

BOARD OF SUPERVISORS' MEETING
PLANNING AND ZONING AGENDA
January 30, 2019

REGULAR AGENDA

PZ-1 Title: Acoma Estates (Cont. from the 1/16/19 hearing)
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.