June 22, 2022 Board Of Supervisors - Planning And Zoning

Documents:

6-22-22 BOS AGENDA.PDF

Z2021118 Staff Report

Documents:

Z2021118 BOS REPORT.PDF
Title: Shappell Family Project (Cont. from 6/8/22)
Case #: Z2021118
Supervisor District: 1
Applicant & Owners: Jessica Sarkissian / Lyle & Glenna Shappell
Request: Zone Change with Overlay from Rural-43 to C-2 CUPD
Site Location: Approximately 530’ east of the SWC of German Rd and Lindsay Rd in the Gilbert area

Commission Recommendation: On 5/12/22, the Commission voted 9-0, to recommend approval of Z2021118 subject to conditions ‘a’ – ‘h’:

a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled “Shappell & Germann Road”, consisting of 1 full-size sheet, dated November 4, 2021, and stamped received November 23, 2021, except as modified by the following conditions.

b. Development of the site shall be in substantial conformance with the Narrative Report entitled “Rezone with Overlay Narrative for Germann 4”, consisting of 7 pages, dated February 2022, and stamped received February 8, 2022, except as modified by the following conditions.

c. CUPD Overlay shall prohibit the following uses:
   1. Adult oriented facilities
   2. Bars
   3. Drive-in or drive-thru restaurants
   4. Retail sales of gas (butane or propane)
   5. Liquor stores
   6. Recreation centers with pool halls or billiards
   7. Theaters
   8. Self-storage
   9. Medical Marijuana Dispensaries and/or Marijuana Establishments

d. The following Planning Engineering conditions shall apply:
1. 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. No entitlement is inferred by this review.

2. 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.

3. Any site development must include a grading and drainage plan prepared by a licensed civil engineer in accordance with Drainage Review Requirements for Precise Plans (Planning Phase) and the Engineered Plan Submittal Requirements (Building Phase).

4. The site is not located in a Special Flood Hazard Area. The Flood Control District has no comments on this application.

5. 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. Applicant to contact the Town of Gilbert to coordinate any offsite improvements within their jurisdiction along Germann Road.

6. The subject premise is NOT located within the County’s Urbanized Area. A Storm Water Pollution Prevention Permit (SWPPP) is not required for the development of this site.

e. Prior to the initial precise plan of development approval, the applicant shall provide the Maricopa County Planning and Development Department with an executed pre-annexation service agreement with the Town of Gilbert that identifies the detail for when the proposed project will be annexed and the provision of water and sewer service. In lieu of pre-annexation service agreement the developer must provide a ‘will serve’ letter from the certificated water and sewer provider(s).

f. Approval of a Plan of Development will be required prior to approval and issuance of construction permits to develop and establish use of the site. Prior to issuance of any building permit, written confirmation will be required from the emergency fire protection jurisdiction having authority that the facility has been designed in accordance with their regulations and requirements, and that emergency fire protection service will be provided to the facility. Prior to issuance of the certificate of occupancy, local fire protection jurisdiction review and approval will be required.

g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.

June 22, 2022 Board of Supervisors’ Hearing – P&Z Agenda
h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, 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.
Report to the Board of Supervisors
Prepared by the Maricopa County Planning and Development Department

Board Hearing Date: June 22, 2022 (continued from June 8, 2022)
Case #/Title: Z2021118 – Shappell Family Project
Supervisor District: 1
Applicant/Owners: Jessica Sarkissian/ Lyle and Glenna Shappell
Request: Zone Change with Overlay from Rural – 43 to C-2 CUPD
Site Location: Approximately 530’ east of the SWC of Germann Rd. and Lindsay Rd. in the Gilbert area
Site Size: Approx. 4.16 acres
County Island Status: Yes (Town of Gilbert)

Additional Comments:
The proposed zone change received both positive and negative comment from the Town of Gilbert. Some of the concerns over the proposal in regard to utilities, access, and the potential for billboards on the site. The latest comment from the Town is an email dated June 6, 2022, attached.

The proposal does not include a plan of development (POD). Subsequent PODs to establish commercial uses on site will be an administrative approval process. The CUPD will prohibit some uses normally entitled with C-2 zoning. There is no known public opposition to the zone change.

On June 8, 2022 the Board voted 4-0 to continue the case due to the latest comment from the Town asking that if the Board approve C-2 CUPD zoning that billboards not be a permitted use on the site.

If this prohibition is to be implemented then motion for approval of Z2021118 should be per Commission recommendation but with revision to ‘c’, as follows:

c. CUPD Overlay shall prohibit the following uses:

1. Adult oriented facilities
2. Bars
3. Drive-in or drive-thru restaurants
4. Retail sales of gas (butane or propane)
5. Liquor stores
6. Recreation centers with pool halls or billiards
7. Theaters
8. Self-storage
9. Medical Marijuana Dispensaries and/or Marijuana Establishments

10. Billboards

Commission Recommendation: On 5/12/22, the Commission voted 8-0 to recommend approval of Z2021118 subject to conditions ‘a’ – ‘h’:

a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled “Shappell & Germann Road”, consisting of 1 full-size sheet, dated November 4, 2021, and stamped received November 23, 2021, except as modified by the following conditions.

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   5. Liquor stores
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   7. Theaters
   8. Self-storage
   9. Medical Marijuana Dispensaries and/or Marijuana Establishments
d. The following Planning Engineering conditions shall apply:

1. 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. No entitlement is inferred by this review.

2. 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.

3. Any site development must include a grading and drainage plan prepared by a licensed civil engineer in accordance with Drainage Review Requirements for Precise Plans (Planning Phase) and the Engineered Plan Submittal Requirements (Building Phase).

4. The site is not located in a Special Flood Hazard Area. The Flood Control District has no comments on this application.

5. 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. Applicant to contact the Town of Gilbert to coordinate any offsite improvements within their jurisdiction along Germann Road.

6. The subject premise is NOT located within the County’s Urbanized Area. A Storm Water Pollution Prevention Permit (SWPPP) is not required for the development of this site.

e. Prior to the initial precise plan of development approval, the applicant shall provide the Maricopa County Planning and Development Department with an executed pre-annexation service agreement with the Town of Gilbert that identifies the detail for when the proposed project will be annexed and the provision of water and sewer service. In lieu of pre-annexation service agreement the developer must provide a ‘will serve’ letter from the certificated water and sewer provider(s).

f. Approval of a Plan of Development will be required prior to approval and issuance of construction permits to develop and establish use of the site. Prior to issuance of any building permit, written confirmation will be required from the emergency fire protection jurisdiction having authority that the facility has been designed in accordance with their regulations and requirements, and that emergency fire protection service will be provided to the facility. Prior to issuance of the certificate of occupancy, local fire protection jurisdiction review and approval will be required.
g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.

h. The 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.

Presented by: Joseph Mueller, Planner
Reviewed by: Darren Gérard, AICP, Planning Manager
Attachments: 5/12/22 P&Z Packet (28 pages)
Town of Gilbert comments (1 page)

Note: 5/12/22 Draft P&Z Minutes are not available as of the writing of this report, but can be provided upon request later when available.
Report to the Planning and Zoning Commission
Prepared by the Maricopa County Planning and Development Department

Case: Z2021118 – Shappell Family Project

Hearing Date: May 12, 2022 (Continued from April 21, 2022)

Supervisor District: 1

*Denotes change from the April 21, 2022 report

Applicant: Jessica Sarkissian, Upfront Planning & Entitlements, LLC

Owners: Lyle & Glenna Shappell

Request: Zone Change with Overlay from Rural – 43 to C-2 CUPD

Site Location: Approximately 530' east of the SWC of German Rd and Lindsay Rd in the Gilbert area

Site Size: Approx. 4.16 acres

Density: N/A

County Island: Yes (Town of Gilbert)

County Plan: Queen Creek Area Plan – Urban Residential/Very Low (0-4)

Municipal Plan: Town of Gilbert – General Office

Municipal Comments:* Town of Gilbert

Support/Opposition:* No known public support or opposition

Recommendation:* Approval with conditions
Project Summary:

1. * The applicant is requesting a zone change from Rural-43 to C-2 CUPD on approximately 4.16 acres of land over two parcels, APNs 304-56-016S and 304-56-016T. The current request is conceptual and does not include a precise Plan of Development. The overlay was included to prohibit some of the normally entitled uses within the C-2 zoning district.

2. * The two subject parcels have no permitting or other known history in the past five years prior to the pre-application meeting leading up to the current case. The pre-application meeting (PA2021167) was held on August 24, 2021 and the Technical Advisory Committee meeting was held on November 2, 2021. Per the submitted project narrative applicant is seeking the zone change to accommodate future commercial uses on the subject property that are more in line with the active developments on surrounding parcels within the Town of Gilbert. These uses include light industrial to the west as well as medium density multi-family to the south. The applicant has stated in the narrative that there are no immediate plans for development on the parcel and that the property owner is seeking to continue the residential and agricultural use of the parcels until they are sold. The narrative makes clear that there is no current intention of pursuing annexation into the Town of Gilbert but does note that a future landowner may opt to do so.

Zoning Map
<table>
<thead>
<tr>
<th>REGULATION</th>
<th>BASE ZONING DISTRICT REGULATIONS (C-2)</th>
<th>PROPOSED ZONING REGULATIONS (C-2 CUPD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height</td>
<td>40'</td>
<td>40'</td>
</tr>
<tr>
<td>Min. Front Yard</td>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td>Min. Side Yard</td>
<td>3'</td>
<td>3'</td>
</tr>
<tr>
<td>Min. Rear Yard</td>
<td>25' (abutting rural or residential)</td>
<td>25' (abutting rural or residential)</td>
</tr>
<tr>
<td>Min. Lot Area</td>
<td>6,000 sq. ft.</td>
<td>6,000 sq. ft.</td>
</tr>
<tr>
<td>Min. Lot Width</td>
<td>60’</td>
<td>60’</td>
</tr>
<tr>
<td>Max. Lot Coverage</td>
<td>60%</td>
<td>60%</td>
</tr>
<tr>
<td>Uses Permitted</td>
<td>All uses permitted in the C-2 zoning district</td>
<td>*Uses permitted are limited to uses allowed in C-2 except: Adult Oriented Facilities, Bars, Drive-in or drive-thru restaurants, retail sales of gas (butane or propane), liquor stores, Recreation centers with pool halls or billiards, theaters, self storage, and marijuana dispensary facilities or marijuana establishments</td>
</tr>
</tbody>
</table>
Existing On-Site and Adjacent Zoning / Land Use:

3. On-site: Rural - 43/ single-family residence
   North: LI (Gilbert) / Germann Rd. industrial then agriculture
   South: Rural – 43/ Germann Rd. then single-family residence
   East: NC (Gilbert) / canal then fuel station
   West: LI (Gilbert) / Industrial

Utilities and Services:

4. Water: on-site well
   Wastewater: septic
   School District: Gilbert Unified School District
   Fire: Gilbert County Island Fire District
   Police: Maricopa County Sheriff

Right-of-Way:

5. The following table includes existing right-of-way and notes the roadway is within the Town of Gilbert Jurisdiction.

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Half-width Existing R/W</th>
<th>Half-width Proposed R/W</th>
<th>Future Classification</th>
<th>Existing Jurisdiction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germann Rd.</td>
<td>70'</td>
<td>N/A</td>
<td>Major Arterial</td>
<td>Town of Gilbert</td>
</tr>
</tbody>
</table>

Adopted Plans:

6. **Queen Creek Area Plan** (adopted 1992): The Queen Creek Area Plan designates the subject parcels as urban residential/ very low 0-4 dwelling units per acre.

7. **Gilbert General Plan**: The Gilbert General Plan designates the subject parcels as General Office which accommodates professional, general, and service-type office uses.

Public Participation Summary:

8. The applicant sent mailers out to all property owners within a 300’ buffer alerting them of a neighborhood meeting that was held via Zoom on February 1, 2022. Per the submitted report nobody was in attendance to the neighborhood meeting. The Public Participation generated no support nor opposition and the lone response reported by the applicant was an inquiry on purchasing the subject parcels by a nearby landowner.

Outstanding Concerns from Reviewing Agencies:

9. * The Town of Gilbert staff expressed several concerns with the proposed zone change, including sewer. The applicant has indicated that the site will seek connections to Town utilities when it develops. Town staff noted that connection to the Town’s sewer will require annexation. Latter comments from Town of Gilbert Councilmen have indicated support for the proposed zone change.
Staff Analysis:

10. * The subject parcels are part of the Queen Creek Area Plan. The plan identifies the area as urban residential/very low. Additionally, the subject parcels are within the Town of Gilbert’s Municipal Planning Area. The Town of Gilbert’s land use plan identifies the subject parcels as General Office. The Town of Gilbert Land Development Code identifies GO as large scale medical, professional, general or service type office uses. The proposed C-2 CUPD zoning would facilitate some of the same uses that are a part of the General Office designation. Furthermore, staff has received comments from two Town of Gilbert Councilmembers expressing support for C-2 type uses on the subject parcel.

11. * The applicant has indicated that both parcels currently run off onsite septic and well systems. While this may be appropriate for the current residential uses on the site most of the uses allowed under the proposed zoning would necessitate connections to water and sewer utilities. The site is a county island, with the two parcels bordering the Town of Gilbert on all sides. If the site were able to develop without annexation to the Town of Gilbert there is concern that it would remain a county island indefinitely, which is incongruent with general County goals and policies in place to prevent the creation or perpetuation of county islands. Note there are examples of C-2 parcels using billboards that are single-parcel county islands surrounded by the Town of Gilbert.

12. * Staff does recognize that the general area surrounding the subject site has recently been developing with several higher intensity uses. These uses include light industrial, multi-family, and neighborhood commercial. However, these properties are all within the Town of Gilbert and not in unincorporated Maricopa County. While the subject site may be ready for a higher intensity use staff is of the opinion that should occur under the jurisdiction of the Town of Gilbert, not the County. This is highlighted in the Vision 2030 Comprehensive Plan policy “Urban Solutions for Urban Development.”

13. * Staff is supportive of the proposed zoned change with overlay, with the recommended conditions, due to support from Town of Gilbert and the general compatibility C-2 commercial would have with the surrounding land uses.

Recommendation:

14. * For the reasons outlined in this report, staff recommends the Commission adopt a motion that the Board of Supervisors approve Z2021118 subject to the following conditions ‘a’ – ‘h’:

a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled “Shappell & Germann Road”, consisting of 1 full-size sheet, dated November 4, 2021, and stamped received November 23, 2021, except as modified by the following conditions.

b. Development of the site shall be in substantial conformance with the Narrative Report entitled “Rezone with Overlay Narrative for Germann 4”, consisting of 7
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g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.

h. The 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.

Presented by: Joseph Mueller, Planner
Reviewed by: Matthew Holm, AICP, Planning Supervisor
Attachments:
- Case Map (1 page)
- Site Plan (reduced 8.5”x11”, 1 page)
- Narrative Report/Ex. Summary (7 pages)
- MCESD comments (1 page)
- DPR comments (2 pages)
- Email from Applicant (1 Page)
- * Town of Gilbert Comments (4 pages)
- ADOT Comment (1 Page)
Date: 04/21/2022      Legal Description: T2S, R6E, Section 7

Applicant: Jessica Sarkissian       Phone: 480-221-6150

SUPERVISORAL DISTRICT NO 1

Zone Change with Overlay Rural – 43 to C-2 CUPD over 4.16 acres

Z2021118
Aerial Date: 2021
REZONE WITH OVERLAY NARRATIVE FOR

GERMANN 4

CASE # Z2021118

Submitted to:
Maricopa County Planning Department
301 West Jefferson St, Suite 170
Phoenix, AZ 85003

Prepared by:
Upfront Planning & Entitlements, LLC
Ph: (480) 221-6150
Email: Jessica@upfrontplanning.com

February 2022
1. REQUEST
Upfront Planning & Entitlements, LLC is pleased to submit for your consideration a rezone with an overlay on approximately 4.16 gross acres located just south of Germann Road and just west of the Roosevelt water conservation district canal and west of Lindsay Road in an unincorporated area of the County.

The property is located on the south side of Germann Road and just west of Lindsay Road and is identified as Maricopa Assessor Parcel Number 304-56-016S and 016T (the “Property”). The Property is 4.16 acres. The Property is located within unincorporated Maricopa County (the “County”) and is zoned as RU-43. The property owner requests to rezone the parcel to allow similar business and commercial uses to the surrounding developments to this parcel.

2. BACKGROUND
The surrounding property has slowly over the years been annexed into the Town of Gilbert and developed with industrial and business park developments. The first house is shown to be there in historical aerials in 1957 and the second house is visible on historic aerials in 1977. The two homes on the two parcels are currently still utilized with the property owner’s family residing in the homes.

The surrounding properties which have been annexed into the Town of Gilbert have been zoned for LI, Light Industrial and BP, Business Park with some office and industrial park developments just to the north and west. The owner has no intention to annex into Gilbert at this time as they are still utilizing the site as their homes. When they elect to sell to a developer and no longer reside on site, the commercial developer will need to accommodate the roadway and utility connections for
Rezone Narrative
Maricopa County

a commercial development. At that time the parcels will also then be combined and a plan of
development will proceed either through the County or the Town of Gilbert when annexed.
The Property is also in close proximity to the Loop 202 freeway with quick access to the Gilbert
Road interchange. Recently both industrial and high intensity commercial has been developing in
this area along Germann Road. Directly to the west are several industrial and office business parks
as well as directly across Germann Road along Silverado Court. Adjacent to the south is a new high
density townhome project under construction. With the nearby industrial and business park
developments and being located in such close proximity to the Loop 202 freeway, this site is no
longer conducive to the RU-43 rural single-family development.

This owner seeks to zone the property more in line with the surrounding properties and be able to
utilize the site for similar uses in the area. The site is part of several County islands and the owner
desires to continue to utilize his site for agricultural and residential uses until sold for development.

3. PROPOSAL
The property owner requests a rezoning from RU-43 to C-2 CUPD to allow the property owner to
develop associated and compatible uses to the industrial and business park complexes along the
major arterial roadway. The CUPD overlay has been added specifically to allow the owner to
remove uses which the Town of Gilbert had concerns with and deemed inappropriate for the site
for midblock drive-thru uses and/or gas station facilities.

Exact locations of any new buildings, offices or etc. will be proposed during the Plan of Development
process through Maricopa County. The permitted use list below is being requested to further
restrict the commercial uses at this location.

<table>
<thead>
<tr>
<th>Use Description</th>
<th>Principally Permitted</th>
<th>Not Permitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any use permitted in the C-1 Zoning District in the MCZO</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Adult Oriented Facilities</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Art metal and ornamental iron shops</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Automobile laundries</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Automobile repair shops and garages, including outside vehicle display and storage</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>New and used, automobile and golf cart sales and rentals</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Bars, including retail sales of package goods for</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Health spas and public gyms</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Billboards</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Blueprint, photostat and reproduction (copy) services</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Boat sales, including outside display area and storage.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Cabinet and carpenter shops</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Catering establishments</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Activity</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Conservatories or studios: Art, dancing, music.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Drive-in or drive-thru restaurants and refreshment stands</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Electrical fixtures and appliance sales, repair and service</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Feed Stores with outside storage</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Funeral homes, mortuaries and chapels</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Furniture stores, new, used, finished or unfinished</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Gas (butane or propane), retail sales of</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Hospitals</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Hotels, motels, resorts</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Laboratories, medical or dental</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Farm animal (horse, cattle and other farm animal) medical clinics and surgical hospitals</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Liquor stores</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Nurseries, flower and plant sales, provided all incidental equipment and supplies including fertilizer and empty cans</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Parking lots and public garages, vehicle storage</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Pet shops, including boarding of cats and dogs and other small animals</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Plumbing shops</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Recreation centers with Pool halls or billiards</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Radio and television broadcasting stations and studios</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Rental services: household, lawn, garden, sickroom or office equipment</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Retail stores</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Restaurants and cafes, including patios, cocktail lounges and outside dining and drinking areas.</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Taxidermists</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Theaters, not drive-in or adult oriented</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Tinsmith shops</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Trade schools</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Upholstery shops</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
Veterinary hospitals, clinics and kennels for dogs, cats and small animals. | X |
---|---|
RV, Boat and Self-storage facilities | X |
Accessory buildings and uses customarily incidental to the above permitted uses | X |

4. **RELATIONSHIP TO SURROUNDING PROPERTIES**

The surrounding parcels of the Property consist of a mix of Light Industrial and Neighborhood Commercial in the Town of Gilbert and C-3 and RU-43 and within Maricopa County. The parcels to the west adjacent to the Property are zoned RU-43 within the County and Light Industrial in the Town of Gilbert (Gilbert Crossroads Industrial Park) and have existing and developing industrial warehouse buildings on site. Across Germann Road to the north is zoned RU-43 within the County and Light Industrial in the Town of Gilbert with existing office and industrial offices. To the east is the Roosevelt Irrigation District canal and an agricultural site just to the east of the canal. The parcel to the south is currently under construction for townhomes and is located within the Town of Gilbert. Currently the site is being surrounded by higher intensity uses.
The Comprehensive/ General Plan Land Use classifications, along with the existing zoning and uses for the parcels adjacent to the Property, are listed in the table below:

### Adjacent Land Uses

<table>
<thead>
<tr>
<th>Direction</th>
<th>General Plan Land Use</th>
<th>Existing Zoning</th>
<th>Existing Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Unincorporated County</td>
<td>Maricopa County RU-43</td>
<td>Rural Residential</td>
</tr>
<tr>
<td></td>
<td>Town of Gilbert Industrial</td>
<td>Town of Gilbert Light Industrial (LI)</td>
<td>Vacant Industrial</td>
</tr>
<tr>
<td>East</td>
<td>Town of Gilbert Neighborhood Commercial</td>
<td>Town of Gilbert Neighborhood Commercial</td>
<td>Canal/ Agriculture</td>
</tr>
<tr>
<td>South</td>
<td>Town of Gilbert General Office</td>
<td>Town of Gilbert Neighborhood Commercial</td>
<td>Townhome development under construction</td>
</tr>
<tr>
<td>West</td>
<td>Town of Gilbert Industrial</td>
<td>Town of Gilbert Light Industrial (LI)</td>
<td>Industrial Park</td>
</tr>
</tbody>
</table>

The Maricopa County Comprehensive Plan shows the site as Unincorporated. The Town of Gilbert General Plan shows the site as General Office (GO).

The proposed commercial zoning is consistent with the designated adjacent Town of Gilbert land use of General Office (GO), Neighborhood Commercial (NC) and Light Industrial (LI) within Gilbert’s General Plan.

Much of the surrounding area was annexed by the Town of Gilbert between 2004 and 2007 with the planning focusing on the industrial and business corridor depicted in the Town of Gilbert General Plan. The annexations left an island of several properties around this site and several
industrial and commercial properties just on the north side of Germann as well. There is currently no intent to annex the Property in its current residential use, however at such time it is sold or commercial development it may be annexed by the new owner.

5. **ZONING**
The existing RU-43 zoning district is being utilized with the existing agricultural uses on site and the homes which have been located onsite since the 1950’s and 1970’s. This project proposed to rezone the site to Commercial C-2 CUPD is to allow commercial and business uses similar to the surrounding properties with easy access in close proximity to the Loop 202 freeway. The site is surrounding by higher intensity residential, Industrial and Business Parks making this a suitable site for more intense commercial uses with no negative impact on the surrounding community.

Development standards shall follow the C-2 zoning district requirements.

6. **PHASING**
The applicant anticipates that development will occur as soon as the current owners decide to sell the property and no longer live onsite. The new owner will then be required to move forward with a Plan of Development and will conduct a drainage review for any new buildings/offices and coordinate with the Town of Gilbert for access locations and water and sewer connections at that time.

7. **COMMUNITY FACILITIES AND SERVICES**
The property is within the Gilbert Unified School District. This project is not anticipated to generate any demand to the school district.

8. **PUBLIC UTILITIES AND SERVICES**
   - **Sewer** – The Property currently has septic onsite for the homes. When the site develops as commercial it will coordinate with the Town of Gilbert process either through being annexed or the plan of development process to connect as the site is adjacent to lines maintained by the Town of Gilbert.
   - **Water** – The subject site currently has a well operating onsite for the homes. The site will be required to coordinate with the Town of Gilbert during the plan of development process as it is within the service area of Gilbert.
   - **Power** – Salt River Project is the electricity provider for the area.

10. **CONCLUSION**
The rezone application will allow the site to develop to its highest and best use as is depicted within the Maricopa County Comprehensive Plan, the Town of Gilbert General Plan and is consistent with the surrounding development in the area which has already begun developing primarily industrial and business park uses and have made this rezone the natural process for this parcel to develop in.
DATE: October 5, 2021

TO: Joseph Mueller, Planning & Development Dept. Planner

FROM: Souren Naradikian, P.E.
Senior Civil Engineer

SUBJECT: Rezone from RU-43 to C-2. Z2021118

The Maricopa County Environmental Services Department (MCESD) has reviewed revised documents received from the Maricopa County Planning and Development Department for the above referenced project. This project is a Rezone from RU-43 to C-2 at APN # 304-56-016S and T. Water and sewer services will be provided by Town of Gilbert. MCESD has no concerns. ATC must be obtained prior to construction permit approval.

Based on the above, MCESD raised no objections to the Planning & Development Department in Accela Automation on October 5, 2021.

It should be noted that this document does not approve the referenced project. Comments are provided only as advisory to Maricopa County Planning and Development Department to assist staff to prepare a staff report. Other Maricopa County agencies may have additional requirements. Final review and approval will be made through Planning and Development Department procedures. Applicant may need to submit separate applications to the Maricopa County Environmental Services Department for approval of proposed facilities regulated by the Department. Review of any such application will be based on regulations in force at the time of application.
Date: December 1, 2021

Memo To: Darren Gerard, AICP, Deputy Director, Department of Planning & Development

Attn: Joseph Mueller, Planner, Planning & Development Services

From: Larry Morden, P.E., LEED AP, Plans Examiner Engineer, Planning & Development Services

cc: Michael Norris, P.E., Drainage Engineering Manager, Planning & Development

Subject: Z2021118
South of Lindsay Road, West of Germann Road – Zone Change (E2 Memo)

Job Site Address: South of Lindsay Road, West of Germann Road

APN(s): 304-56-016S, 016T

I have reviewed the 2nd submittal Zone Change application. Engineering Plan Review (DPR, FCDMC, MCDOT, and STORMWATER) has no objections to the application.

Approval of this case should include the following stipulations:

Drainage Plan Review
1. 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. No entitlement is inferred by this review.

2. 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.

3. Any site development must include a grading and drainage plan prepared by a licensed civil engineer in accordance with Drainage Review Requirements for Precise Plans (Planning Phase) and the Engineered Plan Submittal Requirements (Building Phase).
**Flood Control District Review**
4. The site is not located in a Special Flood Hazard Area. The Flood Control District has no comments on this application.

**MCDOT Review**
5. 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. Applicant to contact the Town of Gilbert to coordinate any offsite improvements within their jurisdiction along Germann Road.

**Stormwater Review**
6. The subject premise is NOT located within the County’s Urbanized Area. A Storm Water Pollution Prevention Permit (SWPPP) is not required for the development of this site.

Please contact me if you have any questions or require any additional information.

**DRAINAGE PLAN REVIEW REFERENCES:**

The Drainage Regulations are listed in Section 1205 of the MCZO:
https://www.maricopa.gov/documentcenter/view/272

Maricopa County Drainage Policies and Standards Manual:
https://www.maricopa.gov/DocumentCenter/Home/View/2369

For Additional Information See:
https://www.maricopa.gov/1635/Drainage-Review
Hi Joseph,

As discussed, could you please add any Marijuana uses typically under C-2 (dispensary, etc.) to the CUPD “not allowed” uses. Please let me know if you need anything from us.

Thanks!

Jacob Zonn
Director of Land Development
Becker Boards
Office 602 616-5031 | Fax 602 368-4358
Los Angeles | Miami | Phoenix | San Francisco  Click on a city to view an inventory map(mobile friendly)!
Sent from my iPhone

Begin forwarded message:

From: Scott September <Scott.September@gilbertaz.gov>
Date: April 27, 2022 at 2:36:50 PM MST
To: "Darren V. Gérard (PND)" <Darren.Gerard@maricopa.gov>, "Jen Pokorski (COA)" <Jen.Pokorski@maricopa.gov>, "Tom Ellsworth (PND)" <Tom.Ellsworth@maricopa.gov>
Subject: Zoning Case Z2021118 - Shappell Family Project

Maricopa County Planning Department,

As an elected Councilmember in the Town of Gilbert, I have no issue with the rezoning case before you - Z2021118 - Shappell Family Project. As the council liaison to Planning Commission and as a former member of the Planning Commission, I believe C2 is an appropriate use for this site. There have been significant concerns raised by residents in this area regarding the amount of industrial projects recently sited. This use will allow for more services, restaurants and other types of businesses that our residents can use. Although Gilbert staff has weighed in, the case hasn’t been brought before the council and I believe is an understandable and satisfactory transitional use from the light industrial around it.

Thank you for the opportunity to be heard.

Sincerely,

Scott

Scott September
Gilbert Councilmember
scott.september@gilbertaz.gov
(480) 714-0402
50 E. Civic Center Drive Gilbert, AZ 85296
gilbertaz.gov
Shaping a new tomorrow, today.
FYI

From: Scott Anderson <dinodigscott@yahoo.com>
Sent: Monday, May 2, 2022 9:11 AM
To: Darren V. Gérard (PND) <Darren.Gerard@Maricopa.Gov>; Tom Ellsworth (PND) <Tom.Ellsworth@maricopa.gov>; Jen Pokorski (COA) <Jen.Pokorski@Maricopa.Gov>
Subject: rezone case #Z2021118

Maricopa County Planning,

I believe that the proposed rezone(case # Z2021118) that requests C2 zoning is an appropriate land use category for that property based on the location and surrounding uses.

Thank you.

Scott Anderson
Gilbert Council Member
Joseph Mueller (PND)

From: Keith Newman <Keith.Newman@GilbertAZ.gov>
Sent: Monday, April 4, 2022 11:52 AM
To: Joseph Mueller (PND)
Cc: Kyle Mieras; Eva Cutro
Subject: Z2021118 - Shappel Family Project

Joseph,
Per our recent conversation, it is our understanding that case Z2021118 - Shappel Family Project will be scheduled for consideration for a rezone by the Planning & Zoning Commission in the very near future. With this email we would like it officially noted that the Town of Gilbert does not support the proposed rezone case, and would ask that this communication and all previously provided comments below be included as part of the public record and attached to the Planning & Zoning Commission Staff Report. Thank you for providing us the opportunity to provide input on this project. Should you have questions concerning our position please don’t hesitate to contact me.

Public Works Dept:

- The application calls out sewer from the Town of Gilbert which should require annexation.
- One table in the narrative indicates unincorporated land to the south, east and west of its boundaries which is factually inaccurate.
- The Shield’s parcel across the street to the north is unincorporated as are the 6 or 7 parcels between the canal and Lindsay. Those are the only proximate parcels that are still in unincorporated Maricopa County.

Planning:

- Per the Town of Gilbert General Plan, the General Office (GO) land use classification designates areas for large scale, single or multi-story, medical, professional, general or service-type office and light industrial uses. Town Staff does not support a rezone on this site as we are not supportive of a lot of the retail sales, restaurant, and service uses permitted in the County C-2 zoning district as they are designed for application at major street intersections, which does not fit the description of this property.
- The property immediately to the south was rezoned to Multi-Family Medium (MF/M) with a General Plan land use designation of Residential >14-25 DU/Acre on 12/1/20 to accommodate the construction of a 207 unit for rent townhome development (Town on Germann).
- The townhome development to the south which has recently started some construction is medium density residential and not high density.
- The properties to the south, east and west are no longer unincorporated with county zoning as they are in the Town of Gilbert's jurisdiction. Please correct the “Relationship to Surrounding Properties” section and the “Adjacent Land Uses” Table in the project narrative.
- Please be sure to mention the Townhome Complex to the south and its MF/M zoning when referencing the surrounding properties/uses in the narrative.
- Please ensure that consistency/compatibility with the adjacent Townhome development is addressed with the development of the site.

Capital Improvement Projects (CIP):

- The ST1450 design was made with the assumption the parcel’s current access points (Germann and Silverado) would be relocated when/if the property rezoned. It is recommended that the rezone have some conditions stating that the current access locations would not be “grandfathered.”
- Regarding stormwater, in the Development Agreement with the Rockefeller Group (Gilbert Crossroads) there is language stating that the Shappells and Shields will be responsible for their half street runoff if they rezone.
Development Services Engineering:

- It is important that the proposed Shappell Rezone property follow Town of Gilbert standards regarding access spacing and provisions regarding storm water in the Development Agreement with the adjacent Gilbert Crossroads Industrial Development to the west of the subject site (see attached). Section 4 of the attached agreement specifies the storm water issues already mentioned by CIP.
- Please be aware of a number of private agreements that the Shappell’s have made with the adjoining property owners. Those documents should be available and referenced in a current Title Report. The Shappell’s also recently signed an access document related to cross-access with the northern most entrance for the multi-family project to the south, which also may impact access to any future development on the Shappell property. This document should also show up in a recent title report.

Traffic Engineering:

- Silverado is a Major Collector and would need to meet PWES Figure 4-3
- Germann is a Major Arterial and would need to meet PWES Figure 4-1
- Any access request would need to be reviewed and approved by the TOG
- Any access off of Germann would require a right turn lane.
- They would be required to complete any half streets not completed.
- Traffic study would be required for any additional improvements required.

Keith Newman
Senior Planner
Development Services (Planning)
keith.newman@gilbertaz.gov
Work: 480-503-6812
90 E. Civic Center Drive Gilbert, AZ 85296
Open Mon-Thurs, 7 a.m. - 6 p.m.; Closed Fridays

Gilbert offices and facilities are open, but have limited staffing. Remote employees are still available by phone and e-mail during the hours above. For the latest updates, visit gilbertaz.gov/COVID19.

gilbertaz.gov

Shaping a new tomorrow, today.
Thank you for the notification of the above-referenced proposed development.

ADOT is neutral on zoning matters. As such, ADOT has no comment. ADOT reserves comment until review of the preliminary site plans and the traffic impact analysis/statement (if required) for this project. Please notify ADOT once the project is through zoning and moving forward.

ADOT traffic engineering may offer additional comments, it is recommended that the developer ascertain if a traffic study or permit will be necessary. We appreciate receiving the notice, and the opportunity to review and comment. I am happy to assist with any other questions or concerns.

Kind Regards,

Peggy Fehlman
Right of Way Coordinator
ADOT Central District
2140 W. Hilton Avenue
Phoenix, AZ 85009
(602)712-6622 Office
www.azdot.gov

On Tue, Oct 5, 2021 at 5:27 PM Joseph Mueller (PND) <Joseph.Mueller@maricopa.gov> wrote:

Good Evening,

We have received a proposal for a zone change of two parcels, APNS 304-56-016S and 304-56-016T, from RU-43 to C-2. The parcels are on the south side of E Germann Rd, about 400 feet east of S Lindsay Rd in the Gilbert area. This is a straight rezone proposal and does not contain an overlay or a proposed plan of development.

Please let me know if you have any questions, concerns, or comments about the proposal. The Technical Advisory Meeting will be held at 9:00 am on 11/2/2021.

You are receiving this email because you are registered as an interested party for cases in this area. If you no longer wish to receive such emails please let me know.

Joseph Mueller
Plans Examiner – Zoning
Maricopa County Planning And Development
602-506-6729
Joseph.Mueller@Maricopa.Gov
Tom, Darren and Joseph –

Good afternoon. Thank you for providing much needed information and taking our comments into consideration as the Staff recommendation was being generated for this rezoning request. After reviewing the Board of Supervisors Staff Report for the Shappell Family Project (Z2021118), the Town of Gilbert would like to provide one additional written comment to be provided to the Supervisors before or at the meeting.

Given the location of the site and the Town’s General Plan, a more intensive land use is appropriate for the site than what currently exists today. The site will need Town utilities to develop commercially, so annexation and rezoning to a Town classification is appropriate. The Town is very concerned about the potential for billboards being constructed on this site if rezoned to a County commercial designation. The Town does not allow billboards. If the Board of Supervisors does move to approve the rezoning request, the Town would ask that billboards not be an allowable use on the site.

Thank you for your time and consideration,

Scott Anderson, Town Councilmember
Kyle Mieras, AICP, Development Services Director

Kyle Mieras, AICP
Development Services Director

Kyle.Mieras@gilbertaz.gov
Work: 480-503-6705 Cell: 602-214-4703
90 E. Civic Center Drive Gilbert, AZ 85296
Open Mon-Thurs, 7 a.m. - 6 p.m.; Closed Fridays

gilbertaz.gov

Shaping a new tomorrow, today.