

BOARD OF SUPERVISORS' MEETING
PLANNING AND ZONING AGENDA
January 16, 2019

CONSENT AGENDA

PZ-1. Title: Dynamite Horseman Supply
Case #: Z2017054
Supervisor District: 3
Applicant / Owner: Rod Jarvis & Greg Loper, Earl, Curley & Lagarde / Clark & Karlys Irion
Request: Special Use Permit (SUP) for a horse riding and boarding stable and feed store
Site Location: Generally located 310' north of the northwest corner of Dynamite Blvd. and 42nd St. in the Phoenix area
Commission Recommendation: On 12/13/18, the Commission voted 7-0 to recommend **approval** of Z2017054 subject to conditions 'a' – 'h':

- a. Development of the site shall comply with the site plan entitled "Dynamite Horseman Supply", consisting of 2 sheets, stamped received on October 5, 2018.
- b. Development of the site shall be in general conformance with the narrative report entitled "Dynamite Horseman Supply", consisting of 12 pages, stamped received on November 13, 2018.
- c. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors (January 16, 2039). All of the site improvements shall be removed within 60 days of such termination or expiration.
- d. No permanent or overnight housing of animals shall occur in the five structures labeled "turnout pens" on the site plan at the northwest corner of the property.
- e. No more than six (6) horses shall be boarded on site at any given time.
- f. In no instance shall manure be placed, rolled or kept in the barns or pens. Manure shall be kept in an enclosed container and removed from the site at least once a week.
- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to

the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

PZ-2 Title: Banner Boswell Medical Center
Case #: Z2018038
Supervisor District: 4
Applicant / Owner: Jeff Wimmer, Dibble Engineering / Banner Health
Request: Zone Change Major Amendment
Site Location: Generally located between Thunderbird Blvd. to the north, Santa Fe Dr. to the south, 103rd Ave. to the east, and 105th Avenue to the west, in the Sun City West area

Commission

Recommendation: On 12/13/18, the Commission voted 7-0 to recommend **approval** of Z2018038 subject to conditions 'a' - 'i':

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

The Engineered Grading and Drainage Plans.

5. At the time of the Building Permit for the Underground Storage, the submittal must go according to the Maricopa County Drainage Policies and Standards Manual Standard 6.10.9. Third party inspections will be required.
- d. The following Planning Engineering (Transportation) conditions shall apply
 1. Any construction (driveway, utilities, etc.) within Thunderbird Boulevard Right-of-Way will require a Maricopa County Department of Transportation (MCDOT) Right-of-Way Permit.
 2. Any construction (driveway, utilities, etc.) within 103rd Avenue Right-of-Way will require a Maricopa County Department of Transportation (MCDOT) Right-of-Way Permit.
 - e. The following C-2 CUPD standards shall apply:
 1. Building Height: 105'
 2. Parking 1,495 spaces
 - f. The applicant/property owner shall submit a 'will serve' letter for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
 - g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
 - h. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
 - i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Plan of Development]. The Plan of Development enhances the value of the property above its value as of the date the Plan of Development is granted and reverting to the prior zoning results in the same value of the property as if the Plan of Development had never been granted.

PZ-3 Title: Sun Streams Solar Energy Farm
 Case #: Z2018119
 Supervisor District: 4
 Applicant / Owner: Stephen W. Anderson, Esq., Gammage & Burnham, PLC / Max Bakker, First Solar
 Request: Modification of Condition to Special Use Permit (SUP)

Site Location: Generally located between Baseline Rd. to the north, Narramore Rd. to the south, 351st Ave. to the east, and 383rd Ave. to the west, in the Arlington area

Commission Recommendation: On 12/13/18, the Commission voted 7-0 to recommend **approval** of Z2018119 subject to conditions 'a' – 'w':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "First Solar – Sun Streams Phases 1 & 2", consisting of 33 full-size sheets, stamped received April 18, 2014 except as modified by the following stipulations.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Maricopa County Major Amendment to Special Use Permit, Z2013015 Sun Streams Solar Energy Farm Project Narrative Report", consisting of 30 pages stamped received April 18, 2014 except as modified by the following stipulations.
- c. As photovoltaic solar panels increase in efficiency, the facility may exceed the stated 193.44 megawatt output capacity provided the site is no more intensely developed than as depicted on the site plan referenced in Stipulation 'a' above.
- d. "Security Yard Light with Camera" as depicted in Detail 4 on Sheet C5.4 of the site plan referenced in Stipulation 'a' above shall be located as generally depicted on said site plan except that in no case may said lighting be located closer than 40 feet from any perimeter property line.
- e. The following Transportation stipulations shall apply:
 - 1. The Owner shall provide a total half-width of right-of-way for the following roadways:

Elliot Road	100 feet (Both north and south side)
Dobbins Road	40 feet (363 rd Ave going east)
363 rd Ave	40 feet (Baseline Rd. to Dobbins Rd.)
355 th Ave	55 feet

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

- 2. All driveway access within County Right-of-way shall be paved.
- 3. Roadway 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 current MCDOT Design Standards.

- f. Right-of-Way dedications as discussed in Stipulation 'e' above shall occur prior to zoning clearance for any grading or construction permit, with the exception of those relating to the installation of emergency warning sirens.
- g. The following Drainage Review stipulations shall apply:
 - 1. Wet crossings, including retention basin overflows, over Elliot Road and 355th Avenue shall conform to the requirements of Table 6.7 of the Maricopa County Drainage Policies and Standards.
 - 2. Bleed-offs from retention basins shall be directed to well-defined natural or manmade drainage facilities. Basins with unsuitable bleed-off conditions will require additional drywells to enable them to drain within 36 hours.
 - 3. At the time of final design, further analysis of terraced basin configurations containing bleed-offs shall be required to demonstrate that the 100-year, 2-hour retention requirement is met.
 - 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. Detailed Grading and Drainage Plans showing the new site improvements shall be submitted for the acquisition of building permits.
- h. The following Flood Control District of Maricopa County (FCDMC) stipulations shall apply:
 - 1. For development within the Palo Verde FDS Zone A floodplain, the applicant shall determine water surface elevations to establish the Regulatory Flood Elevations (RFE).
 - 2. All electrical below the RFE shall be either flood-proofed or elevated.
 - 3. All project fencing shall be designed to allow historic flow to be maintained.
 - 4. The applicant shall analyze the velocity to determine scour depth for the footings of the collectors and shall factor in scour around the poles of the collectors.

5. The lowest floor elevation of all building with the Special Flood Hazard Area shall be elevated to the Regulatory Flood Elevation or be flood-proofed.
- i. That area depicted on site plan Sheet L2.0 as being “undisturbed desert” shall remain undisturbed throughout the life of the facility including construction, except as needed to establish access to the site, to accommodate utility crossings, and fence construction. To ensure this area remains undisturbed during construction, the area shall be protected with a highly visible barrier such as orange snow fence or large diameter yellow rope. In the event of inadvertent disturbance to this area, the applicant shall restore the area to its pre-disturbed state as soon as reasonably practicable.
- j. All salvaged trees shall be double-staked when replanted.
- k. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment located outside of the site’s perimeter fencing shall be painted to complement the development and shall be screened with landscape material where possible.
- l. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
- m. Prior to zoning clearance or mobilization of construction equipment or personnel, the applicant shall submit a revised Emergency Response Plan to the Maricopa County Department of Emergency Management (MCDEM) and shall provide written evidence from MCDEM that the revised Plan is meets their requirements. The applicant shall provide a copy of that plan to Maricopa County Planning and Development for inclusion in the subject case file.
- n. Prior to zoning clearance, the applicant shall provide written evidence from the Arizona State Historic Preservation Office stating that the entirety of the project has been surveyed for cultural resources.
- o. The following fire stipulations shall apply:
 1. Development and use of the site shall comply with requirements for fire protection measures as deemed necessary by the Tonopah Valley Fire District.
 2. Prior to zoning clearance, the applicant or successor shall obtain a will-serve letter from the Tonopah Valley Fire District after first having ensured that all properties located within the project area have been annexed into the District and that the properties are properly assessed for taxation purposes.
 3. The applicant or successor shall coordinate with the Tonopah Valley Fire District regarding the approval of any construction plans pertaining to this project and shall provide evidence of final inspection from the Tonopah Valley Fire District to the Maricopa County Building Inspector prior to the County’s construction permit being finalled.

- p. This Special Use Permit shall expire sixty (60) years from the date of approval by the Board of Supervisors (July 30, 2074), or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first.
- q. The applicant shall submit an annual written report beginning one (1) year from the date of approval of this Major Amendment by the Board of Supervisors until such time as the project is built-out and is 100% operational at which time status reports shall no longer be necessary except at the 35th anniversary of the approval of this Major Amendment.
- r. 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 except that items of minimal consequence may be considered to be in substantial conformance as deemed appropriate by the Planning Director.
- s. 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).
- t. 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.
- u. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowners. The granting of this approval is temporary and 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. In the event of the failure to comply with any condition or stipulation, 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 stipulations, 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.
- v. If a grading permit or construction permit for the facility has not been issued within five (5) years from the date of approval of this Major Amendment, this SUP and the related Comprehensive Plan Amendments (CPA2010012, CPA2010013, CPA2011004, CPA2013005) shall be scheduled for public hearing by the

Maricopa County Board of Supervisors, upon recommendation by the Maricopa Planning and Zoning Commission, to consider reverting the zoning to back Rural-190 and the related land use designations to Business Park, Dedicated Open Space and Rural as applicable.

- w. Prior to issuance of any construction permits or ground disturbance activities, the developer shall provide financial assurance in an amount and form acceptable to the Maricopa County Planning & Development Department sufficient to secure the site, restore any natural areas to their pre-construction state, and to stabilize the entire site in the event the project is abandoned, expires or otherwise becomes defunct.

REGULAR AGENDA

PZ-4 Title: Acoma Estates
Case #: Z2018010
Supervisor District: 4
Applicant / Owner: Adam Baugh, Withey Morris PLC / KMK, LLC., Kevin Kright
Request: Zone change from Rural-43 to R1-10 RUPD
Site Location: Generally located at the northwest corner of 73rd Ave. & Acoma Dr., in the Peoria area

Commission
Recommendation: On 12/13/18, the Commission voted 6-0-1 to recommend **approval** of Z2018010 subject to conditions 'a' – 'k':

- a. Development of the site shall comply with the Site Plan entitled "Acoma Estates Conceptual Site Plan", consisting of one (1) full-size sheet, dated November 2018, stamped received November 15, 2018 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Acoma Estates", consisting of 7 pages, dated December 4, 2018, and stamped received December 4, 2018, except as modified by the following conditions.
- c. The applicant/property owner shall submit a 'will serve' letter for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- d. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years for the initial phase and an additional five (5) years for each subsequent phase, within which time the final plat for each phase must be obtained. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of Z2018010 which details the status of this project, including progress on obtaining subdivision infrastructure and/or 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 the initial subdivision infrastructure and/or construction permits for each zoning parcel R1-10 RUPD.

- e. The following R1-10 RUPD standards shall apply:
 - 1. Height: 30', Lots 12 – 19 shall be limited to single story
 - 2. Front Yard: 20' or 10' for side loaded garage or livable space
 - 3. Side yard: 5' only applies to lots with single story homes
 - 4. Rear Yard: 15' only applies to lots with single story homes
 - 5. Lot Area: 12,000 sq. ft.
 - 6. Lot Width: 80', Lot #24 a minimum width of 34' and Lot #25 a minimum width of 56'
 - 7. Average Lot Area 17,000 sq. ft.
 - 8. Lot Coverage; 55% only applies to lots with single story homes

- f. The following Paradise West community conditions shall apply:
 - 1. Development of the property shall be in substantial conformance with the 28-lot site plan dated November 2018.
 - 2. There shall be no lots immediately abutting the north property line.
 - 3. Lots 12-19 shall be single story only.
 - 4. Streetlights within the development shall be installed at street intersections only.

- g. The zone change is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD).

- h. Prior to approval of the initial final plat or precise plan of development approval, the applicant shall provide the Maricopa County Planning and Development Department with a signed and recorded pre-annexation agreement with the City of Peoria that identifies the detail for when the proposed project will be annexed. This pre-annexation agreement shall be approved by City of Peoria.

- i. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this zone change as set forth in the Maricopa County Zoning Ordinance.

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

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

