

BOARD OF SUPERVISORS' MEETING
PLANNING AND ZONING AGENDA
February 13, 2019

CONSENT AGENDA

PZ-1. Title: Merrill Gardens Anthem Cottage
Case #: Z2017130
Supervisor District: 3
Applicant / Owner: Aya Rojnuckarin, Urbal Architecture PLLC / MG Anthem Holdings, LLC
Request: Special Use Permit (SUP) Major Amendment for 13 independent living cottages in the R1-8 RUPD zoning district
Site Location: Generally located 1,000' of the southwest corner of Daisy Mountain Dr. and Meridian Rd. in the Anthem area
Commission Recommendation: On 1/17/19, the Commission voted 9-0 to recommend **approval** of Z2017130 subject to conditions 'a' – 'g':

- a. Development of the site shall comply with the Site Plan entitled "Merrill Gardens at Anthem Cottages", consisting of 26 full-size sheets, stamped received September 20, 2018, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Project Name: Merrill Gardens at Anthem Cottages", consisting of eleven (11) pages, stamped received September 20, 2018 except as modified by the following conditions.
- c. The following Planning Engineering comments shall apply:
 - 1. The Drainage Waiver DRB2018002 must be approved.
 - 2. Any construction (driveway, utilities, etc.) within Meridian Road Right-of-Way will require a Maricopa County Department of Transportation (MCDOT) Right-of-Way Permit.
- d. This Special Use Permit shall expire 30 years from the date of approval by the Board of Supervisors (February 13, 2049). All of the site improvements shall be removed within 60 days of such termination or expiration.
- e. The following R1-8 deviation shall apply:
 - 1. Up to 5' CMU wall within the front yard setback.
- f. The Following Daisy Mountain Fire Department conditions shall apply:
 - 1. Access roadways, fire line and hydrant placement and fire protection sprinklers per NFPA13 are compliant with the Fire Codes.
 - 2. A fire alarm system per NFPA 72 will be required for I-1 occupancies.

3. Plans must be submitted for final approval and permitting for the fire hydrants, fire sprinklers, fire alarm and building construction drawings for review for fire life safety prior to the C of O inspections.
- g. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, 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: Northern Crossing
Case #: CPA2018006
Supervisor District: 4
Applicant / Owner: Chris Clonts, Lennar / Virgin Farms & David L. Johnson Family Trust
Request: Comprehensive Plan Amendment to change the White Tank/Grand Avenue Area Plan land use designation from Rural Densities (0-1 d.u./ac.) to Single Family Transitional Lot (3-5 d.u./ac.). CPA approval is by Resolution
Site Location: Generally located approx. 1,000' north of the northeast corner of Northern Ave. and Cotton Ln. in the Glendale area
Commission
Recommendation: On 1/17/19, the Commission voted 9-0 to recommend **approval** of CPA2018006 subject to conditions 'a' – 'c':

- a. Development of the site shall be in general conformance with the Narrative Report entitled "Northern Crossing – General Comprehensive Plan Amendment", consisting of 7 pages, stamped received January 7, 2019 and the Land Use exhibit consisting of 1 page, stamped received October 30, 2018, except as modified by the following conditions.
- b. The total number of residential units shall not exceed 279 dwelling units.
- c. 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 uses 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 land use designation 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 change of the land use. The land use enhances the value of the property above its value as of the date the land use change is granted and reverting to the prior land use designation results in the same value of the property as if the land use change had never been granted.

PZ-3 Title: Northern Crossing Commercial
Case #: Z2018091
Supervisor District: 4
Applicant / Owner: Chris Clonts, Lennar / Virgin Farms
Request: Zone Change from Rural-43 to C-2 CUPD
Site Location: Generally located at the northeast corner of Northern Ave. and Cotton Ln. in the Glendale area

Commission
Recommendation: On 1/17/19, the Commission voted 9-0 to recommend **approval** of Z2018091 subject to conditions 'a' – 'h':

- 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.

PZ-4 Title: Northern Crossing Residential
 Case #: Z2018092
 Supervisor District: 4
 Applicant / Owner: Chris Clonts, Lennar / Virgin Farms
 Request: Zone change from Rural-43 to R1-6 RUPD
 Site Location: Generally located 1,000 ft. north of the NEC of Northern Ave. and Cotton. Ln. in the Glendale Area
 Commission

Recommendation: On 1/17/19, the Commission voted 9-0 to recommend **approval** of Z2018092 subject to conditions 'a' – 'i':

- 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 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.

PZ-5 Title: Rancho Cabrillo Parcels G, N, U and Q
Case #: DMP2018007
Supervisor District: 4
Applicant / Owner: Matthew J. Mancini PE, 3engineering, LLC / Rancho Cabrillo Development LLC
Request: Development Master Plan (DMP) Amendment to change the land use designations of Rancho Cabrillo parcels G, N, U, Q from Educational/School (parcel G), Commercial Retail Center (portion of parcel N), Recreational Open Space (parcel U), and Medium Density Residential (parcel Q) to Small Lot Residential (2-5 d.u./ac.)
Site Location: Generally located on the northeast corner of Happy Valley Rd. and El Granada Blvd. in the Peoria area
Commission Recommendation: On 1/17/19, the Commission voted 9-0 to recommend **approval** of DMP2018007 subject to conditions 'a' – 'b':

- a. Development and use of the site shall generally comply with the Narrative Report entitled "Rancho Cabrillo Parcels G, N, U, Q", consisting of 19 pages, dated stamped received December 6, 2018, except as modified by the following conditions.
- b. Compliance with DMP2006009 conditions/stipulations of approval, as applicable, shall be maintained.

PZ-6 Title: Rancho Cabrillo Parcels G, N, U and Q
Case #: Z2018095
Supervisor District: 4
Applicant / Owner: Matthew J. Mancini PE, 3engineering, LLC / Rancho Cabrillo Development LLC
Request: Zone Change Major Amendment to change the zoning districts from R-2 RUPD PAD, R-4 RUPD PAD, C-1 (portion of) to R1-6 RUPD PAD

Site Location: Generally located on the northeast corner of Happy Valley Rd. and El Granada Blvd. in the Peoria area

Commission

Recommendation: On 1/17/19, the Commission voted 9-0 to recommend **approval** of Z2018095 subject to conditions 'a' – 'd':

- a. Development and use of the site shall generally comply with the Narrative Report entitled "Rancho Cabrillo Parcels G, N, U, Q and Portion of N", consisting of 10 pages, dated stamped received December 6, 2018, except as modified by the following conditions.
- b. The following Engineering conditions shall apply:
 1. A Traffic Impact Study to address traffic impacts and (additional) roadway improvements required to support the proposed development must be submitted with the Preliminary Plat application.
 2. A CLOMR application to the Flood Control District must be approved prior to or concurrent with the application for Final Plat.
- c. The following changes to the R1-6 RUPD PAD zoning district development standards shall apply for Rancho Cabrillo Parcels G, N, U, and Q:
 1. Maximum lot coverage - 55% for parcels G, N, U, Q
 2. Minimum front setback - 10' /18' (10' livable and side loaded garage, 18' for front facing garage) for parcels G, N, U, Q
 3. Minimum lot width – 45' for parcels G, N, U, Q
 4. All other R1-6 RUPD PAD standards from Z2006069 shall apply
- d. Compliance with Z2006069 conditions/stipulations of approval, as applicable, shall be maintained.

PZ-7 Title: Effus Ranch Tower Project
Case #: Z2017112
Supervisor District: 4
Applicant / Owner: William M. Smith, Matinee Media Corporation / Michael F. Shamp Trust, et al
Request: Special Use Permit (SUP) for a 150' (h) radio tower in the Rural-190 zoning district
Site Location: Generally located 3 miles south of the US-60 and 11 miles west of Vulture Mine Rd. in the Wickenburg area
Commission
Recommendation: On 1/17/19, the Commission voted 9-0 to recommend **approval** of Z2017112 subject to conditions 'a' – 'f':

- a. Development of the site shall comply with the Site Plan entitled "Effus Ranch Tower Project", consisting of 1 full-size sheet, dated stamped received on October 5, 2018 except as modified by the following conditions.

- b. Development of the site shall be in conformance with the Narrative Report entitled "Effus Ranch Tower Project", consisting of 4 pages, dated stamped received on October 5, 2018 except as modified by the following conditions.
- c. The maximum height of the radio tower shall be 150'.
- d. This Special Use Permit shall not expire. However, all of the site improvements shall be removed within 90 days of cessation of the approved land use.
- e. 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.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

PZ-8 Title: Eyherabide Dairy
Case #: CPA2018008
Supervisor District: 4
Applicant / Owner: Ashley Marsh, Tiffany & Bosco, PA / Eyherabide Properties, LLC and Vincent and Rose-Ann Eyherabide Family Trust
Request: Comprehensive Plan Amendment to change the White Tank Grand/Avenue Area Plan land use designation from Large Lot Residential (1-2 d.u./ac.) to Single Family Transitional Lot (3-5 d.u./ac.). CPA approval is by Resolution
Site Location: Generally located at the northwest corner of Indian School Rd. and Perryville Rd.
Commission Recommendation: On 1/17/19, the Commission voted 9-0 to recommend **approval** of CPA2018008 subject to conditions 'a' – 'd':

- a. Development of the site shall be in general conformance with the Narrative Report entitled "Eyherabide Dairy, Comprehensive Plan Amendment," , consisting of 22 pages, dated and stamped received December 7, 2018, except as modified by the following conditions.

- b. 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 uses 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 land use designation 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 change of the land use. The land use enhances the value of the property above its value as of the date the land use change is granted and reverting to the prior land use designation results in the same value of the property as if the land use change had never been granted.
- c. The total number of residential units shall not exceed 675 dwelling units.
- d. The following Planning Engineering condition shall apply:
 - 1. Right-of-way dedication and perimeter road improvements will be required as part of future entitlements. This includes Indian School Road, Perryville Road and possibly 191st Avenue.

PZ-9 Title: Eyherabide Dairy
 Case #: Z2018115
 Supervisor District: 4
 Applicant / Owner: Ashley Marsh, Tiffany & Bosco, PA / Eyherabide Properties, LLC / Vincent and Rose-Ann Eyherabide Family Trust
 Request: Zone Change from Rural-43 to R1-6 RUPD
 Site Location: Generally located at the northwest corner of Indian School Rd. and Perryville Rd.

Commission
 Recommendation: On 1/17/19, the Commission voted 9-0 to recommend **approval** of Z2018115 subject to conditions 'a' – 'j':

- a. Development of the site shall be in general conformance with the Zoning Exhibit entitled "Eyherabide Dairy Exhibit", consisting of one 11x17, dated November 2018 and stamped received December 7, 2018, except as modified by the following conditions.
- b. Development of the site shall be in general conformance with the Narrative Report entitled "Eyherabide Dairy", consisting of 28 pages, dated December 7, 2018, and stamped received December 7, 2018, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - 1. A Traffic Impact Study to address traffic impacts and roadway improvements required to support the proposed development must be submitted with the Preliminary Plat application.

2. Dedication of right-of-way along the following roadway alignments will be required prior to any development on the site:
 1. Indian School Road: 65 feet (ultimate half-width);
 2. 191st Avenue: 50 feet (unless otherwise waived by MCDOT);
 3. Perryville Road: 65 feet (ultimate half-width), or as otherwise required by the City of Goodyear

Note that 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 shall be subject to noise attenuation as per ARS § 28-8482(B).
- e. 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.

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

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.

- f. The following R1-6 RUPD standards shall apply:

1. Front Yard: 18' with a front loaded garage; 12' for side loaded garage or livable area of dwelling unit
 2. Rear Yard: 20'
 3. Lot Area: 5,175 sq. ft.
 4. Lot Width: 45'
 5. Lot Coverage: 55%
- g. 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.
- h. 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.
- 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 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.
- j. Owner shall provide written notification to future residential owners that rural residential, equestrian and agricultural activities may occur proximate to the site. Such notification shall be in subdivision public reports, and/or Covenants, Conditions & Restrictions (CC&Rs). Such notice shall state:

"You are purchasing property near a rural residential property that has livestock and engages in horse roping activities. Such activities may produce dust, noise, light and odor among other things."

Documentation of the conveyance documents public report and CC&Rs shall be provided to the Planning & Development Department.

PZ-10 Title: Laborde Property
Case #: Z2018124
Supervisor District: 2
Applicant / Owner: Karen Nabity / Lucie E. Laborde Living Trust /Lucie Laborde
Request: Zone Change from Rural-190 to Rural-43
Site Location: Approximately 300' south of the southeast corner of 144th St. and Cavedale Dr. in the Rio Verde area
Commission

Recommendation: On 1/17/19, the Commission voted 9-0 to recommend **approval** of Z2018124 subject to conditions 'a' – 'c':

- a. Development of the site shall be in general conformance with the Narrative Report entitled "Laborde Property Narrative", consisting of 2 pages, undated, and stamped received November 7, 2018, except as modified by the following conditions.
- b. 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.
- c. 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.

REGULAR AGENDA

PZ-11 Title: Seasons at Riverside
Case #: Z2018068
Supervisor District: 4
Applicant / Owner: Richmond American Homes / Maryland 40, LLC
Request: Zone Change from R1-10 RUPD to R1-6 RUPD
Site Location: Southwest corner of El Mirage Rd. and Maryland Ave. in the Glendale area

Commission
Recommendation: On 1/17/19, the Commission voted 9-0 to recommend **approval** of Z2018068 subject to conditions 'a' – 'h':

- a. Development of the site shall comply with the Narrative and Zoning Exhibits entitled "Seasons at Riverside", consisting of 8 full-size sheets, and stamped received December 17, 2018, except as modified by the following conditions.
- b. The following R1-6 RUPD standards shall apply:
 1. Front Yard: 18' front facing garage, may be reduced to 10' for side entry garages or living area of dwelling unit.
 2. Rear Yard: 15'
 3. Lot Area: 5,175 sq. ft.

4. Lot Width: 45'
5. Lot Coverage: 55%
6. Walls: 6' (h) privacy wall w/max. 6'- 8" column
7. Maximum Height of Subdivision 6' Monument: 8' (h) Primary – 6' Secondary
8. Maximum Subdivision Sign Area: 40 sq. ft. Primary - 32 sq. ft. Secondary
9. Lots 3 – 7 and 15 – 19 shall be limited to single story.

c. The following Planning Engineering conditions shall apply:

1. Right-of-way dedications for perimeter streets will be required as follows with plat approval, unless otherwise waived by MCDOT:

El Mirage Road:	65 Feet
Maryland Avenue:	40 Feet

2. A Traffic Impact Study to address traffic impacts and (additional) roadway improvements required to support the proposed development must be submitted with the Preliminary Plat application.
3. If required, submission of a CLOMR application to the Flood Control District must be made prior to or concurrent with the application for Preliminary Plat.
4. The owner/developer shall be required to provide a designated left turn lane on Maryland Avenue for westbound traffic to access the site at 124th Dr. The left turn lane shall be designed and constructed in accordance with MCDOT requirements.
5. A Traffic Impact Study shall be submitted with the preliminary plat application. Left/right turn lane warrants must be analyzed for access into the site at Marlette Ave. off of El Mirage Road.

d. 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.

e. 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 Zone Change as set forth in the Maricopa County Zoning Ordinance.

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

g. 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.

- h. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).