



## Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

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**Cases:** 1. **Z2018091** – Northern Crossing Commercial  
2. **Z2018092** – Northern Crossing Residential

**Hearing Date:** January 17, 2019

**Supervisor District:** 4

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**Applicant:** Chris Clonts, Lennar Homes

**Owner:** Virgin Farms

**Requests:** 1. **Z2018091** - Zone Change from Rural-43 to C-2 CUPD  
2. **Z2018092** – Zone change from Rural-43 to R1-6 RUPD

**Site Location:** 1. **Z2018091** - Generally located at the northeast corner of Northern Ave. and Cotton Ln. in the Glendale area  
2. **Z2018092** - Generally located 1,000 ft. north of the NEC of Northern Ave. and Cotton. Ln. in the Glendale Area

**Site Size:** **Z2018091** - Approx. 27.6 ac.  
**Z2018092** - Approx. 66.6 ac.

**Density:** 4.19 d.u./ac. (RUPD)

**County Island:** No

**County Plan:** White Tanks/Grand Ave. Area Plan – Rural Densities (0-1 d.u./ac)

**Municipal Plan:** RMU – Regional Mixed Use

**Municipal Comments:** None received to date

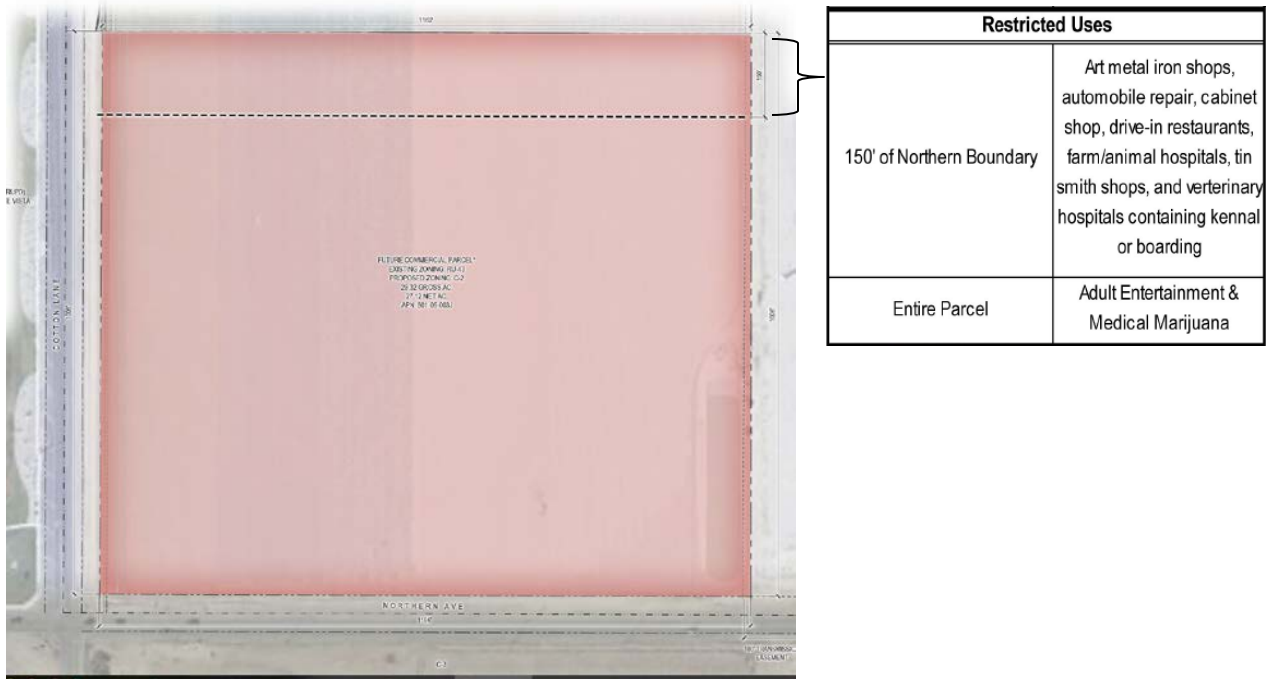
**Support/Opposition:** None known

**Recommendation:** **Approve with conditions**

**Project Summary for C-2 CUPD Zone Change Request (Z2018091):**

1. Chris Clonts of Lennar Homes, on behalf of owner Virgin Farms, proposes a zone change from Rural-43 to C-2 CUPD without a plan of development for the proposed 27.6-acre commercial property located at the northeast corner of Northern Avenue and Cotton Lane in the Glendale area.
2. The property is currently vacant and is proposed for principal uses allowed under the C-2 zoning district, except for adult entertainment and medical marijuana uses. Additionally, certain types of commercial uses will be prohibited within 150' of the northern boundary, adjacent to the proposed RUPD portion of Northern Crossing (Z2018092). Art metal iron shops, automobile repair, cabinet shop, drive-in restaurants, farm/animal hospitals, tinsmith shops, and veterinary hospitals containing kennel or boarding will not be allowed within this area. All other development standards under C-2 base zoning district will be implemented. There will be no variation from the C-2 development standards.

Detail from applicant's zoning exhibit



**Project Summary for R1-6 RUPD Zone Change Request (Z2018092):**

3. The second application for Northern Crossing is a zone change request from Rural-43 to R1-6 RUPD for a 66.6-acre property located immediately north of the commercial property, approximately located 1,000 ft. north of the NEC of Northern Ave. and Cotton Ln. in the Glendale Area.
4. The proposed development will include single-family residential homesites with an open space network consisting of approximately 24.45% of the site area (approximately 16-acres). The primary amenity areas will be located at the center of the community. Two



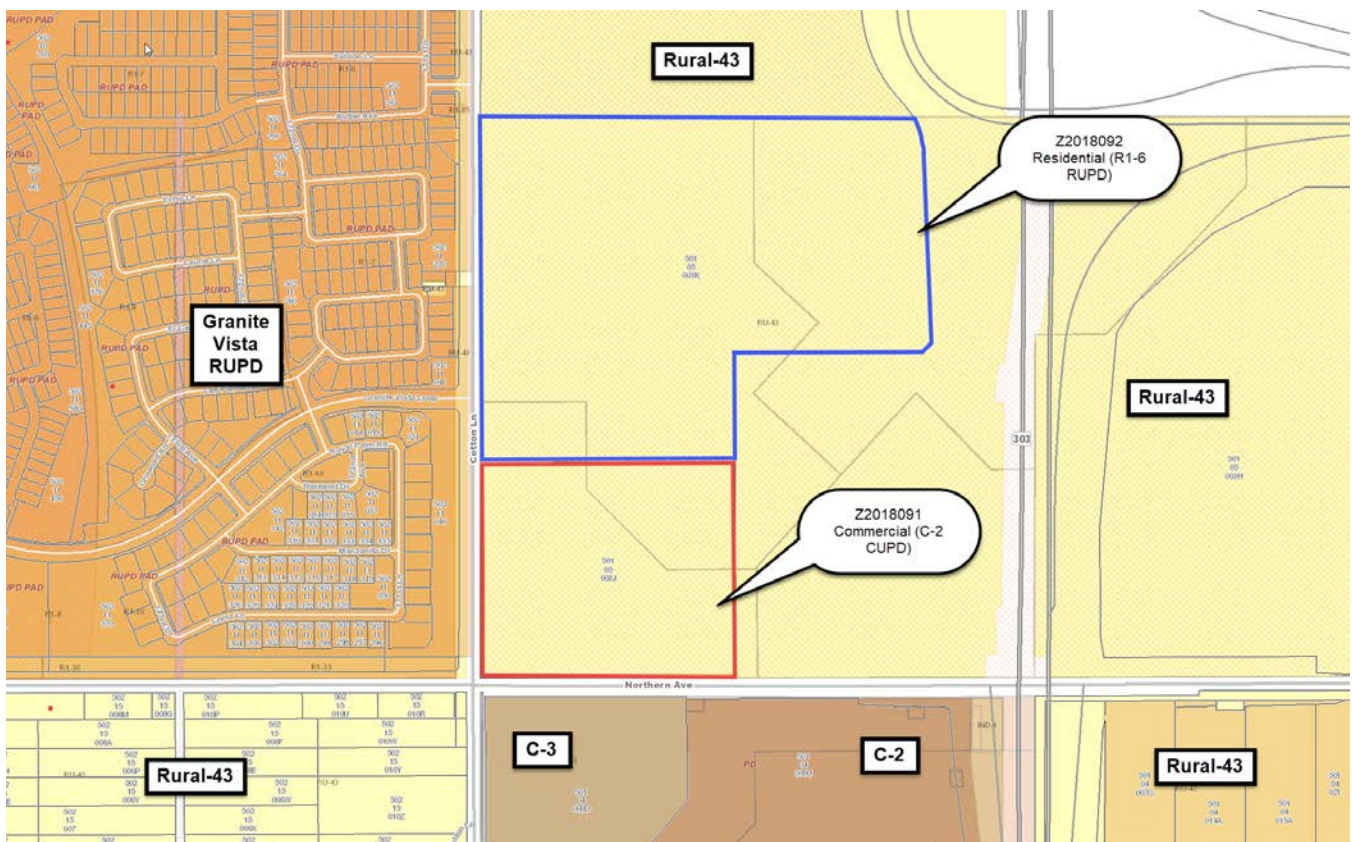


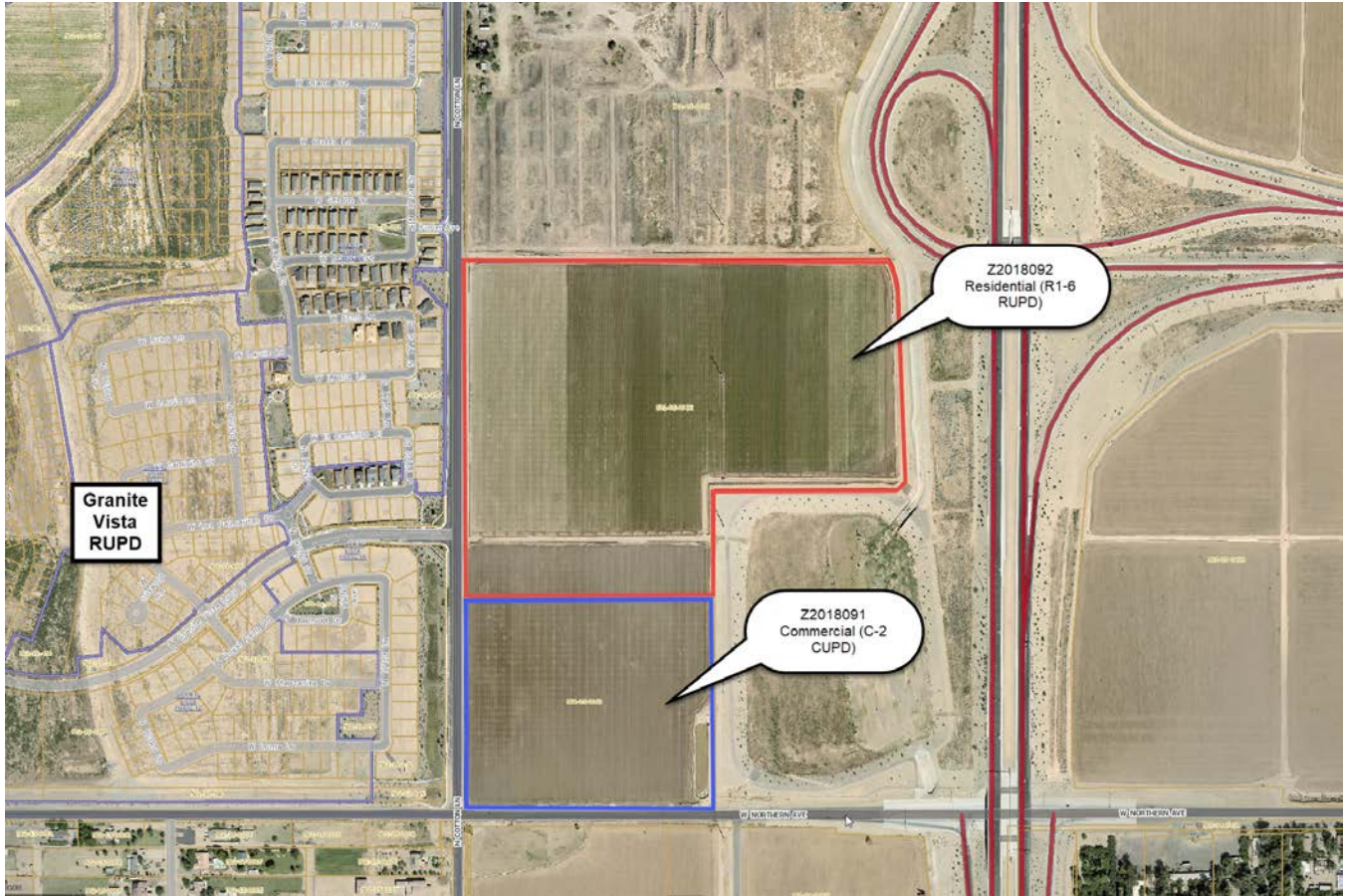
- There is a related request for a Comprehensive Plan Amendment (CPA2018006) to change the land use designation for the residential portion from Rural Densities (0-1 d.u./ac.) to Single-Family Transitional Lot (3-5 d.u./ac.). This CPA is also an action item on the Commission agenda for January 17.

**Existing On-Site and Adjacent Zoning / Land Use:**

- |          |   |
|----------|---|
| On-site: | Rural-43 / Vacant                                       |
| North:   | Rural-43 / Vacant                                       |
| South:   | C-2 & C-3 / Vacant                                      |
| East:    | Rural-43 / Vacant                                       |
| West:    | Cotton Lane, then R-10 RUPD / Single-Family Residential |

Zoning Map





**Utilities and Services:**

- 8. Water: EPCOR
- Wastewater: EPCOR
- School District: Dysart Unified
- Fire: Rural Metro
- Police: MCSO

**Right-of-Way:**

- 9. The following table includes existing and proposed half-width right-of-way and the future classification based upon the Maricopa County Department of Transportation (MCDOT) Major Streets and Routes Plan.

Street Name	Half-width Existing R/W	Half-width Proposed R/W	Future Classification
Cotton Lane	33'	65'	Principal Arterial
Northern Ave.	33'	65'	Principal Arterial

**Adopted Plan:**

- 10. **White Tank Grand. Ave Area Plan (adopted 2000):** Both properties are designated for Rural Densities (0-1 d.u./ac.).

11. **Glendale General Plan:** Both properties are designated for Regional Mixed Use (RMU).

**Public Participation Summary:**

12. The applicant complied with the Maricopa County Public Participation Process with the required posting of the property and notification by first class mail to the adjacent property owners within 300' of the subject site and interested parties. No activity was reported by the applicant. Staff has not received any calls or correspondence to the request. There is no known opposition.

**Outstanding Concerns from Reviewing Agencies:**

13. N/A

**Staff Analysis for C-2 CUPD Zone Change Request (Z2018091):**

14. Staff is of the opinion that this is an appropriate location for C-2 (General Commercial), as the property functions as a commercial center between at the corner of two principal arterials and nearby communities. Cotton Lane and Northern Avenue will provide ingress/egress for the property. Should the zone change be approved, the applicant will then be required to submit a Plan of Development for the retail center. This plan will address proposed buildings, access, parking, grading and drainage, and other technical information required prior to approval of construction plans.
15. Luke AFB issued an email dated October 10, 2018 stating the proposed cases would not negatively impact the flying operations of Luke AFB and the proposed use is compatible and consistent with the high noise or accident potential of the military airport or ancillary military facility. As of the date of this report, staff has not received notices of opposition from neighboring landowners.

**Staff Analysis for R1-6 RUPD Zone Change Request (Z2018092):**

16. Staff finds the zone change request to R1-6 RUPD appropriate for the area, given the existing community of the Granite Vista RUPD immediately to the west. However, the companion CPA case (CPA2018006), which requests an amendment from Rural Densities (0-1 d.u./ac.) to Single-Family Transitional Lot (3-5 d.u./ac.), must be approved in order to validate the density increase to 4.19 d.u./ac. Additionally, as of the writing of this report, there has been no opposition as a result of the applicant's citizen review process.

**Recommendation:**

17. For the reasons outlined in this report, staff recommends the Commission motion for **approval**, subject to conditions 'a' – 'h' of Z2018091:
  - a. Development of the site shall comply with the Zoning Exhibit entitled "Northern Crossing Commercial Parcel", consisting of 1 full-size sheet, dated January 4, 2019, and stamped received January 4, 2019, except as modified by the following conditions.

- b. Development of the site shall be in conformance with the Narrative Report entitled "Northern Crossing Rezoning with Commercial Unit Plan of Development", consisting of 6 pages, dated January 4, 2019, and stamped received January 4, 2019, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
1. At such time as a MCDOT approved Traffic Impact Study demonstrates that sufficient warrant(s) exist for the installation of traffic signal(s), the development that generates the traffic that will trigger such sufficient warrant(s) shall be responsible for the installation of the traffic signal(s) as part of its infrastructure/site improvements.
  2. Dedication of right-of-way along the following roadway alignments will be required prior to any development on the site:  
  
Northern Avenue: 65 feet (ultimate half width); and  
Cotton Lane: 65 feet (ultimate half-width)  
  
The above widths are considered minimum widths. Additional dedication may be required pending improvements that may be required by the MCDOT approved Traffic Impact Study.
- d. All buildings are subject to noise attenuation as per ARS § 28-8482(B).
- e. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall be scheduled for consideration to revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that revocation due to the failure to comply with any condition does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.
- g. The following C-2 CUPD restrictions shall apply:
1. Art metal iron shops, automobile repair, cabinet shop, drive-in restaurants, drive-thrus, farm/animal hospitals, tinsmith shops, and veterinary hospitals containing kennel or boarding will not be allowed within 150' of the northern property boundary.



2. Adult oriented businesses and medical marijuana facilities will not be allowed on the subject property.
  - h. 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 subdivision infrastructure permit or construction permit 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 Z2018091 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.
18. For the reasons outlined in this report, staff recommends the Commission motion for **approval**, subject to conditions 'a' – 'i' of Z2018092:
- a. Development of the site shall comply with the Zoning Exhibit entitled "Northern Crossing Z2018092", consisting of 1 full-size sheet, dated January 4, 2019, and stamped received January 4, 2019, except as modified by the following conditions.
  - b. Development of the site shall be in general conformance with the Narrative Report entitled "Northern Crossing Rezoning with Commercial Unit Plan of Development", consisting of 8 pages, dated January 4, 2019, and stamped received January 4, 2019, except as modified by the following conditions.
  - c. The following Planning Engineering conditions shall apply:
    1. At such time as a MCDOT approved Traffic Impact Study demonstrates that sufficient warrant(s) exist for the installation of traffic signal(s), the development that generates the traffic that will trigger such sufficient warrant(s) shall be responsible for the installation of the traffic signal(s) as part of its infrastructure/site improvements. Based on the Traffic Impact Study submitted with this application, development of the subject premises will warrant the need for traffic signals at the intersections of Cotton Lane and Northern Avenue; and Cotton Lane and Granite Vista Loop South. Design and permitting of these signals must be addressed as development plans progress and are submitted to the County for further review and/or entitlement.
    2. Dedication of right-of-way along the following roadway alignments will be required prior to any development on the site:

Cotton Lane: 65 feet (ultimate half-width)



The above widths are considered minimum widths. Additional dedication may be required pending improvements that may be required by the MCDOT approved Traffic Impact Study.

- d. All buildings are subject to noise attenuation as per ARS § 28-8482(B).
- e. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- f. The following R1-6 RUPD standards shall apply:
  - 1. Minimum front yard setback/Minimum garage setback:  
10' for livable areas, porches / 18' from face of garage to property line
  - 2. Minimum Lot Width: 45'
  - 3. Minimum Lot Area" 5,400 SF
  - 4. Minimum Lot Coverage: 55%
  - 5. Minimum Rear Yard Setback: 15'
  - 6. Side setback: 5'
- g. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years for the initial phase and an additional five (5) years for each subsequent phase, within which time the subdivision infrastructure permit or construction permit 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 Z2018092 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 (zoning districts).
- h. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

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

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

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

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

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

For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

- 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 be scheduled for consideration to revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that revocation due to the failure to comply with any condition 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: Farhad Tavassoli, AICP, CFM, Planner  
Reviewed by: Matthew Holm, AICP, Planning Supervisor

Attachments: **For Case Z2018091**  
Case Map (1 page)  
Vicinity Map (1 page)  
Site Plan Exhibit (reduced 8.5"x11": 1 page)  
Narrative Report (6 pages)  
Engineering Comments (2 pages)  
MCESD Comments (1 page)

**For Case Z2018092**  
Case Map (1 pages)  
Vicinity Map (1 page)  
Site Plan Exhibit (reduced 8.5"x11"; 1 page)  
Narrative Report (8 pages)  
Engineering Comments (2 pages)  
MCESD Comments (1 page)  
Letter from D.U.S.D. (1 page)

**For both cases:**  
Luke AFB Comments (1 page)  
ADOT Comments (2 pages)