

BOARD OF SUPERVISORS' HEARING
PLANNING AND ZONING AGENDA
February 23, 2022

CONSENT AGENDA

Title: Crossriver RV Storage
Case #: Z2021096
Supervisor District: 4
Applicant & Owner: Gary McCoskey / X9 CRVS LLC
Request: Special Use Permit (SUP) for an RV storage facility in the Rural-43 zoning district
Site Location: Generally located 300' east of the SEC of Harmony Ln. and 119th Ave. in the Sun City area
Commission Recommendation: On 1/27/22, the Commission voted 8-0, to recommend **approval** of Z2021096 subject to conditions 'a' – 'i'.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "2", consisting of 2 full-size sheets, dated September 22, 2021, and stamped received October 1, 2021, except as modified by the following conditions. Staff will determine if slight refinements to the site plan remain in substantial conformance. Amendments may be major or minor in accordance with Chapter 3 of the Maricopa County Zoning Ordinance.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Crossriver RV Storage LLC", consisting of 5 pages, dated August 10, 2021, and stamped received October 1, 2021, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - 1. 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.
 - 2. Based on the conceptual design nature of the information submitted, changes to the site layout may be necessitated by the final engineering design of the site.
 - 3. Detailed Grading and Drainage Plans must be submitted with the application for Building Permit.
- d. This special use permit is valid for a period of twenty (20) years and shall expire on February 2042, 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. Site Screening: 8' minimum CMU Block Wall on the south, east, and west property boundaries. 6' minimum CMU Block Wall on the north property boundary.
- f. All buildings subject to noise attenuation as per ARS § 28-8482(B).
- g. 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.
- h. 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.
- 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: 194th Street & Riggs Road
Case #: Z2021129
Supervisor District: 1
Applicant & Owner: Zachary Pebler, Zachary A. Pebler, PLLC./Deborah Waugh
Request: Zone Change from Rural-43 to R1-35
Site Location: Generally located at the SEC of 194th St. & Riggs Rd.
Commission
Recommendation: On 1/27/22, the Commission voted 6-2, to recommend **approval** of Z2021129.

REGULAR AGENDA

Title: White Tank Foothills Phase 3 (Cont. from 1/26/22)
Case #: DMP2021001
Supervisor District: 4
Applicant & Owner: Brennan Ray, Burch & Cracchiolo, P.A. / Citrus & Lower Buckeye, LLC
Request: Major Amendment of White Tank Foothills Development Master Plan (DMP) to change the land use designations from Small Lot Residential (2 – 5 du/ac) and Rural (0-1 du/ac) to Small Lot Residential (5 – 8 du/ac) and Transitional Lot (3 -5 du/ac)
Site Location: Generally located at the NWC of Citrus Rd. and Northern Ave. in the Glendale area
Commission Recommendation: On 11/4/21, the Commission voted 5-1, to recommend **approval** of DMP2021001 subject to conditions ‘a’ – ‘v’.

Additional Comments: The applicant is requesting to amend the DMP and rezone for an increased lot yield in Phase 3. The previously approved DMP allowed for a maximum of 387 units in Phase 3, or 1.58 du/ac. The amendment will increase the lot yield to 654 units at 2.67 du/ac. The subject site is the third and final phase of the White Tank Foothills residential community. The applicant had the cases continued from the December 8, 2021 and January 26, 2022 BOS hearings. The Board instructed the applicant to work with the neighbors on a modified project with a lower density. In review of the modified Phase 3 amendment, staff offers the following modifications to the Commission recommended **DMP2021001** conditions ‘a’ – ‘v’:

- a. Development shall comply with the Development Master Plan Narrative Report entitled “White Tank Foothills”, dated January 26, 2022, and stamped received January 27, 2022, including all exhibits, maps, and appendices, except as modified by the following conditions.
- b. Changes with regard to use and intensity, or changes to any of the approved conditions shall be processed as a revised application with approval by the Board of Supervisors upon recommendation by the Maricopa County Planning and Zoning Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, subdivision regulations, and zoning ordinance in effect at the time of application(s) submission. The Maricopa County Planning and Development Department may approve minor changes as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the narrative report, maps, and exhibits, or the conditions of approval will be treated as a violation in accordance with Maricopa County Procedures.
- c. The master developer shall be responsible for the construction of all public and private on-site roads within the Development Master Plan. Further, the applicable homeowner’s association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and facilities, washes, parks, roadway

- median landscaping, landscaping within public rights-of-way, and all pedestrian, bicycle, and multi-use paths.
- d. Landscaping of all common areas and open spaces, except for identified recreational areas shall consist of indigenous and or low water use species.
 - e. The Development Master Plan shall be developed sequentially as depicted on the phasing diagram contained in the narrative report.
 - f. The total number of residential dwelling units of White Tank Foothills Phase 3 shall not exceed 654 dwelling units. Overall, the total number of residential dwelling units for the entire White Tank Foothills master community shall not exceed 1,630 dwelling units. To help ensure compliance, the cumulative number of dwelling units completed to date, in relation to the identified limit, shall be identified on all plats.
 - g. The master developer shall notify all future residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8-½ by 11-inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).
 - h. All park facilities shown on plats shall be completed concurrently with residential development. Park facilities and amenities shall be identified on all applicable plats.
 - i. Not less than 50.36 acres shall be reserved for active and passive open space. Further, the project shall have not less than five pocket parks and one off-site park as depicted on the parks plan exhibit in the narrative. Further, not less than six pocket parks and off-site park shall be provided. At the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative open space acreage and park numbers with respect to the requirements of this condition. A description of the types of recreational amenities that will be included in the pocket parks and off-site park shall be submitted with all preliminary plats.
 - j. Unless otherwise agreed to in writing by the applicable school districts, not less than 15-acre school site and a minimum of 15 acres shall be reserved. Said school shall not front on to arterial streets.
 - k. Development phasing shall assure two access points are provided.
 - l. Bike lanes shall be required on all arterial and collector streets as specified in the Maricopa County Bicycle Transportation System Plan.

- m. Prior to approval of the final plat, a total half-width 65-foot right-of-way shall be dedicated for Citrus Rd. and Northern Ave.
- n. Prior to approval of the final plat, a total half-width 55-foot right-of-way shall be dedicated for Perryville Rd. with a ten-foot roadway and utility easement shall be provided adjacent to the right-of-way.
- o. Prior to approval of each applicable final plat of any subdivision within a phase containing Olive Ave., the developer will be obligated to construct (or post the necessary financial assurances) the ultimate half-width roadway for the extent of Olive Ave. in that phase.
- p. Prior to approval of each applicable final plat of any subdivision within a phase containing Citrus Rd., the developer will be obligated to construct (or post the necessary financial assurances) the ultimate half-way width roadway for the extent of Citrus Rd., in that phase.
- q. Prior to approval of each applicable final plat of any subdivision within a phase containing Perryville Rd., the developer will be obligated to post a five-year performance bond (in the amount of the total estimated construction costs) for a half-width roadway for the extent of Perryville Rd. in that phase.
- r. Prior to approval of each applicable final plat of any subdivision within a phase containing Northern Ave., the developer will be obligated to construct or post a five-year performance bond (in the amount of the total estimated construction costs) for a half width roadway for the extent of Northern Ave. in that phase. Prior to expiration of the bond, Maricopa County will determine the necessity for the roadway and developer's share of the responsibility.
- s. The applicant shall provide offsite improvements and related right-of-way as recommended in any approved White Tank Foothills Impact Study.
- t. Access points and median openings on all arterial streets shall be consistent with any approved White Tank Foothills Impact Study.
- u. Prior to initial Final Plat approval or initial precise plan of development approval, the applicant shall submit to the Maricopa County Planning and Development Department confirmation of service by City of Surprise and verification of approval of a 208 Amendment approved by the Maricopa Association of Governments Regional Council.
- v. Any alteration of existing natural washes shall be done in compliance with the rules and guidelines set forth by the United States Army Corps of Engineers.

Title: White Tank Foothills Phase 3 (Cont. from 1/26/22)
Case #: Z2021050
Supervisor District: 4
Applicant & Owner: Brennan Ray, Burch & Cracchiolo, P.A. / Citrus & Lower Buckeye, LLC

Request: Zone Change from R1-6 RUPD PAD, R1-7 RUPD PAD, R1-8 RUPD PAD, R1-18 RUPD PAD and Rural-43 PAD to R1-6 RUPD PAD, R1-7 RUPD PAD, and R1-10 RUPD PAD accommodating a single-family residential subdivision

Site Location: Generally located at the NWC of Citrus Rd. and Northern Ave. in the Glendale area

Commission Recommendation: On 11/4/21, the Commission voted 5-1, to recommend **approval** of Z2021050 subject to conditions 'a' – 'n'.

Additional Comments: The applicant is requesting to amend the DMP and rezone for an increased lot yield in Phase 3. The previously approved DMP allowed for a maximum of 387 units in Phase 3, or 1.58 du/ac. The amendment will increase the lot yield to 654 units at 2.67 du/ac. The subject site is the third and final phase of the White Tank Foothills residential community. The applicant had the cases continued from the December 8, 2021 and January 26, 2022 BOS hearings. The Board instructed the applicant to work with the neighbors on a modified project with a lower density. In review of the modified Phase 3 amendment, staff offers the following modifications to the Commission recommended **Z2021050** conditions renumbered 'a' – 'o' with revision to conditions 'a', 'b' and 'j', deletion of 'f.3', and addition of 'h.1-3' and 'i.7' as follows:

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "White Tank Foothills", consisting of three full-size sheets, dated January 21, 2022, and stamped received January 27, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "White Tank Foothills", consisting of 17 pages, dated January 26, 2022, and stamped received January 27, 2022, except as modified by the following conditions.
- c. 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 polices, standards and best practices at the time of application for construction.
- d. All 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 three foot by five 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.

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.

f. The following R1-6 RUPD development standards shall apply:

1. Maximum rear yards of 15-feet.
2. Minimum lot size of 5,175 sq. ft.
3. Average lot area per dwelling unit of 8,000 sq. ft.
4. Maximum lot coverage of 60 percent.

g. The following R1-7 RUPD development standards shall apply:

1. Maximum rear yards of 15-feet.
2. Minimum lot width of 55-feet.
3. Average lot area per dwelling unit of 9,000 sq. ft.
4. Maximum lot coverage of 60 percent.

h. The following R1-8 RUPD development standards shall apply:

1. Minimum rear yards of 15-feet.
2. Maximum lot coverage of 60%.

3. All lots adjacent to Harmont Dr. and Citrus Rd. shall have minimum lot widths of 75-feet with maximum structure height of 24-feet, all of which must be noted on each plat.
- i. The following R1-10 RUPD development standards shall apply:
 1. Minimum front yards of ten feet.
 2. Minimum side yards of five feet.
 3. Minimum street side yards of five feet.
 4. Minimum rear yards of 20 feet.
 5. Minimum lot width of 75 feet.
 6. Maximum lot coverage of 50 percent.
 7. All residential lot located in the R1-10 RUPD zoning district shall have a minimum lot widths of 90-feet and a maximum structure height of 24-feet, all of which must be noted on each plat.
 - j. There shall be at minimum three-foot-high shielded bollard lighting in pocket parks and amenity areas to minimize light pollution and maintain safety in these areas of the subdivision.
 - k. All residential lots in Parcels 3.17 and 3.18 adjacent to and facing White Tank Foothills Phase 1 shall have a minimum lot width of 65-feet with a maximum height of 24-feet, all of which must be noted on each plat.
 - l. There shall be a ten-foot-wide multi-use trail along Northern Ave. outside of the ultimate right-of-way and public utility easement.
 - m. 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.
 - n. 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.
 - o. 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:

WestWing Recycling & Transfer Station

February 23, 2022 Board of Supervisors' Hearing – P&Z Agenda

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Case #: Z2021090
Supervisor District: 4
Applicant & Owner: Gammage & Burnham PLC – Stephen Anderson / WestWing Business Park LLC
Request: Zone Change with Overlay from IND-2 IUPD to IND-3 IUPD
Site Location: Generally located approx. 3,060' NE of the intersection of El Mirage Rd & Loop 303
Commission Recommendation: On 1/27/22, the Commission voted 6-0, to recommend **approval** of Z2021090 subject to conditions 'a' – 'u':

- a. Development of the site shall be in conformance with the Legal Description entitled "Warranty Deed", consisting of 4 pages, dated June 19, 2018, and stamped received August 5, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "WestWing Transfer Facility", consisting of 6 full-size sheets, dated December 14, 2021, and stamped received December 17, 2021, except as modified by the following conditions. Staff of the Planning & Development Department may determine slight refinements to remain in substantial conformance to this exhibit/plan in a future Plan of Development application. Major and minor amendments to a Plan of Development will be determined in accordance with Chapter 3 of the zoning ordinance.
- c. Development of the site shall be in substantial conformance with the Narrative Report entitled "WestWing Recycling & Transfer Facility Narrative", consisting of 28 pages, dated December 16, 2021, and stamped received December 17, 2021, except as modified by the following conditions.
- 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. No permits for development of this project shall be issued until permits for the construction of the required offsite infrastructure are issued. Development of the site is contingent on offsite roadway and utility improvements to access and serve the site. The offsite improvements are not considered part of the entitlement for this application. Permitting for the offsite improvements requires approval from a multitude of permitting agencies (PA) as follows:
 - a. El Mirage Road at Loop 303 (PA: ADOT)
 - b. El Mirage Road from Loop 303 to E/W Connector Road (PA: MCDOT)
 - c. E/W Connector (Private) Road within FCDMC Owned Property(McMicken Dam Outflow) (PA: FCDMC)

- d. Remainder of E/W (Private) Connector Road (PA: PND)
- e. ASLD approval for all public/private R/W

3. 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. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years, within which time the Plan of Development and initial subdivision infrastructure or Plan of Development and initial construction permit must be obtained.
- f. All recycling and waste shall be transferred off of the facility floor on a daily basis leaving the floor to rest overnight empty of waste and debris.
- g. All floors within the recycling and waste transfer shall be swept free of debris and cleansed at the end of daily operations.
- h. A single loading truck is permitted to remain within the facility overnight.
- i. Under no circumstance shall trucks harboring recycling or waste be permitted to be stored overnight on the exterior of the facility beyond the hours of operation stated in the applicant's narrative.
- j. No alternative storage container shall harbor recycling or waste overnight.
- k. The recycling and waste transfer facility bay doors shall be closed overnight.
- l. One day per month, the operator of the recycling and waste transfer facility shall host a free bulk trash disposal day in accordance with the regular public hours of operation stated in the narrative and in accordance with public participation documents submitted by the applicant.
- m. The operator of the recycling and waste transfer facility shall provide a dedicated hotline for community complaints or questions in accordance with the public participation documents submitted by the applicant.
- n. Following final construction permit approval of a transfer station, an annual status report shall be submitted by the owners of the property for the first five years of operation. The status report shall be administratively reviewed by Planning and Development with the ability to administratively accept or to carry the status report to the Board of Supervisors (Board) to review compliance with the conditions of approval, upon recommendation by the Planning and Zoning Commission (Commission) for consideration of amendments or revocation of zoning. The status report shall address the following:

- 1. Compliance with the conditions of approval;

2. Number of free bulk trash disposals processed as part of the community's monthly free bulk disposal day;
 3. The nature of any complaints received by members of the public and resolution actions taken;
- o. Conditions 'f' through 'i' will expire upon the successful acceptance of five annual status reports as required of condition 'n'.
- p. The following IND-3 IUPD standards shall apply:
1. Height: 40'
 2. Min. Front Yard: 10'
 3. Min. Side Yard: 5'
 4. Min. Rear Yard: 25'
 6. Parking: Nine (9) regular parking spaces including one (1) ADA space shall be required for the recycling and waste transfer facility only. All other uses developed shall be required to adhere to MCZO Chapter 11 – Section 1102 parking regulations.
 7. Sight Visibility Triangles: Two (2) required sight visibility triangles at the primary ingress and egress proposed in the zoning exhibit are waived.
 8. Screening: A 6' tall solid wall or a fence made of composite materials or masonry shall be required and shall be fully opaque. Slatted chain link and chain link fencing for perimeter screening shall be prohibited.
 9. Directory Signs: Maximum sign area of 24 sq. ft. and shall not exceed 8' (h).
 10. Directional Signs: Maximum sign area of 12 sq. ft.
 11. Wall Signs:
 - a. The total aggregate area of all wall signs on a property shall not exceed fifteen percent (15%) of one (1) face/plane of a single/multitenant building, or wall plane of an individual business frontage where more than one (1) tenant occupies the building.
 - b. Face plane is measured as a vertical plane from the ground to top of parapet or eave line of pitched, or mansard roof. Where a parapet is behind a hip roof, shall follow the eave line.
 - c. If a property has multiple buildings, the property owner may choose which building face plane is used to calculate aggregate sign area.
 12. Freestanding Sign including Center Identification Signs:
 - a. One (1) freestanding sign shall be allowed oriented and located adjacent to the Loop 303 Freeway subject to the following:
 1. Shall not exceed 60' in height.
 2. Shall not exceed 250 sq. ft. in sign area per face.
 3. Shall not be included in the calculation of the total

- number of other freestanding signs outlined below and/or wall signs permitted.
 - 4. Minimum separation: 200' separation from any other freeway freestanding sign or off-site advertising sign.
 - 5. 50' from non-freeway lot lines, 200' from rural or residentially zoned properties.
 - 6. No EMDs allowed with freeway freestanding sign.
 - 7. Base of sign must be at least 35% of the full sign width.
 - b. All other freestanding signs shall comply with the following development standards:
 - 1. Shall not exceed 150 sq. ft. in sign area.
 - 2. Shall not exceed 24' provided that any signs within 100' of a rural or residential zone, unless developed for non residential use, shall not exceed 12' in height; however, for each 5' beyond the 100', the maximum may increase 1' to the maximum height of 24'.
 - c. May be a moving, rotating or revolving sign; however, no sign shall rotate faster than seven (7) revolutions per minute.
 - d. Remaining permitted standards of industrial signage that are not shown herein shall be permitted.
- q. The following uses shall be permitted in the IND-3 IUPD zoning district:
 - 1. Recycling and waste transfer station; and,
 - 2. All uses permitted in the IND-2 IUPD zoning district.
- r. Administrative approval of a Plan of Development will be required prior to approval and issuance of construction permits to develop and establish use of the site. Prior to issuance of a building permit, written confirmation will be required from the emergency fire protection jurisdiction having authority that the facility has been designed in accordance with their regulations and requirements, and that emergency fire protection service will be provided to the facility. Prior to issuance of the certificate of occupancy, local fire protection jurisdiction review and approval will be required.
- s. 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.
- t. 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.
- u. 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.