

BOARD OF SUPERVISORS' MEETING
PLANNING AND ZONING AGENDA
April 7, 2021

CONSENT AGENDA

Title: Arizona Game & Fish WCF
Case #: Z2020008
Supervisor District: 2
Applicant / Owner: Steven Olson / Arizona Game & Fish Commission
Request: Special Use Permit (SUP) for a new wireless communications facility – 41' monopole stealth designed as a Giant Saguaro - in the Rural-70 zoning district
Site Location: Generally located ¾ mile southwest of the southwest corner of Usery Pass Rd. and Indian School Rd. (alignment)
Commission Recommendation: On 3/11/21, the Commission voted 6-0 to recommend **approval** of Z2020008 subject to conditions 'a' – 'i':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "AZ Game and Fish WCF ", consisting of five full-size sheets, dated January 11, 2021, and stamped received January 27, 2021, except as modified by the following conditions
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "AT&T AZ Game & Fish WCF", consisting of four pages, dated January 21, 2021, and stamped received January 27, 2021, except as modified by the following conditions.
- c. The following Planning Engineering condition shall apply:
 1. Engineering review of planning and/or zoning cases is for conceptual design purposes 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
- d. The following Wireless Communications Facility development standards and rural fence requirements shall apply:
 1. Maximum height of the Wireless Communication Facility shall be limited to 41 feet; unless increased height for an Eligible Facilities Request per Federal Rule can be accommodated with maintenance of integrity of stealth design.
 2. Minimum setback the Wireless Communication Facility from any property line shall be 23 feet.

3. Maximum diameter of the antenna array of the wireless communications tower shall be 12½ feet; unless increased height for an Eligible Facilities Request per Federal Rule can be accommodated with maintenance of integrity of stealth design.
 4. Maximum diameter of the wireless communications tower's base shall be 44 inches, unless increased height for an Eligible Facilities Request per Federal Rule can be accommodated with maintenance of integrity of stealth design.
 5. Maximum height for the Wireless Communications Facility perimeter fences shall be 12 feet.
- e. The wireless communication tower shall retain the stealth properties as originally designed. Any damaged or missing faux cactus shrouds shall be replaced within 60 days of such damage occurring.
 - f. A Minor Amendment approved administratively shall be required to co-locate future carriers on the Wireless Communication Facility.
 - g. This Special Use Permit is valid for a period of 20 years and shall expire on April 7, 2041, 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.
 - 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 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.

Title: 303 and Olive
Case #: Z2020092
Supervisor District: 4

Applicant / Owner: Jacob Zonn, Becker Boards Small, LLC / Family First Investments, LLC, FHF, LLC, Cromer, LLC, Jetsri Properties, LLC, and Desert Forrest Nursery, LLC – C/O Forrest Wald

Request: Modification of condition 'e' of Z2019129 to vary off-site sign standards in the C-2 CUPD zoning district

Site Location: Generally located approx. 470' southwest of the SWC of Olive Ave. and Loop 303 in the Glendale area

Commission Recommendation: On 3/11/21, the Commission voted 6-0 to recommend **approval** of Z2020092 subject to conditions 'a' – 'j':

- a. Development of the site shall comply with the Zoning Exhibit entitled "Loop 303 & Olive", consisting of 1 full-size sheet, stamped received July 7, 2020, except as modified by the following conditions.
- b. Development of the site shall be in general conformance with the Narrative Report entitled "303 & Olive Property Rezone", consisting of 11 pages, stamped received July 7, 2020, except as modified by the following conditions. Development of the site shall also be in conformance with the modification of conditions Narrative Report entitled, '303 & Olive', consisting of 6 pages dated January 26, 2021 and stamped received January 26, 2021.
- c. 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 and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.
- d. The C-2 CUPD shall prohibit the following land uses: Medical Marijuana facilities, Adult Oriented facilities, Automobile repair shops and garages, and Drive-thrus for restaurants.
- e. The following C-2 CUPD standards shall apply for the offsite (billboard) signage:
 1. Max. Height of Off-Site Signs: Max. 70' on side directly abutting and oriented to or within 150' of Loop 303. Max. 45' on side directly abutting and oriented to Cotton Lane
 2. Maximum sign area: 672 sq. ft.
 3. Min. Rear yard setback for APN 501-05-006M: 0' (east)
 4. Min. Setback to Rural-43 zoning: 0' east and north/50' south
 5. Min. Setback to Rural-43 zoning for illuminated sign: 0' east and north/50' south
 6. Screening: no screening for billboard or nursery
 7. Min. Off-Site Sign Separation Distance: Maximum 2 off-site signs oriented to or within 150' of Loop 303 at minimum 700' separation distance.
 8. Off-Site Signs: Maximum of 2 off-site signs permitted on side directly abutting and oriented to Loop 303. Maximum of 1 off-site sign permitted on side directly abutting and oriented to Cotton Lane and setback a minimum of 500' from the centerline of Olive Avenue. No other off-site signs permitted

- f. The following 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. Dedication of additional right-of-way along Cotton Lane may be required as part of future site entitlements (i.e. plan of development).
 3. A Traffic Impact Study must be submitted with the application for future entitlements (i.e. plan of development).
 4. An application for a CLOMR may be required concurrent with any future entitlement application that would impact the FEMA Floodplain along Cotton Lane.
 5. Engineering design for site development 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.
- 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 buildings subject to noise attenuation as per ARS § 28-8482(B) and Maricopa County requirements.
- i. 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.

- j. The applicant shall submit a long-term maintenance plan for Lawrence Lane with any Plan of Development application.

Title: Lucero Property
Case #: Z2021010
Supervisor District: 1
Applicant / Owner: Commission initiated on behalf of Benjamin Lucero & Roseanne Lucero
Request: Zone Change from R-4 to Rural-43 RUPD
Site Location: APN 304-88-524D / Generally located south of the southwest corner of Riggs Rd & Valencia Ave, in the Queen Creek area
Commission Recommendation: On 3/11/21, the Commission voted 6-0 to **initiate** and recommend **approval** of Z2021010 subject to condition 'a':

- a. Subject to all conditions of case Z2005006, including the following Rural-43 RUPD development standards:
 1. Average lot area per dwelling unit: 43,560 sq. ft.
 2. Minimum lot area: 35,000 sq. ft.
 3. Minimum lot width: 120'
 4. Maximum lot coverage: 20%
 5. Minimum Distance between buildings: 15'
 6. Minimum Front setback: 20'
 7. Minimum Rear setback: 25'
 8. Minimum Side setback: 5'
 9. Minimum Street-side setback: 10'
 10. Maximum building height: 30'

11. Accessory Dwelling Units: One (1) secondary dwelling unit allowed with MCESD approval of liquid waste disposal system.

Title: Dakota Creek
Case #: Z2020078
Supervisor District: 4
Applicant / Owners: Joe Walsh, Walsh Design Group / James Shade (Crown Charter School, Inc.) & Dakota Fabricating, Inc.
Request: Zone Change from Rural-43 to R-5 RUPD without a Precise Plan of Development
Site Location: Approx. 1,300' south of the SWC of Glendale Ave. and El Mirage Rd., in the Glendale area
Commission Recommendation: On 3/11/21, the Commission voted 6-0 to recommend **approval** of Z2020078 subject to conditions 'a' - 'i':

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Dakota Creek", consisting of 1 full-size sheet, dated January 2, 2021, and stamped received January 29, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Project Narrative for Rezone of Dakota Creek", consisting of 7 pages, dated January 29, 2021, and stamped received January 29, 2021, except as modified by the following conditions.
- c. The following R-5 RUPD standards shall apply:
 1. Rear yard: 15 ft.
 2. Garage setback to alley line: 3 ft.
 3. The R-5 RUPD zoning district shall be limited to a maximum density of 8.2 du/ac.
- d. 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 number of proposed building lots/units, 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. The 125th Avenue abandonment will be made a condition of the plan of development approval. See <https://www.maricopa.gov/4578/County-Road-Abandonment> for more information.
 3. A traffic impact study must be submitted with future preliminary plat or plan of development (POD) application(s).

4. R/W dedication (32 feet to provide an ultimate width of 65 feet) along the development site's El Mirage Road frontage will be required as part of any future entitlement application(s).
 5. Engineering review of re-zone cases is conceptual in nature. 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.
- e. 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.
 - 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. The following Luke Air Force Base condition shall apply:
 1. James Shade / Crown Charter School, Inc. and/or Dakota Fabricating, Inc. and/or the future property owner shall notify future occupants/tenants that they are located near a military airport with the following language:
 2. "You are locating in a residential dwelling outside the "territory in the vicinity of a military airport," however aircraft flying in this area are authorized to fly as low as 1,500 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.
 3. 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.

4. 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.
 5. 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.
 6. 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."
 7. Such notification shall be permanently posted on not less than a 3 foot by 5 foot sign in front of all leasing offices and be permanently posted on the front door of all leasing offices on not less than 8½ inch by 11 inch sign.
- i. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years, within which time all parcels within the R-5 RUPD zoning district shall be subject of an approved plan of development or final subdivision plat, and an issued infrastructure permit for ultimate residential development. If this term is not met the Planning and Development Department may present the R-5 RUPD zoning for Z2020078 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.

REGULAR AGENDA

Title: Group Homes (Cont. from 12/9/20)
Case #: TA2018002
Supervisor District: All Districts
Applicant: Rod Jarvis of 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** of TA2018002 with revised language proposed by the Applicant (at that time).

Request for
Continuance: The Applicant has agreed to an indefinite continuance of TA2018002. Staff recommends the Board move for an **indefinite continuance** of TA2018002.