

BOARD OF SUPERVISORS' MEETING
PLANNING AND ZONING AGENDA
June 10, 2020

CONSENT AGENDA

PZ-1 Title: 29 Palms RV, Boat & Storage
Case #: Z2019103
Supervisor District: 4
Applicant / Owner: Mark Preach, Preach Incorporated / Kampwest, LLC
Request: Special Use Permit (SUP) to allow commercial storage in the Rural-43 - Wickenburg Highway Scenic Corridor overlay zoning district
Site Location: Generally located ½ mile northeast of the northeast corner of 163rd Ave. and Grand Ave. in the Surprise area
Commission Recommendation: On 5/14/20, the Commission voted 7-0 to recommend **approval** of Z2019103 subject to conditions 'a' – 'j':

- a. Development of the site shall be in substantial conformance with the site plan entitled "29 Palms Storage", consisting of three full-size sheets, dated February 6, 2020, stamped dated received on February 25, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "29 Palms RV-Boat & Storage", consisting of seven pages, dated February 18, 2020, stamped dated received on February 25, 2020, except as modified by the following conditions.
- c. The Special Use Permit shall expire 20 years from the date if approved by the Board of Supervisors, which is June 10, 2040. Unless the Special Use Permit is renewed or extended or similar zoning entitlement approved, all improvements shall be removed within 120 days of such expiration or termination of use.
- d. The following Planning Engineering conditions shall apply:
 - 1. The applicant has indicated that a Flood Control access easement has been granted to the property, prior to issuance of any building permits, the applicant must obtain a right-of-way permit from the Flood Control District for access to the site,
 - 2. New buildings of the site must be elevated to conform to the Floodplain Regulations for Maricopa County,
 - 3. Renovations to existing building(s) on the site shall comply with FEMA's Substantial Improvement/Substantial damage guidelines. The cost of renovation of the existing building shall not exceed \$130,000 to comply with these guidelines.

4. Engineering review of planning and/or zoning cases is for conceptual design only. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCODT Roadways Design Manual; and current engineering polices, standards and best practices at the time of application for construction.
 5. Detailed Grading and Drainage Plans must be submitted with application for Building Permits. Retention basin volume requirement for the site shall be the first flush volume of runoff.
- e. The following developing standards shall apply:
1. Ability to add chain link/cyclone fencing materials under eight-feet for perimeter fences;
 2. Ability to screen outdoor storage with chain link fences without view obscuring material;
 3. No setbacks for accessory structures;
 4. Ability to place accessory structures in required front/street side yards and ability to take up more than 30% of the required yards;
 5. Freestanding signs 72 square feet maximum;
 6. No setback requirements for freestanding signs;
 7. Wall signs of 90 square feet maximum;
 8. Wall signs maximum height of 30 feet;
 9. The driveways, parking areas, and storage areas must be surfaced with decomposed granite, asphalt, or concrete to minimize dust pollution emanating from these areas.
- f. The four existing parcels shall be combined into a single property, within 90 days of Board of Supervisors approval.
- g. All buildings subject to sound attenuation as per A.R.S § 28-8482(B) and Maricopa County regulations.
- h. Prior to occupying the existing residence or any portion thereof for any use Associated with the Special Use Permit, the applicant shall obtain a Building Permit to retrofit the existing residence to meet current commercial building code requirements as applicable and shall obtain a Certificate of Occupancy for the retrofitted building prior to occupancy.

- i. 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.
- j. The granting of this change in use of the property has been granted 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 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 Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agrees 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 of value as of the date of 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: Guardian Boat & RV Storage
 Case #: Z2019108
 Supervisor District: 4
 Applicant / Owner: Reese Anderson & Jon Gillespie, Pew & Lake, PLC / Finley Hibbert Investments, LLC
 Request: Special Use Permit (SUP) for Boat & RV Storage in the Rural-43 Zoning District
 Site Location: Generally located 1,600 feet north of the NEC of Rose Garden Lane & 115th Avenue alignment, in the Peoria area
 Commission
 Recommendation: On 5/14/20, the Commission voted 7-0 to recommend **approval** of Z2019108 subject to conditions 'a' – 'g':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Guardian Boat & RV Storage", consisting of 2 full-size sheets, dated April 3, 2020, and stamped received April 6, 2020 except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Guardian Boat & RV Storage", consisting of 8 pages, stamped received March 24, 2020, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - 1. The abandonment of the patent easement in the parcel must be approved by the Board of Supervisors prior to acquisition of building permit(s) for any site improvements.
 - 2. The proposed access easement for the existing gravel road on parcels 200-12-011A, 200-12-011C, 200-12-014A, and 200-12-015F must be recorded prior to acquisition of building permit(s) for any site improvements.

3. At the time of acquisition of building permit(s) for any site improvements, the alignment of the entire proposed 28-foot-wide access road must be shown on the grading and drainage plan from the site entrance south to Rose Garden Lane.
 4. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
 5. Engineering 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 Drainage Policies and Standards; Floodplain Regulations for Maricopa County; and the MCDOT Roadway Design Manual.
 6. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for the acquisition of building permits.
- d. The following Maricopa County Environmental Services Department (MCESD) condition shall apply:
1. Prior to any construction permit approval a NOID approval must be obtained
- e. This special use permit is valid for a period of 20 years and shall expire on June 10, 2040 or upon termination of the use for a period of 90 or more days, whichever occurs first. All site improvements associated with the special use permit shall be removed within 90 days of such expiration or termination of use.
- f. 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.
- 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-3 Title: Out of Sight RV & Boat Storage
Case #: Z2019131
Supervisor District: 1
Applicant / Owner: Shelly Udall, Renovate / Iron Enterprises, LLC
Request: Special Use Permit (SUP) to allow RV and Boat Storage in the Rural-43 Zoning District
Site Location: Approx. 1,600 feet south of the SEC of the intersection of 144th Street and Pecos Road, in the Gilbert area
Commission
Recommendation: On 5/14/20, the Commission voted 7-0 to recommend **approval** of Z2019131 subject to conditions 'a' – 'g':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Out of Sight RV Storage", consisting of 2 full-size sheets, stamped received March 23, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Out of Sight RV & Boat Storage", consisting of 6 pages, dated March 18, 2020, and stamped received March 18, 2020, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
 2. Engineering 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 Drainage Policies and Standards; Floodplain Regulations for Maricopa County; and the MCDOT Roadway Design Manual.
 3. Detailed Grading and Drainage Plans and Final Drainage Report showing the new site improvements must be submitted for approval and acquisition of building permits.
- d. The following Maricopa County Environmental Services Department (MCESD) condition shall apply:
 1. The applicant must obtain NOID prior to construction permit approval.
- e. This Special Use Permit is valid for a period of 20 years and shall expire on May 10, 2040, or upon termination of the use for a period of 120 or more days,

whichever occurs first. All site improvements associated with the special use permit shall be removed within 120 days of such expiration or termination of use.

- f. 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.
- 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-4 Title: Willis Road Project
Case #: Z2019137
Supervisor District: 1
Applicant / Owner: Edwin Lamoreaux, The Edwin and Linda Lamoreaux Family Trust / ELX LLC
Request: Rezone from Rural-43 to C-2
Site Location: Generally located 2,300' east of the NEC of 144th St. & Willis Rd. in the Gilbert area
Commission
Recommendation: On 5/14/20, the Commission voted 7-0 to recommend **approval** of Z2019137 subject to conditions 'a' – 'g':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Request for Rezoning from RU-43 to C-2", consisting of 1 full-size sheet, dated February 4, 2020, and stamped received February 5, 2020 except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "202 & Linsey Proposed Rezone from RU-43 to C-2", consisting of 10 pages, dated February 4, 2020, and stamped received February 5, 2020 except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - 1. Without the submittal of a precise plan of development, no development approval is inferred by this review, including, but not limited to drainage design, access and roadway alignments. These items will be addressed as

development plans progress and are submitted to the County for further review and/or entitlement.

2. A traffic impact study must be submitted with any future entitlement application (i.e. plan of development).
 3. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- d. The following MCESD condition shall apply:
1. ATC for water and sewer are required prior to any construction permits approvals.
- 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 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.
- 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) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.

PZ-5 Title: Marbella North Water Campus
Case #: MCP2020001
Supervisor District: 4
Applicant / Owner: Tiffany and Bosco, PA / Marbella Ranch Limited Partnership

Request: Military Compatibility Permit (MCP) for development of a water treatment facility in the Rural-43 Military Airport and Ancillary Military Facility (MAAMF) Overlay Zoning District

Site Location: Generally located approx. ½ mile southwest of the southwest corner of Northern Ave. and El Mirage Rd. in the Glendale area

Commission Recommendation: On 5/14/20, the Commission voted 6-0-1 to recommend **approval** of MCP2020001 subject to conditions 'a' – 'k':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Liberty Utilities", consisting of 16 full-size sheets, dated April 3, 2020, and stamped received April 8, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Marbella North Water Campus", consisting of 8 pages, dated April 7, 2020, and stamped received April 8, 2020, except as modified by the following conditions.
- c. A revised site plan addressing all outstanding Engineering-Drainage Review concerns and Planning concerns shall be submitted within 30 calendar days of approval of the Maricopa County Board of Supervisors.
- d. The following Planning Engineering conditions shall apply:
 1. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
 2. Engineering 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 Drainage Policies and Standards; Floodplain Regulations for Maricopa County; and the MCDOT Roadway Design Manual.
 3. Detailed Grading and Drainage Plans and Final Drainage Report showing the new site improvements must be submitted for approval and acquisition of building permits.
- e. The following Maricopa County Environmental Services Department (MCESD) conditions shall apply:
 1. ATC must be obtained prior to construction permit approval.
- f. All buildings are subject to noise attenuation as per ARS § 28-8482(B).

g. The following Rural-43 Military Airport and Ancillary Military Facility Overlay Zoning District standards shall apply:

1. Height – 60’
2. Front Yard – 20’
3. Side Yard – 0’
4. Street-side Yard – 0’
5. Rear Yard – 0’
6. Lot Area – 1 acre
7. Lot Width – 145’
8. Lot Coverage – 60%
9. Parking Spaces Required – 10 spaces, 1 of which to be ADA

h. The following Luke Air Force Base condition shall apply:

FHF LLC shall notify future occupants/tenants that they are located near a military airport with the following language:

Luke Air Force Base executes an average of approximately 165 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 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.”

i. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Military Compatibility Permit 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, and at the time of expiration of the Military Compatibility 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 Military Compatibility 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 Military Compatibility Permit. The Military Compatibility Permit enhances the value of the property above its value as of the date the Military Compatibility Permit is granted and reverting to the prior zoning results in the same value of the property as if the Military Compatibility Permit had never been granted.

PZ-6 Title: Element on Euclid
Case #: S2019046
Supervisor District: 5
Applicant / Owner: Meritage Homes of Arizona, Inc. / All Other Property, Ltd. & Jewelland, LLC
Request: Final Plat for a residential subdivision consisting of 107 lots and 5 tracts in the R1-6 RUPD zoning district
Site Location: Generally located at the northwest corner of 43rd Ave. and Euclid Ave. in the Laveen area
Staff
Recommendation: Approval

REGULAR AGENDA

PZ-7 Title: Group Homes (Cont. from 5/6/20)
Case #: TA2018002
Supervisor District: All Districts
Applicant: Earl & Curley
Request: Text Amendment to amend Chapter 2, Definitions; Section 501, Article 501.2.4; and Section 601, Article 601.2.3 of the Maricopa County Zoning Ordinance (MCZO) relating to Group Homes
Commission
Recommendation: On 3/12/20, the Commission voted 4-3 to recommend **approval** with modification to text language submitted from the applicant directly to Commissioner Hiatt to modify text amendment language to remove 'by a utility right-of-way at least 300 feet in width, or' within Article 501.2.4.a.