

**BOARD OF SUPERVISORS' HEARING**  
**PLANNING AND ZONING AGENDA**  
**June 9, 2021**

**CONSENT AGENDA**

Title: Luke Land 58  
Case #: CPA2021004  
Supervisor District: 4  
Applicant / Owner: Jack Gilmore, Gilmore Planning and Landscape Architecture / Luke Land 58 LLC  
Request: Modification to Condition 'f' of CPA2015001 regarding status report approvals  
Site Location: Approximately the northwest corner of Glendale Ave. and the 127<sup>th</sup> Ave alignment in the Glendale area  
Commission Recommendation: On 5/13/21, the Commission voted 10-0 to recommend **approval** of CPA2021004 subject to conditions 'a' – 'f':

- a. Development and use of the site shall comply with the narrative report entitled, "A Comprehensive General Plan Amendment for Luke Land 58", including all exhibits dated revised February 19, 2015, and stamped received February 20, 2015, except as modified by the following conditions.
- b. If the Board takes action to amend or revert/rescind subsequent zoning, this land use plan shall be considered for amendment to change the land use designation back to the prior Mixed Use Employment.
- c. The total number of residential units shall not exceed 274 dwelling units.
- d. Prior to initial Final Plat approval or initial precise plan of development, the applicant shall submit to the Maricopa County Planning and Development Department a "will serve" letter and verification of approval of a Maricopa Association of Governments (MAG 208) amendment from Liberty Utilities.
- e. The following Luke Air Force Base condition shall apply:

Luke Land 58 shall notify future occupants/tenants that they are located near a military airport with the following language:

"You are locating in a residential dwelling inside the State Statute defined "territory in the vicinity of a military airport," which means that 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.

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](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

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.

- 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 owner to enjoy uses in excess of those permitted by the land use existing on the date of application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that 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. The Comprehensive Plan Amendment enhances the value of the property above its value as of the date the Comprehensive Plan Amendment is granted and changing to the prior land use designation results in the same value of the property as if the Comprehensive Plan Amendment had never been granted.

Title:	Arizona Natural Concepts
Case #:	Z2020069
Supervisor District:	3
Applicant / Owner:	Michelle Green, Lazarus & Silvyn P.C. / Desert Hills III, LLC
Request:	Interim Special Use Permit (SUP) for the expansion of an existing marijuana dispensary to allow on-site marijuana cultivation for export in a separate building on the same property
Site Location:	Generally located 1,740' east of the southeast corner of Carefree Hwy. and 7 <sup>th</sup> Street in the Desert Hills area
Commission Recommendation:	On 5/13/21, the Commission voted 10-0 to recommend <b>approval</b> of Z2020069 subject to conditions 'a' – 'g':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "ANC Dispensary", consisting of three full-size sheets, dated March 26, 2021, and stamped received April 6, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Arizona Natural Concepts (ANC)", consisting of five pages, dated April 2, 2021, and stamped received April 6, 2021, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
  1. The SUP does not appear to have any changes to the existing POD. If the site will have Building Permits that do not reflect the existing POD, provide Engineered Grading and Drainage Plans for the updated POD.
  2. The property is within FEMA Zone AE Floodway and FEMA Zone AE Floodplain. Any work on the site will require a Flood Use Permit.
  3. Any construction (driveway, utilities, etc.) within Carefree Highway Right-of-Way will require a Maricopa County Department of Transportation (MCDOT) Right-of-Way Permit.
  4. No modification to the existing building exterior without an Engineered Grading & Drainage Plan and an updated POD.
  5. Without the submittal of a precise plan of development, no new or existing 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.
  6. 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.
  7. 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. This special use permit is valid for a period of ten (10) years and shall expire on June 9, 2031, 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.

- e. Prior to occupying the existing structure or any portion thereof for any use associated with the Special Use Permit, the applicant shall obtain a Certificate of Occupancy for the retrofitted building prior to occupancy.
- 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.

Title: Akron Lot Split  
Case #: Z2021018  
Supervisor District: 2  
Applicant / Owner: Ephrem Jando / Greg LLC  
Request: Rezone from R1-8 to R1-8 RUPD  
Site Location: Generally located 135' east of the intersection of Crimson Rd. and Akron St. in the Mesa area

Commission  
Recommendation: On 5/13/21, the Commission voted 10-0 to recommend **approval** of Z2021018 subject to conditions 'a' – 'f':

- a. Development of the site shall be in substantial conformance with the Narrative Report consisting of 3 pages, stamped received March 20, 2021.
- b. The following Planning Engineering conditions shall apply:
  - 1. Driveway access to Akron Street must be paved and will require a permit from MCDOT issued concurrent with building permit(s) required for site development. Drainage flow along the roadway must be maintained.
  - 2. 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.

- c. The following R1-8 RUPD standards shall apply:
  - 1. Height: 30 feet
  - 2. Rear yard: 25 feet
  - 3. Lot Area: 8,000 square feet
  - 4. Lot Width: 64 feet.
- d. 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.
- 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.

Title: AES Westwing Battery Storage  
Case #: Z2020093  
Supervisor District: 4  
Applicant / Owner: Manish Kumar, AES Energy Storage LLC / Sunbelt Land Investment  
Request: Zone Change from Rural-43 to IND-2 IUPD  
Site Location: Parcels 503-53-007 and 503-53-009A, located approx. 600' east and south (respectively) of the SEC of Happy Valley Road and El Mirage Road, in the Peoria area

Commission Recommendation: On 5/13/21, the Commission voted 6-0 to recommend **approval** of Z2020093 subject to conditions 'a' – 'g':

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "AES Westwing Energy Storage", consisting of 1 full-size sheet, dated January 22, 2021, and stamped received April 6, 2021, except as modified by the following conditions.

- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "AES Westwing Energy Storage Project", consisting of 7 pages, dated March 15, 2021, and stamped received March 16, 2021 except as modified by the following conditions.
- c. The following IND-2 IUPD standards shall apply to both subject parcels 503-53-007 & 503-53-009A, or to the parcel specifically identified:
  - 1. Front Yard Setback: 15 ft. (503-53-007) and 10 ft. (503-53-009A).
  - 2. 14 ft. tall total height perimeter fence (8 ft. solid screen walls with 6 ft. intrusion detection system).
  - 3. Sight Visibility Triangles: 15 ft. both sides of eastern driveway and east side of western driveway, 5 ft. west side of western driveway (503-53-007).
  - 4. Reverse motion of vehicle into ROW allowed.
  - 5. AB gravel surface for internal driveways and parking spaces.
- d. The following Planning Engineering condition shall apply:
  - 1. 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.