submitted in 12 months showing that the shade structures have been removed or permitted on the site.
- e. The site shall use an alternative surface material on driveways, parking areas, and loading/unloading areas to address dust pollution in place of paved surfaces, except for any ADA accessible parking space(s).
- f. This special use permit is valid for a period of ten years and shall expire on October 19, 2032, or upon termination of the use for a period of 90 or more days, whichever occurs first. All site improvements associated with the

special use permit shall be removed within 90 days of such expiration or termination of use.

- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Z2021131 conditions;

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Zone Change with Overlay R-5 & C-3 to C-3 CUPD Z2021131 8815 E. Apache Trail", consisting of 1 full-size sheet, dated June 30, 2022 and stamped received August 12, 2022, except as modified by the following conditions. Staff may determine slight refinements to remain in substantial conformance with the approved site plan. Minor and major amendments to the site plan will be determined in accordance with Chapter 3 of the Maricopa County Zoning Ordinance.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "8815 E. Apache Trail", consisting of 11 pages, dated revised September 8, 2022 and stamped received September 8, 2022 except as modified by the following conditions.
- c. A Plan of Development is approved subject to site plan entitled "Zone Change with Overlay R-5 & C-3 to C-3 CUPD Z2021131 8815 E. Apache Trail" consisting of 11 full-size sheets, dated June 30, 2022, and stamped received August 12, 2022. The Plan of Development may be amended administratively under separate application as long as the amendment complies with the established CUPD development standards as approved by the Board of Supervisors. Staff may determine slight refinements to remain in substantial conformance with the approved site plan. Minor and

major amendments to the site plan will be determined in accordance with Chapter 3 of the Maricopa County Zoning Ordinance.

- d. The following Planning Engineering conditions shall apply:
 - 1. The submitted plan of development includes a previously unpermitted structure built over previously impervious surface. No additional development approval is implied by this review, including, but not limited to drainage design, access and roadway alignments.
 - 2. Any future development must ensure that historic drainage patterns are maintained at the up and downstream limits of development.
 - 3. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- e. The following Maricopa County Environmental Services Department (MCESD) condition shall apply:
 - 1. Approval to Construct (ATC) and Notice of Intent to Discharge (NOID) must be obtain prior to construction permit approval.
- f. The following C-3 CUPD standards shall apply:
 - 1. Front, rear, side and street-side setbacks: 0'
 - 2. Maximum side yard lot coverage and setback: 100% and 0'
 - 3. Maximum number of standard parking spaces: 11
 - 4. Fencing: 6' fencing with opaque screening
 - 5. Elimination of the sight visibility triangles at the north property line (both sides of the ingress/egress) and Apache Trail right-of-way.
 - 6. One freestanding pole sign to be setback 0' from east property line with height of 12', non-illuminated double-faced sign with 24 sq. ft.
 - 7. Paving waived – utilization of existing decomposed granite for the property.
- g. The owner shall submit as-built permits for all unpermitted construction which includes the existing 1,200 mechanic shop (northern region of site), existing canopy 720 sq. ft (northern region of site), completion of B202005586 for the existing mechanic shop (southern region of site), on-site parking improvements and fencing by obtaining final inspections by the extended Compliance Agreement deadline date – June 30, 2023.
- h. The C-3 CUPD overlay is applied to restrict the use of the site to automobile repair until such time as the site is served by sewer.

- 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 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.
- k. 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.

Z2021137 conditions;

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Zoning Exhibit", consisting of 1 page, dated July 2, 2022, and stamped received September 6, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Narrative Report Envirotech Group", consisting of 6 pages, dated revised September 13, 2022, and stamped received September 13, 2022 except as modified by the following conditions.
- c. Administrative approval of a Plan of Development will be required prior to approval and issuance of construction permits to develop and establish use of the site. Prior to issuance of any building permit, written confirmation will be required from the emergency fire protection jurisdiction having authority that the facility has been designed in accordance with their regulations and requirements, and that emergency fire protection service will be provided to the facility. Prior to issuance of the certificate of occupancy, local fire protection jurisdiction review and approval will be required.
- d. 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 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. A Plan of Development shall be required for any future development should the zone change application be approved (i.e. building expansion). Any development must ensure that historic drainage patterns are maintained at the up and downstream limits of development; provide for storm water retention of new development area(s); and will require an engineered grading and drainage plan.
 3. A traffic impact study must be submitted with any future entitlement application(s) (i.e. plan of development), unless otherwise waived by MCDOT.
 4. Dedication of right-of-way for the arterial (65') alignment fronting the site (355th Avenue) may be required as part of future entitlement application(s).
 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.
- e. The following IND-2 IUPD Zoning District standards shall apply:
1. Parking – A minimum of 10 regular parking stalls shall be developed including 1 ADA space to accommodate employees and 1 space per 900 sq. ft. of floor area shall be required thereafter
 2. Uses Permitted – Manufacturing or assembly of electrical appliances, electronic instruments and devices, optical goods, precision instruments, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers and crystal holders; accessory buildings and uses customarily incidental to the above uses; commercial storage of mobile homes, manufactured homes, travel trailers, recreation vehicles, boats and aircraft; construction equipment, including sales, service, rental and storage, and one single-family dwelling or caretaker residence. Until such time as the site is served by sewer and water, of the uses permitted, the uses on site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic and well. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.

- f. No more than ten (10) individuals other than the owner are permitted to be employed on the site.
- g. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years for the initial phase and an additional five (5) years for each subsequent phase, within which time a Plan of Development and initial construction permit must be obtained.
- h. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this zone change as set forth in the Maricopa County Zoning Ordinance.
- i. The 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, and at the time of expiration of the Zone Change, 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 Zone Change, 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 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.

Z2022003 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "The Flower Shop", consisting of five full-size sheets, dated July 27, 2022, and stamped received August 3, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "The Flower Shop", consisting of 15 pages, dated August 2, 2022, and stamped received August 2, 2022, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - 1. 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.

2. Detailed Grading and Drainage (Site Infrastructure) Plans must be submitted with the application for Building Permits.
 3. The subject premises is located within the County's Urbanized Area and will disturb more than one acre (Common Plan of Development). A Storm Water Pollution Prevention Permit (SWPPP), issued by the County (PND), shall be required prior to issuance of any building permits required for site development.
- d. This special use permit shall expire on October 19, 2032, or upon termination of the use for a period of 90 or more days, whichever occurs first. Any buildings and improvements on the site may remain in place, but the use for which this Special Use Permit was approved shall not continue.
 - e. A recorded lot combination document must be submitted with subsequent building permit applications.
 - f. The east Sight-Visibility-Triangle of the central driveway shall have a dimension of 6½' by 6½' and the west Sight-Visibility-Triangle of the east driveway shall have a dimension of 19' by 19'.
 - g. Minimum south front yard along the private street shall be three feet.
 - h. Maximum height for freestanding signs shall be 32'.
 - i. Any applicable conditions of approval of Special Use Permit Z2018070 and Major Special Use Permit Amendment Z2020047 shall be maintained.
 - j. 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.
 - k. 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.

Z2022075 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "SITE-PLAN-2", consisting of 2 full-size sheets, dated June 20, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "NARR-RPTS-2", consisting of 4 full sized sheets, dated July 7, 2022, except as modified by the following conditions.
- c. Staff may determine slight refinements to remain in substantial conformance with the approved site plan. Minor and major amendments to the site plan will be determined in accordance with Chapter 3 of the Maricopa County Zoning Ordinance.
- d. The following C-3 CUPD standards shall apply:
 - a. Min. Distance from Another Billboard to the west: 200'
- e. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- f. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- g. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

Z2022085 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Plan of Development", consisting of 2 full-size sheets, dated July 14, 2022 and stamped received August 3, 2022, except as modified by the following conditions
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Narrative Report / CUPD Amendment for Digital billboards", consisting of 6 pages, dated August 8, 2022, and stamped received August 8, 2022, except as modified by the following conditions.
- c. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this amendment to C-3 CUPD zoning district standards as set forth in the Maricopa County Zoning Ordinance.
- d. The following Planning Engineering conditions shall apply:
 1. Application shall be responsible for coordinating any requirements that may be imposed by ADOT (redletter@azdot.gov)
 2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application of construction.
- e. The following C-3 CUPD standards shall apply:
 1. Maximum Billboard height: 70'
 2. Minimum separation distance from another billboard located to the north across Apache Trail: 916'

Z2022109 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled, "LCO Outdoor Advertising – Digital Billboard Conversion" consisting of 4 pages dated September 8, 2022, and stamped received September 8, 2022, 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 for Digital Billboard Conversion", consisting of 17 pages, dated revised August 12, 2022, and stamped received August 15, 2022, except as modified by the following conditions.
- c. The SUP shall comply with the conditions of approval for Z2016010 except as modified by the following conditions:

1. Min. Off-Site Sign Distance from Another Off-Site Sign within 3 Miles of a Municipality – 500'
 2. Min. Off-Site Sign Distance from a Park, School or Roadside Rest Area – 470'
- d. Upon discontinuation, termination or abandonment of the billboard use for a period of 90 or more days, the SUP shall become void. All site improvements associated with the special use permit shall be removed within 90 days of such expiration or termination of use.
- e. The following Planning Engineering conditions shall apply:
1. Applicant shall be responsible for coordinating any requirements that may be imposed by ADOT (redletter@azdot.gov).
 2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- f. 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.
- g. The granting of this Special Use Permit has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of the application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of the application. It is, therefore, stipulated and agreed that 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 the value of the property from the value it held on the date of application due to such revocation. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and changing to the prior land use designation results in the same value of the property as if the Special Use Permit had never been granted.

Z2022111 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Arrington Outdoor Billboard", consisting of 2 full-size sheets, dated August 8, 2022, and stamped received August 9, 2022, 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 Digital Billboard Conversion", consisting of 20 pages, dated August 9, 2022, and stamped received August 9, 2022, except as modified by the following conditions.
- c. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property 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.
- d. 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.
- e. The following Planning Engineering conditions shall apply:
 - 1. Applicant shall be responsible for coordinating any requirements that may be imposed by ADOT (redletter@azdot.gov)
 - 2. All development and engineering design shall be in conformance with Section 125 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.

Z2022121 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Moran Lumber Repair Facility – Off-Premise Sign Conversion to Digital", consisting of one full-size sheet, dated and stamp received August 17, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Moran Real Estate Investments, LLC Special Use Permit Digital Conversion Off-Premise Sign", consisting of 22 pages, dated

and stamp received August 17, 2022, except as modified by the following conditions.

- c. The following Planning Engineering conditions shall apply:
 - 1. This parcel is within Special Flood Hazard Area, Zone AH, and a Floodplain Use Permit will be required at the time of application for construction.
 - 2. Applicant shall be responsible for coordinating any requirements that may be imposed by ADOT (redletter@azdot.gov)
 - 3. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- d. The digital billboard shall be in conformance with Article 1403.3.1.J. of the Maricopa County Zoning Ordinance.
- e. All outdoor lighting shall comply with Section 1112 of the Maricopa County Zoning Ordinance.
- f. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- g. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

REGULAR AGENDA

Special Use Permit - Z2021163 (Cont. from 8/4/22)

District 2

Project name: **SR 24 RV-Boat Storage**
Applicant: Ralph Pew, Pew & Lake, PLC
Request: Special Use Permit (SUP) for RV & Boat storage in the Rural-43 district
Location: Generally located approx. ½ mile to the southeast of the intersection of 222nd St. & Williams Field Rd. and directly north of the future State Route 24 (SR 24) – Gateway Freeway in the Mesa area

Ms. Applegate presented Z2021163 and noted the request is for a Special Use Permit for an RV & Boat Storage in the Rural-43 zoning district on 10.9 acres. This case is on regular agenda due to opposition received from the City of Mesa, and was no public comment received. The proposal would include 430 storage spaces, 418 of which would be covered with 20' high canopy to be constructed in a single phase. Access to the site would be via a gated entrance from 222nd St. The site would be secured with an 8' high CMU wall. The applicant is requesting deviations from the underlying Rural-43 zoning district standards to include reduction in setbacks, increased lot coverage, reduction in number of standard parking spaces, sight visibility triangles and signage. The City of Mesa provided a letter in opposition due to non-conformance with the City's future land use designation of Employment District – Business Park. The letter stated the subject site is surrounded by properties approved for employment and mixed developments. Properties within Mesa jurisdiction include a mix of residential, commercial, industrial, and agricultural zoning, but upon review of recent imagery, development has not occurred with properties currently showing up in the City of Mesa GIS Mapping as vacant. The Employment District is utilized for large areas devoted to industrial, office, warehousing, and related uses to include commercial uses. The large areas are identified as land uses of at least 20 acres, the plan references in certain circumstances, the land use category can be utilized on sites less than 20 acres. This site is approximately 11 acres, aligned with access on 222nd St. which is a County maintained dead-end local street with no connectivity to the future State Route 24 freeway. Staff notes this site does not have direct vehicular access from Signal Butte Rd. making the site inaccessible from State Route 24 as a primary location for an employment district. The Mesa zoning district map identifies properties to the west as a planned community owned by Shea Homes, general commercial to the east and light industrial zoning directly south, and further south beyond the County Island boundary and agricultural. Staff is of the opinion that due to the acreage below 20 acres, limited SUP timeframe of 10 years, and no direct roadway access from the State Route 24, only local street access and currently no existing employment district developments or adjacent commercial developments within Mesa, the use could be re-evaluated in 10 years to determine growth and development patterns in the County and within Mesa. Staff believes the use is appropriate and as an interim, temporal use that will preserve the land for future, ultimate business park / employment development and mitigate potential for unregulated lot-split or large-lot residential development to occur in the interim. The applicant has complied with the requirements for public posting with no public comment received. Staff recommends the Commission adopt a motion recommending that the Board of Supervisors approve Z2021163 subject to conditions 'a' – 'h' as outlined in the staff report.

Mr. Ralph Pew, the applicant said he agrees with staff's recommendation, and they've been working months with staff on this project. He realizes Mesa's general plan calls for other uses, but the only way to get to this land is 222nd Street which is a dead end at the freeway. This 11-acre site is ideally situated for this interim use. This SUP can be revisited in 10 years to see how things are going. He asked the commission to approve this request.

Vice Chair Schlosser asked if anyone from the public wished to speak on this case. None.

COMMISSION ACTION: Commissioner Arnett motioned to approve Z2021163 with conditions 'a'-'h'. Commissioner Swart second. Approved 8-0. Ayes: McGee, Mitchell, Swart, Arnett, Hernandez, Danzeisen, Schlosser, Lindblom.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "SR24 Storage", consisting of 1 full-size sheets, dated June 7, 2022, and stamped received June 20, 2022, except as modified by the following conditions. Staff may determine slight refinements to remain in substantial conformance with the approved site plan. Minor and major amendments to the site plan will be determined in accordance with Chapter 3 of the Maricopa County Zoning Ordinance.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Special Use Permit (SUP) Project Narrative for SR24 RV & Boat Storage", consisting of 8 pages, dated revised July 14, 2022 and stamped received July 14, 2022, except as modified by the following conditions.
- c. Development of the site shall be in substantial conformance with the Sign Package entitled "Sign Package SR24 RV Boat Storage", consisting of 5 pages, dated July 11, 2022 and stamped received July 14, 2022, except as modified by the following conditions.
- d. This special use permit is valid for a period of (10 years) and shall expire on August 31, 2032, or upon termination of the use for a period of 90 or more days, whichever occurs first. All site improvements associated with the special use permit shall be removed within 90 days of such expiration or termination of use.
- e. The following Planning Engineering conditions shall apply:
 1. At the time of application for building permit, verification of (no) offsite flow must be provided.
 2. At the time of application for building permit, there must be details on the plans for the grates over the manholes. The MAG Standard Details do not have grates for manhole covers.

3. The applicant should be aware that 222nd St. is MCDOT operated and maintained. Any work in the MCDOT right-of-way will require a MCDOT right-of-way permit.
 4. The applicant should be aware that Fry Road/SR24 is ADOT operated and maintained. Any work in the ADOT right-of-way will require a ADOT right-of-way permit.
 5. 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.
 6. Based on the conceptual design nature of the information submitted, changes to the site layout may be necessitated by the final engineering design of the site's drainage infrastructure.
 7. Design conforming to Maricopa County Drainage Policies and Standards DPS 6.10.9. Item required, but not limited to:
 - a. Certification from system manufacturer for a minimum 75-year service life.
 - b. Maintenance Plan.
 - c. Geotechnical Report (soil borings indicating depth to groundwater) and corrosivity (soil pH) testing for metal (CMP,CAP) systems.
 - d. Soil percolation testing in accordance with DPS 6.10.12.
 - e. Construction details of all system components.
 - f. Calculations for the required 100 year, 2 hour storm volume.
 - g. Basin drain down time calculations. Design rate for drywells shall be 0.1 cfs/drywell. As-built percolation tests may result in an increase or reduction in the number of drywells required. Calculations showing retention basins will drain within 36 hours.
 - h. Third party inspections will be required for the underground retention systems.
- f. The following Phoenix-Mesa Gateway Airport Authority conditions shall apply:
1. Any permanent development or temporary structures, such as cranes are subject to a CFR Title 14 Part 77 (Form 7460) review to determine any impacts to navigable airspace and air navigation facilities. An FAA determination notice of no hazard to air navigation shall be provided, if requested. Maximum building height should

include the height of all structures on top the building and not to the top of the parapet.

2. Any buildings, uses design or features which may obscure a pilot's vision in any way resulting in glare, or flash blindness should not be permitted.
 3. Lighting placement or systems that direct lighting upward or toward the approach paths of aircraft, or that could be confused with airport identification or navigational lighting should not be permitted.
 4. Sources of potential electromagnetic interference shall be considered through CFR Title 14 Part 77 (Form 7460) review.
 5. Ensure that landscape features and lush plant/tree varieties attractive to hazardous wildlife are not used. Trash or debris collection containers shall close or be enclosed.
- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Zoning - T2022068

District 4

Project name:	The Ville – Apartment Townhomes
Applicant:	Ashley Marsh, Gammage & Burnham, P.L.C.
Request:	Zone change with overlay from Rural-43 to R-4 RUPD for future multi-family residential development
Location:	Generally located ¼ mile east of the northeast corner of 75 th Ave. and Thunderbird Rd. in the Peoria area

Mr. Martell presented Z2022068 and noted the applicant is requesting to rezone 6.23 gross acre site from Rural-43 to R-4 RUPD. The site is located on the northeast corner of Thunderbird Rd. and 73rd Ave. a quarter mile east of the intersection of 75th Ave. and Thunderbird Rd. in the Peoria area. This rezone will accommodate a future multi-family residential development. The plan is for 80 townhomes clustered in five-unit and ten-unit buildings with a target density of 12.84 du/ac. After rezoning, the applicant intends to seek annexation and formal site design review with the City of Peoria. This RUPD will be varying several R-4 development standards and most of the requested varied standards are more restrictive than the base R-4 development standards. The applicant is requesting variations in height, required yard, and standard parking space size. The requested varied standards are to ensure that the townhomes will be buffered at least 20' from any adjacent street or residential parcels and limiting the height of the future townhomes to 30' and will create structures that will blend into the surrounding area with one to two floor homes. The developer will keep 10% of the site common open space. The applicant notified property owners within 300' of the site and area interested parties. During the applicant's Citizen Participation process staff received two support letters and six opposition letters. The opposition has concerns with density of 12.48 du/ac. increase in traffic and alter the area's rural character. The City of Peoria was notified, and staff received no comments. Staff is in support of this request. The site is within the Peoria Municipal Planning Area and staff supports annexation into the city. The R-4 RUPD zoning will increase opportunity for infill development and housing options that is different from a traditional single-family home. The townhome community will address what planners call the "missing-middle housing" issue, where finding housing options with less maintenance that differs from large areas of detached single-family homes or high-rise apartment towers, which is an alternative difficult to find. The site is appropriate for multi-family residential development with access to public transportation along Thunderbird Rd. and with retail centers in proximity. The site is adjacent to a fully developed part of Peoria with access to employment, educational institutions, recreational and entertainment venues. Public utilities are readily available making this type of development realistic for this site. The applicant will be varying standards, but many of these requested variations exceed the County's requirements and more restrictive, which will allow appropriate buffering from the adjacent rural residential properties. The applicant's narrative offers conditions of approval that focus on overall site design to lessen the project's impact on the adjacent rural residential and single-family residential properties to the south. Staff recommends the Commission adopt a motion recommending that the Board of Supervisors approve Z2022068 subject to the following conditions 'a' – 'g' listed in the staff report.

Ms. Ashley Marsh, the applicant said this is a built-out area in Peoria along Thunderbird Road. There's multiple retail and medical offices in the surrounding area. They have reached out to the City of Peoria to commence a pre-annexation development agreement, but they wanted to get started on the zoning. There is already by-right RM-1 zoning which would allow up to 18 du/ac. and 48 feet in height adjacent to their site. The rezoning request is for an RUPD without a precise plan of development. They are exceeding each of the development standards except for one area where they asked for 5 feet from a setback and asked for 20' instead of a 25-foot setback on the northeast corner of the site. This is a luxury townhome opportunity, and rental in nature. People might have a hard time buying a home with the increase in interest rates and don't want that garden style apartment. This development will have lots of buffering and open space

and limiting the access to 73rd Ave. and Thunderbird Rd. These units will be two-story with private patios and be internal facing with private garages for each unit.

Commissioner Arnett asked about traffic and parking. Ms. Marsh said there is visitor parking planned in the development standard. They provided a parking ratio of 20 percent of required parking for visitor parking. Each of the units will have 2-car garages and there will be rules to park in the garages with a minimum of 32 spaces for visitor parking. There will be traffic studies and they will be going through that process through the City of Peoria.

Ms. Kim Howard said she's lived in this area for 20 years, and lives north of the proposed site. She can see this site from her front door and she highly objects to this proposal. She purchased her home to raise a family with large parcels, and it was an area that wasn't highly condensed. It is a historical area called Weedville, founded in 1911. Across the street from her home on a dirt road is a cemetery where the founders of the area were buried, and historic homes are in the area. She is concerned with the amount of traffic that will be traveling on that dirt road in front of her house. She realizes there is a need for multi-family, but this type of development doesn't belong in this little community where everything is zoned for large lot residential. There wasn't much objection because there are less than 10 residents within 300 feet. She spoke to many of her neighbors, and they were also opposed and were unable to come down here because of their jobs. She strongly objects and doesn't want this in their neighborhood.

Mr. Ron Howard said he lives northeast to the proposed site. He is strongly opposed to this high-density development in a low-density area. There are fewer people opposed to this because it is a low-density area. These condos will not blend in with acreage properties with our horses and cattle. Multi-family apartments are a bad idea in this area.

Mr. Steve Nichols said he lives on 73rd Avenue, and the 300-foot notification in a rural area like this is not applicable. This is a drastic change for this area, and we have paid a premium to live here. He has a concern with 73rd Avenue north of Hearn Road, it is a county road, but not maintained by the county. It's barely paved with a lot of holes, and we have children and grandchildren that play on this road. This plan is too dense, and many people will drive north on 73rd and take a short cut and not go to Thunderbird since Thunderbird has a lot of traffic, especially during rush hour and everybody goes to Acoma. There is another development that was approved in the area, and it is already a traffic nightmare. Something needs to be done to privatize 73rd Ave. to only residence, delivery vehicles and trash trucks. There are plenty of other areas for this type of development, this area is farmland and surrounded by single-family residences and RU-43.

Mr. John Johnson said he lives and grew up in this neighborhood. The property just east of the proposed in the green pasture area has been secured by the developer pending zoning. The new development of 71 Oaks is over 300 feet away. If you allow this development, then they will be back for a phase 2 and that will double all the concerns heard today. This isn't right and needs to be stopped. This should be single-family and single level where nobody has a problem with that. Don't sacrifice our neighborhood for greater gain. He asked the commission to decline this application.

Vice Chair Schlosser asked if anyone else from the public wished to speak on this case.

Mr. Anderson with the GoToWebinar team said he received a chat message from Ms. Jan Burdick, and she expressed concern about the traffic.

Ms. Marsh said we notified those in the 300-foot boundary and then exceeded that boundary and invited the entire 71 Oaks community to be part of the process. The site was posted in three different locations trying to get the word out, and they also have a website for this project to answer any questions. The green pasture property is owned by the Sandell family, and we are not under contract with that property. We are here talking about the 6.2-acre property. This is a built-out area along the Thunderbird corridor with retail, commercial, and ASU West. We understand there is a history to the Weedville community, and we are working with the City of Peoria with improvements to 73rd Avenue to Thunderbird Road and they will be doing a traffic study.

Commissioner Mitchell asked about the property across 73rd Avenue zoned RM-1 and is it zoned for multi-family. Ms. Marsh said there is RM-1 zoning immediately to our northwest and across the street on Thunderbird. It is already built out to single-family residential, and a church and 2-1/2 story structure with RM-1 zoning on the northwest portion.

Vice Chair Schlosser said he has family members that live in this area and knows there is a lot of growth in this area. He is in favor of approving this project.

Commissioner Hernandez said this project fits well in this area with a lot of commercial to the east and west of this site. The applicant did a good job limiting it to two-story and making it a higher-end product. He is in favor of this project.

Commissioner Arnett said when he first read this case, he thought it was too much for this property. Once he heard the case, he sees it differently. It is truly infill. There's a lot of commercial and churches and this is a unique area. There are concerns with density but there will be steps to make sure it's not going to be a burden on traffic, and this is what good planning looks like. This a well-planned and thought-out plan that will add value, and he is in support.

Chairman Lindblom said he comes from a rural background, and he appreciates what they are trying to preserve. The property owners' rights must be taken into consideration, and it is our job to balance the right use. One-acre lots would be nice, but this proposal is also consistent to what is in the area. He is in support of this project.

Commissioner McGee said this is a beautiful project, but it is too much for this piece of property and it's too close to other homes that are not like this. She is opposed to this project.

COMMISSION ACTION: Commissioner Hernandez motioned to approve Z2022068 with conditions 'a'-'g'. Commissioner Swart second. Approved 7-1. Ayes: Mitchell, Swart, Arnett, Hernandez, Danzeisen, Schlosser, Lindblom. Nays: McGee.

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "The Ville – Apartment Townhomes", consisting of one full-size sheet, dated June 20, 2022, and stamped received June 22, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "The Ville – Apartment Townhomes", consisting of 14 pages, dated June 22, 2022, and stamped received June 22, 2022, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. APNs 200-68-020L, 200-68-020P and 200-68-020S are located within the jurisdiction of the City of Peoria (strip annexed) who must approve any zone change proposal within their confines.
 2. Thunderbird Rd. and 73rd Ave. are within the jurisdiction of the City of Peoria. The applicant is responsible for coordinating with the City to review any traffic impact, right-of-way dedication, permitting or roadway improvement requirements.
 3. Without the submittal of a Plan of Development, no development approval is inferred by this review, including, but not limited to number of proposed building lots/units, 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.
 4. Engineering review of re-zone cases is 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 R-4 RUPD development standards shall apply:
 1. Maximum height of 30' for structures.
 2. Minimum 20' perimeter setback from any zoning boundary or adjacent street, excluding any refuse enclosure or parking spaces form a zoning boundary.
 3. Minimum standard parking space widths of 9½' and depths of 20'. However, parking spaces may overhang two feet into a landscape strip or pedestrian walkway, but any parking spaces that protrude

over a pedestrian walkway shall maintain at least a four-foot-wide clearance to allow for pedestrian access.

- e. Prior to a precise plan of development or final plat approval, the applicant shall provide the Maricopa County Planning and Development Department with an executed pre-annexation service agreement with the City of Peoria that identifies the detail for when the proposed project will be annexed and the provision of water and sewer service. In lieu of pre-annexation service agreement the developer must provide a 'will serve' letter from the certificated water and sewer provider.
- f. 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.
- 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.

Commissioner Swart left the hearing at 10:27 a.m.

Zoning - Z2022082

District 1

Project name:	Power & Riggs Commercial
Applicant:	George Pasquel III – Withey-Morris, PLC
Request:	Zone Change from Rural-43 RUPD, R-4 and C-3 to C-3 CUPD
Location:	Generally located at the SWC of Power Rd. & Riggs Rd. in the Queen Creek area

Mr. Adam Cannon presented Z2022082 and noted the site is approximately 10 acres and is in the Queen Creek area. The applicant plans to develop a self-storage facility with some RV/Boat spaces and an office along with a future commercial corner with retail. A separate Plan of Development has been submitted separately from this application. Staff is recommending approval of the request. There is nearby existing C-3 zoning already present where the commercial development is planned, and Power and Riggs are major arterials; typical areas where commercial uses are appropriate and desired. There are will-serve letters for water, sewer, and fire. The applicant limited the commercial uses to uses that are more neighborhood and family appropriate. The applicant is seeking to vary

standards for parking for the storage use, screening, and the minimum front yard. Staff supports these requests and no concerns received from Casteel High School or the Town of Queen Creek. Staff received one letter of opposition to the request with concerns about a diminishment of the rural environment and views. Staff believes this is a suitable site for commercial development.

Mr. Adam Baugh, the applicant said this case was on consent until an e-mail was received in opposition. This is zoned C-3 and R-4 for high-density apartments. This use is already allowed in portions of the property we are just adding the back piece and proper zoning. We will put single-story buildings along the edges next to residential and internalize outdoor RV/Boat storage in the middle of the project, so it won't be visible. This will blend in better with the surrounding area of Queen Creek.

Vice Chair Schlosser asked if this case was originally on consent but was moved to the regular agenda due to the e-mailed opposition. Mr. Baugh said the concern was loss of the rural feel of the area, but this area has changed long before our project with subdivisions and other commercial.

Vice Chair Schlosser asked if anyone from the public wished to speak on this case. None.

COMMISSION ACTION: Chairman Lindblom motioned to approve Z20222082 with conditions 'a'-'i'. Commissioner Hernandez second. Approved 7-0. Ayes: McGee, Mitchell, Arnett, Hernandez, Danzeisen, Schlosser, Lindblom.

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Exhibit A", consisting of 6 pages, dated September 9, 2022, and stamped received September 9, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Riggs and Power Commercial Center", consisting of 8 pages, dated September 9, 2022, and stamped received September 9, 2022 except as modified by the following conditions.
- c. Administrative approval of a Plan of Development will be required prior to approval and issuance of construction permits to develop and establish use of the site. Prior to issuance of a building permit, written confirmation will be required from the emergency fire protection jurisdiction having authority that the facility has been designed in accordance with their regulations and requirements, and that emergency fire protection service will be provided to the facility. Prior to issuance of the certificate of occupancy, local fire protection jurisdiction review and approval will be required.
- d. The following Planning Engineering conditions shall apply:
 1. Without the submittal of a precise plan of development, no development approval is implied 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. Any development must ensure that historic drainage patterns are maintained at the up and downstream limits of development.
 3. The property owner/developer shall address MCDOT comments in the letter dated May 11, 2022 with future entitlement submittals (POD).
 4. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- e. The following C-3 CUPD Zoning District standards shall apply:
1. Min. Front Yard – 10'
 2. Parking – Except for required ADA spaces, parking waived for mini-storage & RV/boat storage use except for the office where a minimum of 4 spaces shall be required. 1 space per 250 sq. ft. of floor area shall be required for all other uses.
 3. Screening/Buffering – 6' solid masonry wall adjacent to or abutting any rural or residential zone boundary except where existing walls are present
 4. C-3 Uses Prohibited – Adult-oriented businesses, dance halls and nightclubs, bus depots, medical marijuana establishments, marijuana establishments, bars, halfway houses, boarding houses, liquor stores and residential uses shall be prohibited.
- f. No further division of land shall occur unless access is provided to a new lot from either Riggs Rd., Power Rd. or via the establishment of a cross-access easement between parcels. Establishment of a cross access easement may require the owner or developer secure a Zone Change: Modification of Conditions in the event setbacks are modified.
- 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, and at the time of expiration of the Zone Change, 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 Zone Change, 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 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.

Vice Chair Schlosser adjourned the meeting of September 22, 2022 at 10:33 a.m.

Prepared by Rosalie Pinney
Recording Secretary

September 22, 2022