

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

September 12, 2019
9:30 a.m.

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

MEMBERS PRESENT:

Mr. Nathan Andersen
Mr. Greg Arnett
Mr. Bruce Burrows
Mr. Broc Hiatt
Ms. Francisca Montoya, Vice Chair (telephonically)
Mr. Lucas Schlosser

MEMBERS ABSENT:

Mr. Jimmy Lindblom, Chairman
Mr. Michael Cowley
Ms. Jennifer Ruby
Mr. Robert Zamora

STAFF PRESENT:

Mr. Darren Gerard, Planning Services Manager
Ms. Rachel Applegate, Senior Planner
Mr. Martin Martell, Planner
Mr. Sean Watkins, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney

CONTINUANCE:

MCP2018003, Z2019016

CONSENT:

MCP2016007, Z2019056, Z2019058

REGULAR:

Z2019018, Z2019052

Commissioner Arnett will be the acting Chairman for the hearing.

Chairman Arnett called the meeting to order at 9:37 a.m. and made the standard announcements.

Chairman Arnett asked if there were any changes or comments to the minutes for June 13 and July 25, none.

COMMISSION ACTION: Chairman Arnett approved the June 13, 2019 and July 25, 2019 minutes as written.

Chairman Arnett said item #4 - Z2019018 is moving from the consent agenda to the regular agenda.

CONTINUANCE AGENDA

Military Compatibility Permit - MCP2018003 (Cont. from 7/25/19)

District 4

Applicant: Francisco Badilla
Location: Generally located 790' west of the southwest corner of Alsup Ave. and Myrtle Ave. in the Glendale area
Request: Military Compatibility Permit (MCP) with a precise Plan of Development (POD) for RF Pipeline Storage Facility

Special Use Permit - Z2019016 (Cont. from 8/8/19)

District 4

Applicant: Keith Sartorius, Ranch Venue LLC
Location: Generally located east of 175th 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

Ms. Applegate presented the continuance agenda.

Commissioner Schlosser asked if there's been any updates on item #1 – MCP2018003 with the adjacent land owner and the applicant. Ms. Applegate said yes, staff had a meeting with the property owner and the applicant and addressed revising the site plan to a less intense use. They were willing to remove the diesel trucks from the property, but the actual storage use was still too intense and they decided not to go forward with this use. They are potentially looking at a landscape storage rental yard which would be less intrusive to the neighbors. The property owner signed a compliance agreement with a deadline of December 11, 2019 to cease and desist the existing operation. He understands to go through the proper channels to gain the entitlement first before use of the property, and he needs to have an intense citizen outreach with the neighbors. Staff does support the continuance and when they are ready to proceed we can use the same case going forward.

COMMISSION ACTION: Commissioner Burrows motioned to continue indefinitely MCP2018003 and to continue Z2019016 to the September 26, 2019 hearing. Commissioner Schlosser second. Continued 6-0.

CONSENT AGENDA

Military Compatibility Permit - MCP2016007 (Cont. from 7/25/19)

District 4

Applicant: Stephen C. Earl, Earl, Curley & Lagarde P.C.
Location: Generally located approximately 1,240' west of the southwest corner of Dysart Rd. and Olive Ave. in the Glendale area
Request: Modification of Conditions to a Military Compatibility Permit (MCP2012001) to amend condition 'f' – Olive and Dysart, LLC

Special Use Permit - Z2019056

District 4

Applicant: Paul M. & Janice M. Sullivan
Location: Generally located on the US-60 1/3 mile south of the Town of Wickenburg jurisdictional limits
Request: Modification of Conditions to a Special Use Permit (Z2003066) to amend condition 'i' - Horspitality RV Resort

Special Use Permit - Z2019058

District 3

Applicant: Pew and Lake, PLC
Location: Generally located 1,100' southeast of the SEC or Daisy Mountain Dr. and Meridian Dr. in the Anthem area
Request: Modification of Condition 'd' of SUP Z2017130 and Modification of Condition 'h' of SUP Z2014082 in the R1-8 RUPD zoning district – Merrill Gardens Anthem Cottages

Ms. Applegate presented the consent agenda.

COMMISSION ACTION: Commissioner Andersen motioned to approve MCP2016007 with conditions 'a'-'l', Z2019056 with conditions 'a'-'o', and Z2018058 with conditions 'a'-'f' and Z2017130 with conditions 'a'-'l' of Z2014082. Commissioner Hiatt second. Approved 6-0.

MCP2016007 conditions;

- a. Development of the site shall be in conformance with the Narrative Report entitled "Olive and Dysart, LLC Military Compatibility Permit", consisting of 18 pages, dated July 13, 2012, and stamped received July 13, 2012, except as modified by the following stipulations.
- b. Uses on the subject property shall be limited to the following:
 - Outside storage (construction materials, landscape materials and farm equipment; construction yard)
 - Railroad and rapid rail transit
 - Wholesale trade
 - Retail building materials
 - Repair services
 - Food and kindred products
 - Textile mill products
 - Apparel
 - Lumber/wood products
 - Furniture and fixtures
 - Paper and allied products
 - Printing and publishing
 - Rubber/misc. plastic
 - Stone, clay and glass products
 - Primary metal industries
 - Fabricated metal products
 - Misc. manufacturing

- c. In addition to other standards established at the time of precise plan of development approval or amendment thereto, all uses identified in condition 'b' shall be subject to the following:
1. No building or structure of any kind shall exceed fifty feet in height as measured between the existing grade to the top of the highest point of said building or structure.
 2. No use shall result in the release of any substance into the air which would impair visibility or otherwise interfere with operating aircraft such as the following:
 - i. Steam, dust and smoke;
 - ii. Direct or indirect reflective light emissions;
 - iii. Electrical emission that would interfere with aircraft and air force communications or navigational systems/aircraft equipment;
 - iv. The attraction of birds or waterfowl;
 - v. Explosive facilities or similar activities.
 3. That in conjunction with the review process of a precise plan of development by Maricopa County, the plan of development shall be administratively reviewed by a designated representative of Luke Air Force Base.
- d. The property owner shall not enter into any lease for any portion of the property, and in no event allow any tenant to occupy any building, structure, or property unless and until LAFB and Maricopa County mutually agree through a Use Compatibility and Consistency Determination process that the tenant's use is compatible and consistent with the high noise or accident potential of LAFB. Violation of this condition shall constitute grounds for revocation of this Military Compatibility Permit.
- e. Prior to approval of the initial precise plan of development, the applicant shall provide the Maricopa County Planning and Development Department with confirmation of approval of a 208 amendment by the MAG Regional Council, and verify that a sewer system provided by a municipality or a private utility company will be used for waste disposal. No septic or similar type of waste disposal system shall be used.
- f. A precise plan of development shall be approved by the Board of Supervisors within three years of approval of MCP2016007. If a precise plan of development has not been approved within three years, this Military

Compatibility Permit will be considered for revocation by the Board of Supervisors.

- g. The applicant shall submit a written report outlining the status of MCP2012001 three years from the date of Board of Supervisors approval. The status report shall be reviewed to determine whether the Military Compatibility Permit remains in compliance with the approved conditions.
- h. The following MCDOT condition shall apply:
 - 1. Preserve a total half-width of 70 feet of right-of-way on Olive Ave.
- i. The following Drainage Review condition shall apply:
 - 1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
 - 2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- j. All development standards and design criteria, including any amenity and enhancement guidelines, shall be established at the time of precise plan of development or amendment thereto. All precise plans of development or amendments thereto shall be approved by the Board of Supervisors.
- k. Changes to any use or condition approved by the Board of Supervisors shall be processed as a revised application and be subject to approval by the Board of Supervisors. Revised applications shall be in accordance with the applicable zoning and other regulations in effect at the time of amendment application. Non-compliance with the approved Military Compatibility Permit, including the narrative report, maps, exhibits, or approved conditions constitutes a violation in accordance with the Maricopa County Zoning Ordinance.
- l. 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 and stipulations. It is, therefore, stipulated and agreed that revocation due to the failure to comply with any conditions or stipulations, 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. The Military Compatibility Permit enhances the value of the

property above its value as of the date the Military Compatibility Permit is granted and reverting to the prior zoning results in the same value of the property as if the Military Compatibility Permit had never been granted.

Z2019056 conditions;

- a. Development and use of the site shall be generally consistent with the site plan entitled "Reinstatement of Special Use Permit Horspitality RV Park", consisting of four (4) full-size sheets, dated revised April 24, 2004, stamped by the Civil Engineer April 24, 2004, and stamped received August 10, 2004, except as modified by the following stipulations.
- b. Development and use of the site shall be generally consistent with the narrative report entitled "Request for Special Use Permit for Existing Recreational Vehicle Park Horspitality RV Park and Boarding Stables", consisting of nine (9) pages plus attachments, stamped received August 10, 2004, except as modified by the following stipulations.
- c. One of the parking spaces serving the clubhouse shall be retrofitted to meet current ADA requirements.
- d. The facility shall comply with all applicable federal and state laws regarding groundwater use.
- e. Plans and specifications for the new sewer line connecting spaces 1A-7A to the existing septic system must be submitted to Maricopa County Environmental Services Department, under application and fee, for review and approval prior to construction of the sewer line.
- f. The following Flood Control District stipulations shall be met:
 - i. A Floodplain Use Permit shall be required for any development within the floodplain. No development is allowed within the floodway that would impede stormwater flows.
 - ii. No structure, excavation or fill material, deposit, obstruction, storage of material or equipment or other uses shall be permitted which alone or in combination with existing or future uses, in the opinion of the Floodplain Administrator, would cause an increase in the base flood elevations or flood damage potential."
 - iii. The existing RV spaces located outside the delineated 100-year floodway appear to be acceptable, and their use may continue. Any RVs permanently or semi-permanently placed will need to be elevated above the Base Flood Elevation (BFE). Proposed spaces 82 – 88 are located in close proximity of the Wash "O" Tributary Floodway (1,955 cfs). Development (if viable) of permanent structures may require bank stabilization/erosion protection. The permanent structures would be required to have a finished floor at a minimum of two (2) feet above the base flood elevation.

- g. No vendor activity shall be allowed along the highway frontage.
- h. Lighting shall comply with Article 1112 of the Maricopa County Zoning Ordinance.
- i. This Special Use Permit shall expire 15 years from the date of Board of Supervisors approval of Z2019056 or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- j. The applicant shall submit a written report outlining the status of the development at the end of two (2) years from the date of approval by the Board of Supervisors and every five (5) years thereafter. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. If staff deems the status report to be unacceptable, the status report may be forwarded to the Commission for further review and action.
- k. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- l. Non-compliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- m. Major changes to this Special Use Permit (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.

Z2019058 conditions;

- a. Development of the site shall comply with the Site Plan entitled "Merrill Gardens at Anthem Cottages", consisting of 26 full-size sheets, stamped received September 20, 2018, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Project Name: Merrill Gardens at Anthem Cottages", consisting of eleven (11) pages, stamped received September 20, 2018 except as modified by the following conditions.

- c. The following Planning Engineering comments shall apply:
 - 1. The Drainage Waiver DRB2018002 must be approved.
 - 2. Any construction (driveway, utilities, etc.) within Meridian Road Right-of-Way will require a Maricopa County Department of Transportation (MCDOT) Right-of-Way Permit.
- d. The following R1-8 deviation shall apply:
 - 1. Up to 5' CMU wall within the front yard setback.
- e. The Following Daisy Mountain Fire Department conditions shall apply:
 - 1. Access roadways, fire line and hydrant placement and fire protection sprinklers per NFPA13 are compliant with the Fire Codes.
 - 2. A fire alarm system per NFPA 72 will be required for I-1 occupancies.
 - 3. Plans must be submitted for final approval and permitting for the fire hydrants, fire sprinklers, fire alarm and building construction drawings for review for fire life safety prior to the C of O inspections.
- 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, 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.

Z2017130 conditions;

- a. Development of the site shall comply with the Site Plan entitled "Merrill Gardens at Anthem", consisting of six (6) full-size sheets, stamped received December 19, 2014, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Project Name: Merrill Gardens at Anthem", consisting of sixteen

(16) pages, stamped received December 19, 2014 except as modified by the following conditions.

- c. Development of the site shall be in conformance with the Landscaping Plans entitled "Landscape Plan", consisting of three (3) full-size sheets, stamped and received December 19, 2014, except as modified by the following conditions.
- d. The following Drainage Plan Review conditions shall apply:
 - 1. The Drainage Waiver submitted under DRB2014004 must be approved.
 - 2. At the time of application for building permits, stabilization of the emergency spillway outlet area shall be further evaluated.
 - 3. At the time of application for building permits, the storm drain calculations must be revised to use a minimum time of concentration of 5 minutes at the upstream limit.
 - 4. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
 - 5. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
 - 6. An updated Drainage Report and detailed Grading and Drainage Plans showing the new site improvements must be submitted for the acquisition of building permits.
- e. The following Maricopa County Department of Transportation (MCDOT) review condition shall apply:
 - 1. At the time of application for building permits, the right-of-way line along W. Meridian Drive must be clearly indicated. Any work, including grading and landscaping, within the right-of-way of W. Meridian Drive will require permit(s) from MCDOT.
- f. The following Maricopa County Environmental Services Department (MCESD) review conditions shall apply:
 - 1. Development and engineering design shall be in conformance with the Maricopa County Stormwater Quality Management and Discharge Control Regulation. The owner/developer shall prepare

a Storm Water Pollution Prevention Plan (SWPPP) and obtain approval by MCESD prior to construction. (A separate submittal to MCESD is required.) Upon completion of construction, the owner shall fulfill MCESD requirements and obtain a post-construction stormwater permit.

2. The site plan shall contain a note designating the entity responsible for operation and maintenance of the on-lot stormwater management facilities consistent with an approved operation and maintenance plan.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
- i. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
- j. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- k. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- l. 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.

REGULAR AGENDA

Zoning - Z2019018 (Cont. from 8/8/19)

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

Ms. Applegate presented Z2019018 and noted it was pulled from the consent agenda to amend staff recommended conditions. A handout has been provided to modify condition 'd.6' related to screening, and elimination of condition 'e' for conditional zoning, and relabeling conditions 'f' and 'g'. The applicant agrees to the proposed modifications.

Mr. Shaine Alleman with Tiffany & Bosco, representing the applicant said they are ready to move forward and they do support the stipulations.

COMMISSION ACTION: Commissioner Andersen motioned to approve Z2019018 with conditions 'a'-'f' with modification to condition d.6, elimination of condition 'e' and re-labeling conditions 'f' and 'g'. Commissioner Burrows second. Approved 6-0.

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "WestWing Business Park", consisting of two full-size sheets, dated August 20, 2019, and stamped received August 23, 2019, except as modified by the following conditions. The applicant shall provide a revised zoning exhibit within 30 day of Board approval with changes to the IUPD standards.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "WestWing Industrial Park", consisting of 17 pages, dated August 21, 2019, and stamped received August 23, 2019, except as modified by the following conditions. The applicant shall provide a revised narrative report within 30 day of Board approval with changes to the IUPD standards.
- 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 entitlement.
 2. 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.
 3. Concurrent with the application for building permits, El Mirage Road improvements will be required. The owner/applicant must coordinate with MCDOT to determine requirements (right-of-way dedication and improvements) for the extension of El Mirage Road north of the 303; including access to the site from El Mirage Road that will most likely require a bridge over the McMicken Dam Outlet Wash. Ownership/maintenance of the access road must be coordinated.
 4. Access to the site from the extended El Mirage Road will impact regulated Special Flood Hazard Areas (McMicken Dam Outlet Wash). In addition to floodplain use permitting, ROW permitting will

be required by the Flood Control District concurrent with application(s) for building permits.

5. Access to the site will be limited to one location (from the west off a proposed extension of El Mirage). The owner/applicant must coordinate with an emergency services provider to develop suitable access (internal and external) that will provide adequate emergency service accessibility to/within the site. A will serve letter, that includes an approval of the emergency access design to and within the site, must be provided with the Plan of Development.
6. This recommendation in no way approves any access to 119th Avenue.

d. The following IND-2 IUPD standards shall apply:

1. Height: 60' or 40' adjacent to rural or residentially zoned properties. Building height may increase by 1' for each 3' of additional setback to a maximum height of 60'.
2. Front yard: 0' for internal lots adjacent to industrial zoned properties, 25' adjacent to rural or residential zoned properties
3. Side yard: 0' for internal lots adjacent to industrial zoned properties, 5' adjacent to rural or residential zoned properties
4. Rear yard: 0' adjacent to industrial zoned properties, 20' adjacent to rural or residential zoned properties
5. Parking for proposed indoor self-storage/RV Storage Uses: 18 standard parking spaces (Identified on 17.81 acres).
6. Screening: ~~6' solid masonry wall along project (IND-2 IUPD zoning district) perimeter or adjacent to any properties abutting rural or residential zoning with access gates to be constructed with view-obscuring material to provide site screening.~~ The IND-2 IUPD would allow for chain link fencing adjacent to the SRP substation parcels (503-53-024H and 503-53-023H) along the northern perimeter.
7. Screening: Industrial outdoor use shall be enclosed to height of not less than 6' with walls, fencing or any view obscuring material. Storage materials shall not exceed the height of the enclosure.
8. Directory Signs: Maximum sign area of 24 sq. ft. and shall not exceed 8' (h)
9. Directional Signs: Maximum sign area of 12 sq. ft.
10. Wall Signs:
 - a. The total aggregate area of all wall signs on a property shall not exceed fifteen percent (15%) of one (1) face/plane of a single/multi-tenant building, or wall plane of an individual business frontage where more than one (1) tenant occupies the building.
 - b. Face plane is measured as a vertical plane from the ground to top of parapet or eave line of pitched, or mansard roof. Where a parapet is behind a hip roof, shall follow the eave line.

If a property has multiple buildings, the property owner may choose which building face plane is used to calculate aggregate sign area.

11. Freestanding Sign including Center Identification Signs:
 1. Freestanding Signs shall be subject to the following development standards:
 1. One (1) freestanding sign shall be allowed oriented and located adjacent to the Loop 303 Freeway subject to the following:
 - a. Not exceed sixty (60) feet in height.
 - b. Shall not exceed two hundred fifty (250) square feet in sign area per face.
 - c. Shall not be included in the calculation of the total number of other freestanding signs outlined below and/or wall signs permitted.
 - d. Minimum separation: 200 feet separation from any other freeway freestanding sign or off-site advertising sign.
 - e. 50' from non-freeway lot lines, 200' from rural or residentially zoned properties.
 - f. No EMDs allowed with freeway freestanding sign.
 - g. Base of sign must be at least 35% of the full sign width.
 2. All other freestanding signs shall comply with the following development standards:
 - a. Shall not exceed one hundred fifty (150) square feet in sign area.
 - b. Shall comply with the following height standards:
 1. Not exceed twenty-four (24) feet provided:
 - a. Any signs within one-hundred (100) feet of a Rural or Residential zone, unless developed for non-residential use, shall not exceed twelve (12) feet in height. However, for each five (5) feet beyond the one-hundred (100) feet, the maximum may increase one (1) foot to the maximum height of twenty-four (24) feet.
 - c. May be a moving, rotating or revolving sign, but no sign shall rotate faster than seven (7) revolutions per minute.

Note: Remaining allowed standards of Industrial signage that are not shown here shall remain.

~~e. 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 two (2) years for each subsequent phase, within which time the construction permit for each phase must be obtained. The applicant shall submit a written report every two years from the date of Board of Supervisors approval of Z2019018 which details the status of this project, including progress on obtaining construction permits. The status report to be administratively reviewed by Planning and Development with the ability to administratively accept or to carry the status report to the Board of Supervisors (Board), upon recommendation by the Planning and Zoning Commission (Commission) for consideration of amendments or revocation of zoning for undeveloped parcels. Status reports will be required until completion of construction permits for each zoning parcel (IND-2 IUPD).~~

- f. 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.

- g. 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 - Z2019052

District 5

Applicant: Tiffany & Bosco
Location: Generally located at the northwest corner of 43rd Ave. and Euclid Ave. in the Laveen area
Request: Zone Change from Rural-43 to R1-6 RUPD – The Element on Euclid

Mr. Martell presented Z2019052 and noted the total size of the property is 21.9 acres and they are proposing a subdivision with a density of 4.8 dwelling units per acre. Staff has received 10 letters of opposition. Another part of this request is to propose variations to the R1-6 development standards in order to allow a developer an opportunity to create a neighborhood with the preferences of today's homebuyer in regards to property styles and amenities. The developer will allocate approximately 4.5 acres (20% of the entire parcel) of dedicated passive and active open space, which will include a centralized park and a multi-use trail. The active open space could allow for ramadas, barbeque area, or playground. The applicant is also requesting an RUPD overlay to allow for smaller lots than what is traditionally found in the R1-6 zoning district. This overlay request will allow reduced minimum lot sizes, reduced minimum lot widths, increased maximum lot

coverages, reduced minimum front yard setbacks, and reduced minimum rear yard setbacks. The subdivision to the south and north are large lot homes zoned RU-43, to the west and east is the City of Phoenix zoned R1-8 to allow homes at 8,000 square feet. The property would be accessed by 43rd Avenue from the east and Euclid Avenue from the south. The applicant completed the required notifications for all the property owners within 300 feet of the subject property and stakeholders. The applicant has held neighborhood meetings to discuss this zone change with overlay and future subdivision. During the applicant's public participation process, staff received four letters of opposition from neighbors, but now it's gone up to 10. The majority of their concerns center on overall density and lot sizes. The applicant has addressed these issues by illustrating it's consistent with the development of this area and market demand for this type of development. Other concerns that dense development adjacent to their parcels would invite crime or a large amount of rented properties. The applicant countered these concerns that more housing and active open space will add more witnesses to be a deterrent to prevent crime, fostering a stronger sense of community. Staff received opposition from the Laveen Planning Committee, and their opposition centers on high density and preference to keep the density down to two dwelling units per acre. The applicant has been diligently working with the Laveen Planning Committee to address their concerns. The proposed would be situated in an ideal location for a medium density subdivision adjacent to an arterial roadway of 43rd Avenue. It is located within a half a mile of Caesar Chavez Park with a variety of recreation areas nearby as well as schools, shopping and the 202 Freeway. Staff is recommending approval with the proposed conditions in the staff report.

Ms. Ashley Marsh with Tiffany & Bosco said the site is on 43rd Avenue and Euclid Avenue south of Southern and Baseline, and north of Dobbins in the Laveen area. The 202 Freeway alignment is coming in 2 miles from the property. It's a 22 acre development on a county island with City of Phoenix residential subdivisions around us with larger rural lots to the north and south. Laveen has been built out as residential with R-4 in the area, S-1 and on the southern part there's larger lot development sitting vacant right now. It is a compatible use with so much like product in the area. Meritage Homes has worked diligently on this site to come up with a scheme and plan that really takes advantage of the acreage creating a sense of community. People wanting a smaller individual footprint with more amenities and park like features maintained by an HOA. They would create extensive walking trails with a sidewalk and circular trail that goes all around the perimeter of the property. There's an 80 foot buffer between this lot line and to the north neighbors with an additional walking trail on the south end of the property that extends from Cheatham Farms on the west side. They've taken liberty to go ahead and make sure the property is taking advantage with open spaces. This is going to be an affordable product for families with FHA limits to afford a new build in this area and they haven't sacrificed any quality providing a great neighborhood for future residents. They had extensive community outreach with several notification letters along with the 300 foot notification letter, and three meetings with community leaders in June, July and August. There's been plenty of opportunity to hear from the community and last night they received six letters of opposition when there's been plenty of time to talk. At the meetings the only thing that was brought up was lot size and didn't have a conversation about what comes with the exchange for the lot size. It's a great community housing product that's well suited for the area. Staff did a great job of making sure the stakeholders were

notified. This area of Laveen has seen growth and development, and the builder has really taken time to explore housing opportunities to make sure it's the right lot size for what they're seeing in market demand and also honoring some open space. As a safety issue we propose to realign Euclid Road and we've created opportunity to move easements. We have staff support and this is a quality builder with a quality product.

Chairman Arnett asked about the traffic on the south. Ms. Marsh said we have a traffic impact study that has been submitted with the pre-plat and right now the level of service is a 'b'. This is 107 lots and it will still be a level 'b'. They also reached out to Cheatham Elementary School and are working on a donation agreement with them.

Mr. Gerard said the Euclid realignment will be related to the dedications on the plat.

Mr. David Borge said all the nearby residents were not notified. They never received any knowledge of this up until three or four weeks ago. He moved to Laveen to have a rural lifestyle with livestock. The development will conflict with smells and noises with those that have livestock on their property. We enjoy the rural feel and it's not an appropriate place between rural properties.

Mr. Sandy Hamilton said he lives 1-1/2 miles west of this property. He is the chairman of the Laveen Planning Committee and we did not meet with the applicant. We met during the summer at the Burger King, and they met with individual members of the committee but not the Laveen Planning Committee. We would like this to be continued so we can meet with them as a committee, but we are totally against the project.

Mr. Phil Hertel said he lives in the subdivision just south of this. He's been involved in the Laveen planning process for 20 years. As part of the Laveen Village Planning Committee (LVPC) and the Laveen Planning Committee (LPC) and the Laveen Citizens for Responsible Development (LCRD) he works very hard to bring quality development to Laveen. This case has not been presented to any of the public bodies that hold public meetings in Laveen. A few of us have spoken to them individually but they have not come to the Laveen Planning Committee for a public meeting. This is why some of the neighbors are surprised because this hasn't been through the public process. In the staff report it says the applicant worked diligently with the LPC. That is false they've never met with the LPC. In the discussions with the individuals that complained about the plan with 45 foot wide lots, and the only offering they've come back with is to turn the 45 foot into 40 foot wide lots. In the staff report it says this is consistent with development in the area. It is not. There is nothing in the area this dense or this small of lots. There's nothing that's been approved in this area and nothing that's been proposed or planned in this area for this kind of density. 45 foot wide lots are not approved anywhere in Laveen. The LVPC has a moratorium on 45 foot wide lots, and most everything is 55 foot wide lots or greater. This does not comply and does not fit with any of the surrounding properties. It was said there's a demand for these kind of lots, but at the LVPC on Monday realtors came into speak about what the demand is and what's in the future for Laveen Development. Not one of those realtors suggested small lots is what Laveen needs. Every one of them said homebuyers are looking for large lots with large side yard setbacks and want space. People are moving out of subdivisions that have real small lots and the demand in Laveen is not for small lots. He has a petition in opposition signed by every single occupant

around this proposed subdivision. There's no mass transit on 43rd Avenue to service this site. He has spoken to various departments in the city – the planning department, the streets department and the water department all suggest this case should be annexed into the City of Phoenix and not the County. To develop in the County will further burden the Sheriff's Department and the County functions and make it like everything around it that's developed. The service letter is for 1 one inch water service and 1 four inch sewer service that's what they are obligated to give them. If they want more than that they're going to require them to annex. The high density areas are where the crime comes from in Laveen and the larger lots is where the crime is reduced.

Chairman Arnett noted they cannot annex into Phoenix because we can't create another island. Mr. Gerard said they cannot annex between the two creating another county island. There will be requirement for utility services agreement with the city prior to any development.

Mr. Hertel said the south piece and the north piece will still be connected by 43rd Avenue and it will not create a new county island. The city streets department told him they will not require them to annex, and they will enter into an Intergovernmental Agreement between the city and the county. Build out that road to city standards and the city will take over maintenance of that county road. Those two properties if they annex will still be connected and will not create a new county island.

Mr. Jon Kimoto said he has been a member of the Laveen community for over 40 years and he remembers when there were more pigs, horses, and cows than people. He's not particularly opposed to the smaller lots or the density. There's an appropriate place for it but this isn't it. We have an overabundance of small lots and higher density and we're up to at least 65 percent in 30 to 45 foot wide lots. What we're looking for is a balance in the community in a diversity of lot sizes. When we have a county parcel here's a great opportunity to balance this off with some larger lots. The major issue is to get this project back before the Laveen Planning Committee to get some substantial community input. It'll be appropriate to get a continuance in this case.

Chairman Arnett asked what makes this site specifically not appropriate for this density. Mr. Kimoto said the land uses that have developed surrounding this site with Richmond American on the west side and Artesa and Rogers Ranch surrounding this property. In each one of those cases none of the density exceeded 3.4 dwelling units per acre. This is way out of alignment since there's RU-43 with larger lots with a rural agricultural ranch lifestyle with livestock and odors, and it just doesn't form a good mix.

Mr. Dwayne Newman said he never received any communication about this case. He is here to protect the lifestyle he moved in to. He came from Texas and he is used to having a large lot, and to jam that much density into such a small area. He doesn't know if these are two story or one level homes. He doesn't know since he was never invited to the meetings. He asked what the traffic study was based on. There's two schools at 43rd Avenue and Baseline and when those parents come to drop off or pick up kids it is a mess. He can't even get out of his street because of the traffic. He sees a lot more traffic coming into this area, and the congestion will affect their rural lifestyle. He is definitely

opposed to this case. He is open to attending meetings to discuss this project and work out the details to find balance for everybody.

Mr. David White said he is a co-property owner of this land. The property is very unique with the small lots on the west, and front the small lots on the east the same and 43rd Avenue is a major section line street between two major section line streets which is Baseline and Dobbins to have traffic inter-changes on the new Loop 202 Freeway. The larger lots on the north and the south we wanted to be sensitive to. These are horse properties and he understands that since he was raised with horses. He owned this property since the 1990's and he's been studying for over 20 years what would be the appropriate plan for this land. There's been dozens of plans since the 90's including acre lots, but they could not find an acre lot buyer that could support the price of the property. Another prospect was a school and they passed. There's been multiple designs and numerous home builders that have come to the table. Meritage did something different, they took those neighbors to the north on Ardmore and they provided them a 20 foot buffer with trees and a greenbelt. That's larger than the largest new home subdivision lot in Laveen, so the folks on Ardmore won't have anybody in their backyard. They'll have trees and a trail back there. The same with Euclid to build the street frontages that will be a buffer for folks on the other side of the street. To the east and west we have single-family home subdivisions. At our technical advisory committee meeting that's what we centralized with the folks that showed up from LCRD. The plans brought forward is super high quality from this developer and we've seen their work around town. Sprouts Market just opened in the area with hundreds of new jobs and they aren't going to be living in acre lot homes. Some of the acre lot product up at hillside north of Dobbins have been on the market for one or two years. If we put 60 foot lots in here and the builder can't pay for all the amenities and trails there would be 15 to 20 neighbors next to the Ardmore folks without the greenbelt, and maybe drainage and a park. Meritage Homes pushed that amenity over to the Ardmore neighbors at a great expense with a three to four acre land giveaway. 43rd Avenue will have double row of trees and be park like and very few homes you'd see when driving down 43rd Avenue. These are some of the things that we looked at to create a beautiful neighborhood where there's a diverse group of people.

Ms. Marsh said Meritage Homes has done such a great job envisioning this community. This is all going to be open space track, they are not taking these beautiful trails and walkways and boxing them in for the community benefit they will be assessable to the neighbors on the north and south and hook up to Cheatham Farms on the west side of the property. It is a nice transition piece for those large lots to the north and south creating an openness to this community. The lot size is appropriate for the area, it's a transition piece with buffers and it meets market demands. This isn't a speculative builder, Meritage has done their homework and wouldn't spend the time, energy and resources if not. There is a market demand for these smaller individual footprints with more central amenities. This is not Section 8 housing, this is affordable housing. This is for people with FHA limit loans and those working in the area, the new homebuyer, the veteran buyer, and someone coming in needing an affordable housing product that can't afford a one acre lot. The 202 alignment has really brought growth and interest into this area. The Laveen Park Place is where the Sprouts opened up this week at 59th Avenue and Baseline. It is a huge complex that will have a grocery store, a Harkins Movie Theatre and retail outlets. The Laveen Village opened a few years ago with a Fry's and Home Depot. There

is a Dignity Health Hospital with doctors and nurses, professionals with student loans that might need FHA assistance. The property is right for a subdivision with all the growth in the area. Meritage is putting their full force behind their name and product and recognizing fulfilling a need that affordable housing is much needed in the Phoenix market. We are not asking to annex into the city, and we do have a will serve letter from the City of Phoenix. They did submit a traffic report with the pre-plat and it's in review with MCDOT. They are evaluating traffic conditions and they are not recommending traffic calming devices because it's a smaller infill community. We sat down with several members of the Laveen Planning Committee and staff has routed materials. The only thing they were interested in discussing was lot size. The LPC is putting in a moratorium on 45 foot wide lots that is an arbitrary rule. It's not looking at communities, it's not looking at the projects specific. That is putting a ban on a product without looking at the full picture. We are not looking for something that is inconsistent with the growth and development that's already occurred, and the future growth and development that's going to be there. We are asking for your support.

Vice Chair Montoya asked are the developers required to go before the Laveen Planning Committee. She's heard a number of people talk about the fact it didn't go before the LPC. She served for years on the Estrella Village Planning Committee and not once did they have a County case come before their body. Mr. Gerard said with the planning committees there's a formalized process for city projects to go through the Village Planning Committees before they go to the Planning and Zoning Commission. There is no such requirement in the County. The statutory requirements are that the site be posted, a legal advertisement in the newspaper or general circulation and first-class mail for property owners of record within a 300 foot radius. Our ordinance requires citizen participation so there are site postings in advance of any scheduled public hearing before the Planning and Zoning Commission that occurs within 30 days of an application made to our office. We also maintain an areas of interest list for different community groups. They can register with the department and we will include those groups in our secondary routing in case those groups wish to have any type of formalized meeting where they discuss proposals and make recommendations. These groups are not a regulatory agency. They are not a property owner, association or homeowner association they are volunteer groups that are people with community interests to discuss development projects as they come through. The County will route case material to the groups based upon the information we have in our register and we ask the applicant to include them in their community outreach efforts. The only requirements are site postings and that the property owners be notified within a 300 foot radius. Those are the only statutory requirements.

Vice Chair Montoya asked if the applicant has complied with these requirements. Mr. Gerard said yes.

Vice Chair Montoya said while the Laveen Village Planning Committee is very active in this area and there's no requirement that a case in the County go before the LVPC for approval or recommendation.

Chairman Arnett said the site posting and notification to all those within 300 feet are the only things required by the applicant and that has been done or we wouldn't have this on the agenda today. Mr. Gerard said correct.

Chairman Arnett said it's in the applicant's best interest to do community outreach but it's not required, but it minimizes the opposition.

Commissioner Schlosser said he and Mr. Hertel and Mr. Kimoto were appointed to the City of Phoenix Laveen Village Planning Committee back in January 2000 and they have been to thousands of meetings and he respects that. He wanted to thank them publicly for all their input during all these years. He moved to Laveen 48 years ago and went to Laveen Elementary a half mile away from the subject property and was on the Laveen Village Planning Committee for eight years. Back when they started the Village it was one acre lots and farms. When looking at the zoning map there are other projects that have been built in other zoning categories that are denser than this. It used to be that the one acre lots were more compatible than now. It has flipped and the compatible zoning is more R1-6 than RU-43. This is compatible and he is in support of this case.

Vice Chair Montoya said she concurs with Commissioner Schlosser comments. The developer has made an effort to really take a lot of great care to fit within the local environment where this property is located. This is a medium density project with 107 lots in 22 acres and this fits with what we need for the area. Laveen has really grown in the last 20 years and now we have two major infrastructure projects to this area with the 202 Freeway and the future light rail that will continue to bring growth and development to all of south Phoenix and Laveen. With the diverse population this is a good quality project that fits the needs of the growing workforce demand that we have for this area. She is in support of the project.

Commissioner Andersen said he appreciates the efforts to provide buffering to the north and south and it will help alleviate some of the issues with the properties that have animals.

Chairman Arnett said he appreciates this process and it's always nice when it is well thought out and planned. The last thing he would want to do is create a situation if there's a traffic problem or a crime problem. He heard a lot about lot size and that's not a bad thing. The reason they build what they build is because people buy. He thinks about the traffic and how it affects the neighbors around, and how does it affect schools and he didn't hear that today. We've effectively addressed everything, and he appreciates the applicant's efforts on protecting the buffer to the north. A landowner can't adversely affect someone else, and what he heard today is it would add to the neighborhood.

COMMISSION ACTION: Vice Chair Montoya motioned to approve Z2019052 with conditions 'a'-'g'. Commissioner Schlosser second. Approved 6-0.

- a. Development of the site shall comply with the Zoning Exhibit entitled "The Element on Euclid", consisting of one (1) full-size sheet, dated July 9 ,2019,

and stamped received July 10, 2019, except as modified by the following conditions.

- b. Development of the site shall comply with the Narrative Report entitled "The Element on Euclid", consisting of 13 pages, dated July 10, 2019, and stamped received July 10, 2019, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - 1. A traffic impact study must be submitted with the preliminary plat application.
 - 2. Dedication of right-of-way along Euclid Avenue of 20 feet (to provide a total width of 50 feet) and along 43rd Avenue of 55 feet (ultimate half-width). Note that the above widths are considered minimum widths. Additional dedication may be required pending improvements that may be required by the Maricopa County Department of Transportation approved Traffic Impact Study.
 - 3. The preliminary plat application must indicate the realignment of Euclid Avenue west of 43rd Avenue to better align with Euclid Avenue on the east side of 43rd Avenue. Any associated right-of-way required to accomplish this realignment must be dedicated as part of the subdivision plat.
- d. The following R1-6 RUPD standards shall apply:
 - 1. Minimum lot area of 4,600 square feet
 - 2. Minimum lot width of 40 feet
 - 3. Maximum lot coverage of 60%
 - 4. Minimum rear yard setbacks of 20 feet
 - 5. Minimum front yard setbacks of 18 feet for front facing garages and 15 feet to livable or side loaded garages
- e. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6 and A.R.S. § 11-814 for five (5) years for the initial phase and additional five (5) years for each subsequent phase, within which time the subdivision infrastructure permit for each phase must be obtained.
- f. Prior to the issuance of residential construction permits, the applicant shall provide Maricopa County Planning and Development Department with an executed pre-annexation or service agreement with the City of Phoenix that identifies the provision of water and sewer service. In lieu of pre-annexation or service agreement, the developer must provide a 'will serve' letter from the certificated water and sewer provider(s).
- 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.

Chairman Arnett adjourned the meeting at 10:54 a.m.

Prepared by Rosalie Pinney
Recording Secretary
September 12, 2019