

BOARD OF SUPERVISORS' MEETING
PLANNING AND ZONING AGENDA
June 24, 2020

CONSENT AGENDA

PZ-1 Title: Northern Crossings
Case #: S2019014
Supervisor District: 4
Applicant / Owner: Kimley-Horn/Lennar Arizona Inc.
Request: Final Plat for a residential subdivision consisting of 279 lots and 19 tracts in the R1-6 RUPD zoning district
Site Location: Generally located approx. 1,000 ft. north of the northeast corner of Northern Ave. and Cotton. Ln. in the Glendale Area
Staff
Recommendation: Approval

PZ-2 Title: Azure Canyon
Case #: S2019023
Supervisor District: 4
Applicant / Owners: HilgartWilson, LLC / Mattamy Arizona LLC and J and A Camelback Property, LLC
Request: Infrastructure Plat which consist of 26 residential lots, 3 tracts and 4 parcels in the R1-10 RUPD and R1-18 RUPD zoning districts
Site Location: Generally located at the northwest corner of Camelback Rd. and 181st Ave. in the Glendale area
Staff
Recommendation: Approval

REGULAR AGENDA

PZ-3 Title: Beth Emeth Congregation Zone Change Request (Cont. from 4/8/20)
Case #: Z2019130
Supervisor District: 4
Applicant / Owner: Jordan Colbert, Beth Emeth Congregation / Beth Emeth Congregation
Request: Zone Change from Rural-43 to R-5
Site Location: Generally located approx. 650 feet north of the NWC of the intersection of R.H. Johnson Blvd. and Meeker Blvd., in the Sun City West area
Commission
Recommendation: On 3/12/20, the Commission voted 7-0 to recommend **approval** of Z2019130 subject to conditions 'a' – 'i':

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Beth Emeth Congregation – Zone Change Exhibit," consisting of

1 8.5 x 11-inch sheet, stamped received February 3, 2020, except as modified by the following conditions.

- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Beth Emeth Congregation Rezone Request", consisting of 4 pages, dated January 27, 2020 and stamped received February 18, 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. All future buildings 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.

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 or contact the Maricopa County Planning and Development Department."

- f. 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.
- 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. 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.
- i. CC&Rs shall be recorded in association with the subject property and shall include an age-restriction as outlined below. It shall be the responsibility of the Homeowners' Association to enforce the CC&Rs. Failure to comply with this Condition of Approval will be considered substantial noncompliance with this zone change approval and grounds for the Planning and Zoning Commission to consider revocation of approval of the zone change and for the site to revert back to its original Rural-43 zoning designation. An age restriction shall be recorded in CC&Rs associated with the subject property prior to issuance of the first building permit on the subject property that states: "All dwelling units on the subject property will be occupied by at least one (1) person not less than 55 years in age and no person 18 years or younger will be allowed to reside there for longer than 90 days."

PZ-4 Title: Falcon
Case #: MCP2019005
Supervisor District: 4
Applicant / Owner: Toni Bonar, HilgartWilson, LLC / SCM Clearwater LLLP/ETAL

Request: Military Compatibility Permit with Precise Plan of Development
Site Location: Generally located north of the intersection of 152nd Avenue and Camelback Road, in the Glendale area
Commission
Recommendation: On 5/28/20 (hearing reconvened from 5/14/20), the Commission voted 7-2 to recommend **approval** of MCP2019005 subject to conditions 'a' – 'k':

- a. Development of the site shall be in substantial conformance with the Military Compatibility Permit entitled "Cross-Dock Facility", consisting of 5 full-size sheets, dated February 14, 2020, and stamped received February 14, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Falcon – Military Compatibility Permit Narrative", consisting of 32 pages, dated February 14, 2020 and stamped received February 14, 2020, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. The owner/applicant shall be responsible for the improvements along Camelback Road as required by the City of Goodyear-approved Traffic Impact Study.
 2. Prior to issuance of any construction permits for any public Right-of-Way improvements on APN 501-61-006C, an intergovernmental agreement between Maricopa County, the City of Glendale and the City of Goodyear must be executed, or an alternative plan for construction shall be approved, with respect to road improvements along Camelback Road. Construction of all on-site and off-site infrastructure improvements must be completed prior to issuance of a temporary certificate of occupancy or certificate of occupancy.
 3. CLOMR approval by the FCDMC is required prior to issuance of and building/grading permit for development within a designated floodplain, including driveway access and road improvements along Camelback Road.
 4. Prior to issuance of any construction permit(s) on APN 501-61-006C, an easement must be recorded through APN 501-61-006B to demonstrate legal access to the subject site.
 5. Detailed Grading and Drainage Plans will be required to be submitted for issuance of any building/grading permits associated with the site and Camelback Wash relocation improvements and site development.
 6. 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.

- d. The following Maricopa County Environmental Services Department (MCESD) condition shall apply:
 - 1. Approval To Construct (ATC) approval must be obtained prior to any construction permit approval
- e. 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.
- f. All buildings subject to noise attenuation as per ARS § 28-8482(B).
- 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 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 MCP had never been granted.
- h. Prior to approval of the temporary certificate of occupancy or certificate of occupancy, the applicant shall provide the Maricopa County Planning and Development Department with an executed service agreement ("will serve" agreement) with Liberty Utilities certifying that the proposed project has been provided with connection to water and sewer service.
- i. The following Military Compatibility Permit (MCP) standards shall apply:
 - 1. Maximum Building Height: 60'
 - 2. Maximum Light Pole Height: 110'
 - 3. Front and Street Side yards: 20' (adjacent to Camelback Road), 15' (adjacent to internal collector streets), 10' (adjacent to internal local streets)
 - 4. Side yard: 15'
 - 5. Rear yard: 15'
 - 6. Front/Rear Setback from LDN Noise Contour Lines: 0'
 - 7. Maximum Lot Coverage: 60% (of Individual Parcel)
 - 8. Minimum Lot Area: 35,000 sq. ft.
 - 9. Screening: 8' Tall Chain Link Fence with or without 3 strands of barbed wire above 8'
 - 10. Signage: Per MCZO Section 1403 or Section 1404

- 11. ADA Parking Spaces: to be provided at a 2% ratio

- j. The MCP 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. Connections to a public water system and public sewer system shall be required prior to establishment of any use that requires potable water.

- k. Except for local deliveries, development of the site shall include driveway design and/or signs that direct truck traffic (vehicles greater than 10,000 lbs.) to and from the site west along Camelback Rd.