

**BOARD OF SUPERVISORS' HEARING**  
**PLANNING AND ZONING AGENDA**  
**March 10, 2021**

**CONSENT AGENDA**

Title: Churchill South No. 2 – Lot 21 & Tract D  
Case #: S2020016  
Supervisor District: 4  
Applicant / Owner: Tom Pender / SNT Investors LP  
Request: Replat of Lot 21 and Tract D, Churchill South No. 2 subdivision plat  
Location: Southwest corner of Montgomery Rd. and US 60 Highway in the Surprise area

Staff  
Recommendation: Approval

Title: Vista Verde Unit 1 Lot 109  
Case #: S2021009  
Supervisor District: 2  
Applicant / Owner: Joshua Robinson, HilgartWilson / Toll Brothers AZ Construction Company  
Request: Resolution to abandon the Vehicular Non-Access Easement (VNAE) along the south street line (N. Summit Springs Rd. part of Tract A of the plat) within Lot 109 of Vista Verde Unit 1 final plat MCR953-17 in the R1-10 zoning district  
Location: APN 219-38-293 – addressed at 29012 N. Summit Springs Rd.

Staff  
Recommendation: Approval

Title: Twin Knolls Vistas  
Case #: Z2019132  
Supervisor District: 2  
Applicant / Owner: Glenn Odegard / Twin Knolls LLC  
Request: Zone Change from C-3 to C-3 CUPD  
Site Location: Located approximately 450 ft. east of the NEC of 81<sup>st</sup> St. and Apache Tr., in the Mesa area

Commission  
Recommendation: On 2/11/21, the Commission voted 9-0 to recommend **approval** of Z2019132 subject to conditions 'a' – 'i':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Twin Knolls Vistas", consisting of 1 full-size sheet, stamped received February 2, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Twin Knolls Vistas", consisting of 3 pages, dated February 2, 2021, and stamped received February 2, 2021, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:

1. At the time of application for building permits for the site's infrastructure, a geotechnical evaluation and recommendation(s) will be required for cut slopes in excess of 2:1 and fill slopes in excess of 3:1.
  2. The retention basins with side slopes in excess of 4:1 must be fenced so that they meet the County's pool barrier requirements.
  3. Retention basin(s) must provide for one (1) foot of freeboard; and drain within 36 hours.
  4. Berms used as part of the site's drainage infrastructure must be designed with a top width of at least eight (8) feet.
  5. Retention basins and septic system components must be separated by at least 25 feet unless it can be demonstrated that the top of the septic system components are below the bottom of the retention basin(s),
  6. Structural design of any retaining walls/structures shall be submitted for review with the building permit for the site's infrastructure.
  7. Prior to the issuance of a building permit for the site's infrastructure, the owner/applicant must submit evidence of approval/acceptance of the emergency services provider who will provide fire protection and related services to the site.
  8. 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; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
  9. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for approval and acquisition of building permits.
- d. The following Maricopa County Environmental Services Department (MCESD) conditions shall apply:
1. A Drinking Water New Source Approval Application (NSA) and Notice of Intent to Discharge (NOID) for water and sewer are required prior to any construction permits approvals.
  2. Prior to construction permits approvals, the applicant will need to apply for SWPPP with MCESD Stormwater Quality program. For further information, go to [www.maricopa.gov/stormwater](http://www.maricopa.gov/stormwater).
- e. The following C-3 CUPD standards shall apply:

1. Maximum building height: 40 ft. above original, natural grade including building appurtenances.
  2. 1,600 sq. ft. of hillside disturbance in required rear setback.
  3. 3 ft. setback for rooftop appurtenance where a 10 ft. setback would apply.
  4. No screen walls to be provided.
- 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. The zone change with 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 and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.

Title: Bailey Wedding Venue  
Case #: Z2020052  
Supervisor District: 4  
Applicant / Owner: Alan Beaudoin, Norris Design / Susan and Brent Bailey  
Request: Special Use Permit (SUP) for new wedding venue in the Rural-43 zoning district  
Site Location: Generally located approximately 700 ft. southeast of the SEC of White Wing Rd. and 159th Ave., in the Surprise area  
Commission  
Recommendation: On 2/11/21, the Commission voted 9-0 to recommend **approval** of Z2020052 subject to conditions 'a' – 'i':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Bailey Wedding Venue", consisting of 1 full-size sheet, dated December

- 16, 2020 and stamped received December 17, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Bailey Wedding Venue", consisting of 30 pages, dated November 6, 2020, and stamped received November 6, 2020, except as modified by the following conditions.
  - c. The following Planning Engineering conditions shall apply:
    1. Retention basins within the parking lot must go according to the Maricopa County Drainage Policies and Standards Manual Standard 6.10.7. The requirements for the retention in the parking lot are:
      - a. Maximum depth is 1-ft
      - b. Parking lot retention areas shall not be adjacent to buildings and not be sited in travel lanes.
      - c. No more than 25% of the parking lot area may be used for stormwater storage.
      - d. The minimum longitudinal slope permitted within parking lot storage facilities is 0.005 ft/ft, unless concrete valley gutters are provided.
    2. At the time of the Building permit, the Engineered Grading and Drainage Plans will need to address the Erosion Setback/Protection. Identify the limits of 100-year inundation (floodplain limits). The erosion setback is measured from that limit or top of bank, whichever is more conservative. For more information on Erosion Setback see link:  
<https://new.azwater.gov/sites/default/files/SS5-96SystemSedimentBalance.pdf>
    3. At the time of the Building permit, the calculations to show the pedestrian bridge can cross the Paddelford Wash without inundating the buildings in the area.
    4. At the time of the Building permit, the maximum retention basin side slope is 4:1.
    5. Drainage 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 the Maricopa County Drainage Policies and Standards.
    6. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
    7. The applicant should be aware that there is a FEMA Zone AE Floodplain on the property. The wash is Paddelford Wash Split 5 from the Paddelford Wash Flood Delineation Study (Contract #99-12). For more information regarding the floodplain in the area, contact Jennifer Lynch of the District at (602) 506-3320. Identify the limits of the floodplain on the G&D's. The applicant should be aware that a Flood Control Permit will be required at the time of the Building Permit.

8. The Proposed Event Barn has part of the structure in the floodplain. The structure must go according to the Floodplain Regulations of Maricopa County. See link: <https://www.maricopa.gov/DocumentCenter/View/630/Floodplain-Regulations-for-Maricopa-County-PDF?bidId=>  
At the time of the Building Permit a Flood Control Permit will be processed with the Building Permit. The building will need to go according to the Floodplain Regulations. Prior to finalizing the Building Permit Inspections, an Elevation Certificate in the FEMA format will need to be submitted, reviewed, and approved.
- d. The following Maricopa County Environmental Services Department (MCESD) condition shall apply:
  1. Public water system and new NOID must be obtained prior to any construction permit approval if applicable.
- e. Prior to approval of any building permit associated with the proposed wedding venue, a new "will serve" letter will be obtained to substantiate the availability of fire and emergency services.
- f. This special use permit shall expire on March 10, 2041, or upon termination of the use for a period of 180 or more days, whichever occurs first. All site improvements associated with the special use permit shall be removed within 180 days of such expiration or termination of use.
- g. 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.
- h. 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.
- 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, and at the time of expiration of the Special Use Permit, the Special Use Permit shall be revoked. 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.

Title: Amadio Ranch and Farm  
Case #: Z2020068  
Supervisor District: 5  
Applicant / Owner: Benjamin Tate, Withey Morris PLC / Eric E. Amadio  
Request: Special Use Permit (SUP) for farmer's market and seasonal events in the Rural-43 zoning district  
Site Location: Generally located at the SWC of Dobbins Rd. and 47th Ave. in the Laveen area  
Commission Recommendation: On 2/11/21, the Commission voted 8-0 to recommend **approval** of Z2020068 subject to conditions 'a' - 'j':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Amadio Ranch and Farm - Special Use Permit Case #Z2020068", consisting of 1 full-size sheet, dated stamped received January 12, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "SWC Dobbins Road and 47<sup>th</sup> Avenue - Amadio Ranch and Farm", consisting of 29 pages, dated stamped received January 15, 2021 except as modified by the following conditions.
- c. The following Engineering conditions shall apply:
  1. The fence relocation shown on the Site Plan for the Special Use Permit, located in the north/northeast corner of the site to enclose the retail spaces, will require a Building Permit.
  2. Drainage 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 the Maricopa County Drainage Policies and Standards.
  3. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
- d. The following Maricopa County Department of Transportation (MCDOT) conditions shall apply:
  1. Dobbins Road and the west side of 47th Avenue are Maricopa County Department of Transportation (MCDOT) operated and maintained roads. Any construction (driveway, utilities, etc.) within the Right-of-Way will require a MCDOT Right-of-Way Permit.
  2. Traffic Control is the responsibility of owner/applicant.

3. No road closures/obstructions shall be permitted; and no signs or any other event related objects shall be placed with the public right-of-way unless a Special Events Permit is procured from the MCDOT Permitting Branch.
  4. Any off-site, on street parking shall comply with applicable parking regulations enforced at the time of event.
- e. This Special Use Permit shall expire on March 10, 2031, 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. The following SUP standards shall apply:
1. Existing fencing to be allowed within Site Visibility Triangles (SVT's) along Dobbin's Rd. driveway. If any future structures (including signage) or landscaping are proposed, it cannot exceed 2' height within said SVT's.
  2. 0' setback for existing structures from eastern (street side) property line.
  3. Signage: shall be non-illuminated and ground mounted. Maximum sign area of 24 sq. ft. with maximum 12' in height, post shall be no taller than 8'. Sign material shall include two of the following, as approved by Planning and Development Department – corrugated metal, rusticated metal, wrought iron, barnwood or reclaimed wood, or shiplap siding.
- g. This Special Use Permit approval does not grant any entitlement or permits to buildings, fencing, or structures that may encroach onto adjacent properties, easements or rights-of-way. Structures that have been erected or improved without permits must obtain the necessary approvals through the Maricopa County Planning and Development Department.
- h. 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.
- i. 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.
- j. 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.

**REGULAR AGENDA**

Title: Marijuana  
Case #: TA2020002  
Supervisor Districts: All  
Applicant: Commission-Initiated  
Request: A text amendment to the Maricopa County Zoning Ordinance (MCZO) to incorporate definitions, use regulations and development standards related to the adult use of recreational marijuana

Commission  
Recommendation: On 2/25/21, the Commission voted 8-0 to recommend **approval**.