

BOARD OF SUPERVISORS' MEETING
PLANNING AND ZONING AGENDA
February 27, 2019

CONSENT AGENDA

PZ-1. Title: Plains Bumstead
Case #: Z2009004
Supervisor District: 4
Applicant / Owner: Chris Webb, Rose Law Group / Plains LPG Services LP; TKR Enterprises, INC
Request: Removal of a portion of the Special Use Permit (SUP) on Plains Bumstead Terminal Facility
Site Location: Generally located at the NWC of Olive Ave. and Bullard Ave. alignment in the Glendale area
Commission Recommendation: On 1/31/19, the Commission voted 8-0 to recommend **approval** of the removal of a portion of Z2009004.

PZ-2 Title: Plains Bumstead Facility
Case #: MCP2018005
Supervisor District: 4
Applicant / Owner: Chris Webb, Rose Law Group / Plains LPG Services LP; TKR Enterprises, INC
Request: Military Compatibility Permit (MCP) with a precise Plan of Development (POD) for the existing and expansion of Plains Bumstead Terminal Facility (MCP2018005). Per Arizona Revised Statutes the proposed land use has been deemed to be compatible and consistent with the high noise or accident potential zone of a Military Airport or Ancillary Military Facility.
Site Location: Generally located at the NWC and NEC of Olive Ave. and Bullard Ave. alignment in the Glendale area
Commission Recommendation: On 1/31/19, the Commission voted 8-0 to recommend **approval** of MCP2018005 subject to conditions 'a' – 'e':

- a. Development of the site shall comply with the Site Plan entitled "Plan of Development Terminal Site Expansion", consisting of 5 full-size sheets, dated December 8, 2018, and stamped received December 12, 2018, except as modified by the following conditions.
- b. Development of the site shall be in general conformance with the Narrative Report entitled "Plains Terminal Site Facility Expansion", consisting of 13 pages, dated December 6, 2018, and stamped received December 12, 2018, except as modified by the following conditions.
- c. The following Rural-43/SUP MAAMF standards shall apply:
 - 1. Maximum Building Height: 40'
 - 2. Maximum Outdoor Lighting Height:40'

3. Front yard setback (Terminal Site): 15'
 4. Front yard setback (Expansion Area): 20'
 5. Side yard setback (Terminal Site & Expansion Area): 5'
 6. Street side yard setback (Terminal Site & Expansion Area): 5'
 7. Rear yard setback (Terminal Site): 0'
 8. Rear yard setback (Expansion Area): 25'
 9. Front/Rear Setback between Ldn 80-84 – Ldn 75-79: 0'/0'
 10. Lot Coverage: 60 percent
 11. Minimum Lot Width: 60'
 12. Screening: Perimeter fencing to be chain-link
 13. Lot Size: 6,000 sq. ft.
- d. The following IND-3 IUPD MAAMF standards shall apply:
1. Maximum Building Height: 40'
 2. Maximum Outdoor Lighting Height: 40'
 3. Front/Rear Setback between Ldn 80-84 – Ldn 75-79: 0'/0'
 4. Lot Coverage: 60 percent
 5. Screening: Perimeter fencing to be chain-link
 6. Lot Size: 6,000 sq. ft.
- e. 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 MCP. The MCP enhances the value of the property above its value as of the date the MCP is granted and reverting to the prior zoning results in the same value of the property as if the MCP had never been granted.

REGULAR AGENDA

PZ-3 Title: Northern Crossing (Cont. from 2/13/19)
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-4 Title: Northern Crossing Commercial (Cont. from 2/13/19)
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-5 Title: Northern Crossing Residential (Cont. from 2/13/19)
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-6 Title: Seasons at Riverside (Cont. from 2/13/19)
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).

PZ-7 Title: Dollar General at Jackrabbit
Case #: Z2018076
Supervisor District: 4
Applicant / Owner: MPA Architects; Simone CRE / Melvin Family Revocable Living Trust
Request: Zone Change from Rural-43 to C-1 CUPD
Site Location: Approximately 650' north of the NEC of Jackrabbit Tr. & McDowell Rd. in the Buckeye area
Commission
Recommendation: On 1/31/19, the Commission voted 8-0 to recommend **approval** of Z2018076 subject to conditions 'a' – 'g':

- a. Development of the site shall be in conformance with the Narrative Report entitled "Dollar General Z2018076 Narrative Report", consisting of 4 pages, dated December 16, 2018, and stamped received December 26, 2018, except as modified by the following conditions.
- b. 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.
- c. All buildings shall be subject to noise attenuation as per ARS § 28-8482(B) and Maricopa County requirements.
- d. Noncompliance with Maricopa County Regulations shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- e. 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 r 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.

- f. The following C-1 CUPD standards shall apply:
 - 1. 6' wood-slotted fencing adjacent to rural zoning district along the north and east property lines.

- g. The CUPD overlay 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) that can be accommodated by septic systems. A public water system shall be required prior to establishment of any non-residential use that requires potable water.