

**MINUTES OF THE REGULAR MEETING**  
**OF THE**  
**PLANNING AND ZONING COMMISSION**

August 8, 2019  
9:30 a.m.

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

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**MEMBERS PRESENT:**

Mr. Jimmy Lindblom, Chairman  
Mr. Nathan Andersen  
Mr. Greg Arnett  
Mr. Bruce Burrows  
Mr. Broc Hiatt  
Ms. Jennifer Ruby  
Mr. Lucas Schlosser

**MEMBERS ABSENT:**

Mr. Michael Cowley  
Ms. Francisca Montoya, Vice Chair  
Mr. Robert Zamora

**STAFF PRESENT:**

Mr. Darren Gerard, Planning Services Manager  
Mr. Martin Martell, Planner  
Ms. Rosalie Pinney, Recording Secretary

**COUNTY AGENCIES:**

Mr. Wayne Peck, County Attorney

**WITHDRAWN:**

**Z2019066**

**CONTINUANCE:**

**Z2019016, Z2019018, MCP2019001**

**CONSENT:**

**S2018027, S2018044, Z2018056, Z2019040, DMP2019001,  
Z2019049**

Chairman Lindblom called the meeting to order at 9:36 a.m. and made the standard announcements.

Chairman Lindblom asked if there were any changes or comments to the minutes for the May 30 ZIPPOR meeting, none.

**COMMISSION ACTION: Chairman Lindblom approved the May 30, 2019 ZIPPOR minutes as written.**

**WITHDRAWN**

**Zoning - Z2019066**

Applicant:

William E. Lally, Tiffany & Bosco P.A.

**District 4**

Location: Generally located at the northwest corner of Camelback Rd. and 181<sup>st</sup> Ave. alignment in the Glendale area  
Request: Modification of Conditions to Z2012097 – Russell Ranch South

No action required by the Commission.

### **CONTINUANCE AGENDA**

#### **Special Use Permit - Z2019016**

**District 5**

Applicant: Keith Sartorius, Ranch Venue LLC  
Location: Generally located east of 175<sup>th</sup> Ave. alignment about ¼ mile north of Bethany Home Rd. in the Waddell area  
Request: Special Use Permit (SUP) for a wedding venue in the Rural-43 zoning district – Ranch Venue LLC

#### **Zoning - Z2019018**

**District 4**

Applicant: Shaine Alleman, Tiffany & Bosco  
Location: Approx. 2,500' east and 500' north of the northeast corner of Loop 303 and El Mirage Rd. alignment in the Peoria area  
Request: Zone Change from Rural-43 to IND-2 IUPD - Westwing Industrial Park

#### **Military Compatibility Permit - MCP2019001**

**District 4**

Applicant: William E. Lally, Tiffany & Bosco, P.A.  
Location: Generally located approximately 180' south of the southeast corner of Perryville Rd. and the Interstate-10 highway in the Goodyear area  
Request: Military Compatibility Permit (MCP) without a precise Plan of Development (POD) for wholesale trade and an offsite sign (billboard) - Perryville & I-10

Mr. Gerard presented the continuance agenda and noted one letter of opposition came in this morning for item #2 - Z2019016.

Commissioner Ruby asked if the opposition was to the continuance. Mr. Gerard said no to the actual use.

**COMMISSION ACTION: Commissioner Hiatt motioned to continue Z2019016 and Z2019018 to the September 12, 2019 hearing, and MCP2019001 to the September 26, 2019 hearing. Commissioner Burrows second. Continued 7-0.**

### **CONSENT AGENDA**

#### **Preliminary Plat - S2018027**

**District 2**

Applicant: Coe and Van Loo Consultants, Inc.  
Location: Generally located at the southeast corner of Verde River Way West and Yeager Canyon Dr. in the Rio Verde area

Request: Preliminary Plat containing 10 residential lots and 5 tracts in the R1-6 RUPD PAD zoning district – Trilogy at Verde River Unit 6B

**Preliminary Plat - S2018044**

**District 4**

Applicant: Matthew J. Mancini PE, 3engineering, LLC  
Location: Generally located at the northeast corner of Happy Valley Rd. and El Granada Blvd. in the Peoria area  
Request: Preliminary Plat containing 159 residential lots and 13 tracts in the R1-6 RUPD PAD zoning district – Rancho Cabrillo Parcels G, Q & U

**Zoning - Z2018056**

**District 1**

Applicant: Anthony Zaugg, Allen Consulting Engineers  
Location: Generally located at the northeast corner of Alma School Rd. and the Loop 202 in the Mesa area  
Request: Zone Change from IND-2 to IND-2 IUPD – Trevizo Industrial Site

**Development Master Plan - DMP2019001**

**District 5**

Applicant: Gammage & Burnham  
Location: Generally north of Interstate 10 and Indian School Rd., south of Camelback Rd., west of 395<sup>th</sup> Ave., and east of 415<sup>th</sup> Ave. alignment  
Request: Modification of Conditions 'y' and 'z' to the Balterra Development Master Plan (ref. DMP2012006 & DMP2005013) - Balterra

**Zoning - Z2019049**

**District 2**

Applicant: Devon Miller, Buntrock Harrison & Gardner Law, PLLC  
Location: Generally located 205' north of the northeast corner of Apache Trail and Merrill Rd. in the Mesa area  
Request: Zone change of the north portion of the property from R1-8 to C-3 - Apache Trail Rezone

Mr. Gerard presented the consent agenda.

**COMMISSION ACTION: Commissioner Andersen motioned to approve S2018027 with conditions 'a'-'o', S2018044 with conditions 'a'-'p', Z2018056 with conditions 'a'-'g' DMP2019001 with conditions 'a'-'dd', and Z2019049 with conditions 'a'-'f'. Commissioner Ruby second. Approved 7-0.**

**S2018027 conditions;**

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Preliminary Plat of Verde River – Unit 6B" consisting of 3 full-size sheets, dated June 20, 2019 and stamped received June 21, 2019, except as modified by the following conditions.
- b. Development and use of the site shall comply with the Narrative Report entitled "Verde River Unit 6B Preliminary Plat Narrative", consisting of 21 pages, dated June 14, 2019, and stamped received June 21, 2019, except as modified by the following conditions.

- c. The Following Planning Engineering conditions shall apply:
1. The site contains regulated floodplains (Rio Verde Wash). Disturbance to the floodplain(s) will require a floodplain use permit (issued concurrent with any building permit(s)).

On the Final Plat application documents, please provide the following information:

2. Show all easements with recordation data (emergency access easement, drainage easements, slope easements, etc.).
  3. Show the entire length of emergency access easement through the golf course.
  4. Provide a typical section of the emergency access road through the golf course.
  5. Clearly show and label the effective floodplain limits on the grading and drainage plans and on the Final Plat.
- d. Prior to Final Plat approval the applicant shall submit a recorded easement for emergency access through the golf course and access to/from Unit 6B and Unit 6A.
- e. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.
- f. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- g. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- h. 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 Rio Verde Fire District. 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 applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- k. The applicant/property owner shall submit a 'will serve' letter from Rio Verde Utilities for water services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- l. The applicant/property owner shall submit a 'will serve' letter from Rio Verde Utilities for wastewater services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- m. Preliminary Plat approval shall expire two (2) years from the date of Commission approval. Any request for an extension of time shall be submitted prior to the expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.
- n. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- o. The Final Plat shall include a note that states that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.

**S2018044 conditions;**

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Preliminary Plat for Rancho Cabrillo Parcels G, Q, & U" consisting of 12 full-size sheets, dated stamped received June 27, 2019, except as modified by the following conditions.
- b. Development and use of the site shall comply with the Narrative Report entitled "Rancho Cabrillo Parcels G, Q, & U Preliminary Plat Narrative", consisting of 9 pages, dated stamped received June 21, 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. 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).
- h. 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 North County Fire and 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.
- i. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- j. 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.
- k. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

For further information, please check the Luke Air Force Base website or contact the Maricopa County Planning and Development Department.”

- l. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- m. Preliminary plat approval shall expire two (2) years from the date of commission approval. Any request for an extension of time shall be submitted prior to the expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.
- n. The property owner/s and their successors waive claim to diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- o. The final plat shall include a note that states that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.
- p. Compliance with DMP2018007 & Z2018095 conditions/stipulations of approval.

**Z2018056 conditions;**

- a. Development of the site shall be in general conformance with the Narrative Report entitled “Narrative Report for Trevizo Industrial Park”, consisting of 13 pages, stamped received June 20, 2019, except as modified by the following conditions. Within 30 days of approval, the applicant must provide staff with an updated narrative report to correct the IUPD table base standards for the IND-2 zoning district.
- b. The following IND-2 IUPD standards shall apply:

1. Front yard (west) minimum setback: 3'
  2. Side yard (north) minimum setback: 3'
  3. Street side yard (south) minimum setback: 0'
  4. Screening: 6' (h) CMU wall on west and south property lines, 6' (h) chain link along east property line, and 6' (h) stacked concrete blocks along north property line
- c. The following Engineering conditions shall apply:
1. The Drainage Waiver submitted under DRB2018001 must be approved.
  2. Drainage improvements contained on the Grading and Drainage Plans submitted with this application must be completed within one (1) year of the Zone Change approval.
  3. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for approval and acquisition of building permits.
  4. The plans submitted for building permit must address the overflow design of the first flush basin.
  5. Parking, storage of materials and other improvements are prohibited in the public right-of-way.
- d. The applicant shall submit for a status report within one (1) year of approval of Z2018056 detailing compliance with conditions of approval along with completion of permits for existing buildings and structures.
- e. The applicant shall work with the Arizona Department of Transportation (ADOT) regarding the two access driveways to the property from Alma School Rd.
- 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 zone 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.

**DMP2019001 conditions;**

- a. Development shall comply with the Development Master Plan document entitled "Balterra Development Master Plan", a bound document, dated revised September 28, 2006 and stamped received October 2, 2006, including all exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Within 30 days of approval by the Board of Supervisors, a revised DMP narrative report document and land use plan shall be submitted for review and approval by the Planning and Development Dept. with revisions to the educational and recreational open space parcels along 407th Avenue north of Campbell Avenue showing that the school site will not be bisected by the street, but maintaining the acreage of each of the parcels; and showing revisions to some of the non-developable open space parcels to offset 13 acres of expanded roadways, but still preserving any 404 jurisdictional washes.
- c. Changes to the Balterra Development Master Plan with regard to use and intensity, or changes to any of the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation by the Maricopa County Planning and Zoning Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, subdivision regulations, and zoning ordinance in effect at the time of application(s) submission. The Maricopa County Planning and Development Department may approve minor changes administratively as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Balterra Development Master Plan narrative report, maps, and exhibits, or the stipulations of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.
- d. All stipulations of approval shall remain in effect in the event of a change in name of the Balterra Development Master Plan.
- e. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of DMP2012006 which details the status of this project, including progress on obtaining necessary entitlements, licenses, and permits; compliance with the conditions of approval; compliance with the approved narrative report; compliance with the approved land use plan; and justification as to how the approved land use plan still represents appropriate land use planning for the property and unincorporated

Maricopa County in accordance with the goals and policies in its comprehensive and applicable area plan. This report shall be scheduled for public hearing by the Maricopa County Board of Supervisors (Board), upon recommendation by the Maricopa County Planning and Zoning Commission (Commission), to consider whether the planning justification for this DMP is still present, and whether the land use designations associated with this DMP still represent appropriate and better long-term land use planning in accordance with the goals and policies of the Maricopa County Comprehensive Plan and applicable area plan. If the Board rescinds this DMP and reverts the current land use designations back to Mixed Use and Rural, all entitlements associated with this project that were conditional pursuant to the Maricopa County Zoning Ordinance may also be considered by the Board, upon recommendation by the Commission, for reversion to the prior entitlements. In such an event, the comprehensive plan land use map, area plan land use map, and, as applicable, zoning map shall be altered to reflect Board action.

- f. Prior to approval of any zone change, the master developer shall enter into a development agreement with Maricopa County. Further, prior to approval of any zone change this development agreement shall be signed by both the master developer and the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record.
- g. The master developer shall be responsible for the construction of all public and private on-site roads within the Balterra Development Master Plan. Further, the Balterra homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and related facilities, washes, parks, roadway median landscaping, landscaping within public rights-of-way, and all pedestrian, bicycle, and multi-use paths.
- h. Prior to approval of each final plat, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation/disposition for each of the selected native vegetation.
- i. Landscaping of all common areas and open spaces, except for identified recreational areas, within Balterra shall consist of indigenous and near-native plant species of a xeriphytic nature.
- j. All irrigation water supplied for common/open space areas and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within six (6) months after issuance of the 1,000th building permit. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion

from groundwater to a renewable water supply shall be provided to the Maricopa County Planning and Development Department.

- k. The Balterra Development Master Plan shall be developed sequentially as depicted on the phasing diagram contained in the Balterra Development Master Plan narrative report.
- l. The total number of residential dwelling units for the Balterra Development Master Plan shall not exceed 4,458. To help ensure compliance, the cumulative number of dwelling units platted to date, in relation to the identified limit, shall be identified on all plats.
- m. Development shall be prohibited on areas with a slope of 15% or greater.
- n. Until annexation of the entire development master plan takes place, the master developer shall notify all future Balterra Development Master Plan residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8 ½ inch by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).
- o. All park facilities shall be completed concurrently with residential development of the respective plat on which the park is shown.
- p. Not less than 42 acres shall be reserved for Recreational Open Space (ROS) land use. The project shall have four (4) neighborhood park sites of various acreages in the general locations shown in the Landscape Character Guidelines. Further, not less than twenty (20) mini-parks a minimum of 0.5 acres each shall be provided in the general locations identified in the Landscape Character Guidelines. All parks shall include recreational amenities. In addition, not less than 86 acres of dedicated, non-developable open space shall be provided in the general locations shown on the Land Use Plan for preservation of wash corridors in their natural state. There shall also be not less than 21 acres reserved as neighborhood linear parks in the general locations identified on the Land Use Plan. At the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative open space acreage and park numbers with respect to the requirements of this stipulation. A description of the types of recreational amenities that will be included in the Recreational Open Space and mini-parks shall also be submitted with all preliminary plats to the Maricopa County Planning and Development Department.

- q. No less than 102 acres shall be reserved for neighborhood retail and community retail commercial land uses as depicted on the Balterra land use plan. To help ensure compliance, at the time of each preliminary plat or precise plan submittal the master developer shall include a description of the status of the cumulative commercial land use acreage platted to date with respect to the requirements of this stipulation.
- r. No less than 105 acres shall be reserved for business park, mixed use employment center and office employment center land uses as depicted on the Balterra land use plan. To help ensure compliance, at the time of each preliminary plat or precise plan submittal the master developer shall include a description of the status of the cumulative employment land use acreage platted to date with respect to the requirements of this stipulation.
- s. No less than 31 acres shall be reserved for mixed use as depicted on the Balterra land use plan. To help ensure that this area develops as outlined in the Maricopa County Development Master Plan Guidelines, no less than 13 acres of the total acreage of the mixed use shall be reserved for professional and semi-professional office-type uses. At the time of each preliminary plat or precise plan submittal, the master developer shall include a description of the status of the cumulative acreage platted to date with respect to the requirements outlined in this stipulation.
- t. Unless otherwise agreed to by the applicable school district, not less than two (2) school sites and a minimum of 29 acres shall be reserved for schools at the locations identified on the Balterra land use plan.
- u. Prior to zone change approval, the master developer shall provide a "will serve" letter and a Certificate of Convenience and Necessity from the Water Utility of Greater Tonopah demonstrating commitment to serve the entire Balterra Development Master Plan with water service, which is subject to approval by the Maricopa County Department of Environmental Services.
- v. Prior to zone change approval, the master developer shall provide a "will serve" letter and documentation of an approved MAG 208 amendment from Balterra Sewer Corporation demonstrating commitment to serve the entire Balterra Development Master Plan with wastewater service, which is subject to approval by the Maricopa County Department of Environmental Services.
- w. Prior to approval of the first preliminary plat, the master developer shall provide a "will serve" letter for fire protection from the Tonopah Valley Fire District or another qualified public or private fire service provider demonstrating commitment to serve the entire Balterra Development Master Plan, which is subject to approval by the Maricopa County Planning and Development Department.

- x. An archaeological survey of the subject property shall be conducted prior to approval of any preliminary plat to locate and evaluate any cultural resources on the site. Once complete, a report of the results shall be provided to the Arizona State Historic Preservation Officer (SHPO) for review and comment before any ground disturbing activities related to development are initiated. The applicant shall perform an archaeological analysis to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. If Register eligible properties cannot be avoided by development activities, then the Arizona SHPO shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.
  
- y. Any areas not covered by the existing Outdoor Warning Siren System used to alert residents within the 10-mile Emergency Planning Zone of the Palo Verde Nuclear Generating Station in time of emergency shall be required to include additional sirens, at the developer's cost, in order to provide adequate warning for the residents of the Balterra development, using technical information concerning the siren system obtained from the Emergency Planning Department at the Palo Verde Nuclear Generating Station. In addition, adequate signage available from the Palo Verde Nuclear Generating Station Emergency Planning Department shall be required to be posted on the site to inform the public of the presence of a nuclear generating station in the vicinity and outlining actions to take upon receiving warning notification.
  
- z. The developer shall ensure that public safety information regarding nuclear emergencies is initially provided to any new residents or building occupants. The applicant shall obtain this information from the Palo Verde Nuclear Generating Station – Emergency Planning Department. All costs associated with the duplication and dissemination of the initial distribution shall be assumed by the applicant. Thereafter, the Palo Verde Nuclear Generating Station will provide this public safety information annually.
  
- aa. Prior to any final plat, the master developer shall enter into a development and Law Enforcement Services agreement with the Maricopa County Sheriff's Office (MCSO). This development agreement shall include, but not necessarily be limited to, the master developer's requirement to donate at no cost to the county, for use by the Maricopa County Sheriff's Office, their proportionate share of separate office space or land (the size to be determined in the development and Law Enforcement Services agreement), for law enforcement, or payment of fees when a permit is issued, for the Sheriff's Office to conduct day-to-day business related to providing law enforcement services to Balterra and surrounding areas. The office space complete with tenant improvements per Maricopa County Sheriff's Office requirements and associated parking or land shall be provided not later than two (2) years from the opening of the first model

home complex within the DMP, or as agreed to in the development and Law Enforcement Services agreement. This development and Law Enforcement Services agreement may also include, but not necessarily be limited to, the master developer's requirement to pay their proportionate share for startup costs and interim fees for law enforcement services associated with the property unless it is annexed into an incorporated municipality or until a full law enforcement service contract is otherwise implemented. Startup costs would include vehicle purchase and patrol equipment, e.g. radios, tasers, and vehicle laptops. The developers who incur the above Sheriff substation startup costs shall be eligible for reimbursement from other service area developers, with the rate of reimbursement defined in the Development Agreement. This stipulation shall be modified should a Sheriff impact fee be enacted by the County. This development and Law Enforcement Services agreement shall include the terms listed in this stipulation unless otherwise mutually agreed to by MCSO and the master developer, furthermore, the development and Law Enforcement Services agreement shall be signed by both the master developer and the Maricopa County Sheriff's Office and provided to the Maricopa County Planning and Development Department for public record.

bb. The following Maricopa County Drainage Review stipulation shall apply:

The owner or his representative shall submit a variance in accordance with the Drainage Regulations (Section 503) and obtain approval prior to any preliminary plat approvals.

cc. The following Flood Control District of Maricopa County stipulations shall apply:

1. Prior to any development, a Floodplain Use Permit will be required from the Regulatory Division of the Flood Control District.
2. Prior to preliminary plat approval, a detailed drainage study based on the Federal Emergency Management Agency's criteria will be required. All washes over 50 cfs that do not originate on site must be delineated, placed in a tract or shown that the continuity of flow is maintained. The cross sections in the drainage report need to match those shown on the exhibits. The Zone A floodplain above Interstate 10 will need to be addressed. Manning's "n" value between the drainage report and the erosion hazard delineation study should be consistent.

dd. The following Maricopa County Department of Transportation stipulations shall apply:

1. The Traffic Impact Study (TIS) shall be updated prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. The TIS shall

comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demand with each phase. The TIS must be approved before subsequent approval of any roadway improvement plans. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS.

2. The Applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Applicant may choose to construct off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT may require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Applicant chooses not to construct off-site regional roadway improvements, the Applicant shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
3. If required per item 2 above, a Development Agreement shall be executed prior to any preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
4. The Applicant shall provide the ultimate full-width of right-of way for all interior public roadways, and the ultimate half-width of right-of-way for all perimeter public roadways consistent with the Maricopa County Major Streets and Routes Plan, or as otherwise approved by MCDOT. Right-of-way shall be provided as follows:
  - a.) Camelback Road: 65 Feet half r/w (with additional 35 feet landscape/future roadway/public utility easement)
  - b.) Indian School Rd.: 65 Feet half r/w (within MCDOT jurisdiction)
  - c.) 395<sup>th</sup> Avenue: 65 Feet half r/w
  - d.) 411<sup>th</sup> Avenue: 65 Feet half r/w and 130 Feet full r/w
  - e.) Campbell Avenue (east of 411<sup>th</sup> Ave): 130 Feet full r/w  
Campbell Avenue (west of 411<sup>th</sup> Ave): 80 Feet full r/w
  - f.) 403<sup>rd</sup> Avenue: 80 Feet full r/w
  - g.) 407<sup>th</sup> Avenue: 80 Feet full r/w (both N & S of Campbell)
  - h.) 413<sup>th</sup> Avenue: 60 Feet full r/w
5. The Applicant shall construct the ultimate full-width interior public roadways and the ultimate half-width perimeter public roadways.

6. The Applicant shall design all roadways and public infrastructure to meet county standards in effect at the time improvements are constructed.
7. The Applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
8. The Applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
9. The Applicant shall not locate elementary or middle schools on arterial alignments.
10. The Applicant shall provide bike lanes on all arterial and major collector alignments. A bicycle circulation plan shall be provided and approved by MCDOT with each phase of development.
11. The Applicant shall design the project to promote pedestrian, bicycle, and other alternative modes of transportation to public facilities within and adjacent to the site (i.e., bus bays, electric vehicles, shared accommodations, internal trail systems, etc.).
12. If streetlights are provided, installation shall be provided by the Applicant. If streetlights are within public right-of-way, a Street Light Improvement District (SLID) or comparable authority must be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
13. The Applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The Applicant (or as assigned to the Home Owner's Association) shall be responsible for maintenance of landscaping within public rights-of-way.
14. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT prior to commencing construction.
15. The Applicant shall comply with all applicable local, state and federal requirements (dust control, noise mitigation, AZPDES, etc.).
16. The Applicant shall consult with ADOT regarding access to the I-10 freeway and use of Indian School Road within ADOT right-of-way. The Applicant shall provide written documentation of ADOT's approval and requirements.



**Z2019049 conditions;**

- a. Rezoning of the property shall be in conformance with the Narrative Report, entitled "Proposed Zoning Change for APN: 220-44-004", dated May 24, 2019, and stamped received June 27, 2019, except as modified by the following conditions.
- b. Development on the parcel shall require a Plan of Development.
- c. The following Planning Engineering conditions shall apply:
  1. Without the submittal of a precise plan of development, no development approval is inferred by this review, including, but not limited to 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 entitlements.
  2. Approval/no objection from the Arizona Department of Transportation (ADOT) is required, since they own/maintain Apache Tr. in this vicinity.
  3. A Traffic Impact Study to address traffic impacts and roadway improvements required to support the proposed development must be submitted with the Plan of Development application(s) or other future entitlement applications.
  4. Merrill Rd. has a Maricopa County Department of Transportation (MCDOT) future roadway classification as a major collector. Dedication of additional right-of-way (15 feet) along the east side of Merrill Rd. will be required as a condition of the Plan of Development or other future entitlement applications, unless otherwise waived by MCDOT.
- d. 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.
- 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 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 - Z2019040**

**District 5**

Applicant: Gammage & Burnham  
Location: Generally north of Interstate 10 and Indian School Rd., south of Camelback Rd., west of 395<sup>th</sup> Ave., and east of 415<sup>th</sup> Ave. alignment  
Request: Acceptance of Status Report to comply with Board approved condition 'e' with case DMP2012006 for Balterra Development Master Plan - Balterra

**By a vote of 7-0 the status report was accepted and public hearing before the Board of Supervisors will not be scheduled and no further action necessary.**

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

Prepared by Rosalie Pinney  
Recording Secretary  
August 8, 2019