

BOARD OF SUPERVISORS' HEARING
PLANNING AND ZONING AGENDA
March 9, 2022

CONSENT AGENDA

Title: Marrs Corporate Offices
Case #: Z2021037
Supervisor District: 3
Applicant & Owner: Dan Filuk, KDF Architectural Group, LLC / Tim Marrs, Marrs Construction
Request: Zone Change from Rural-43 to IND-2 IUPD with a Plan of Development for a corporate office with outdoor storage of construction equipment and vehicles
Site Location: Generally located ½ mile southwest of the southwest corner of 7th Ave. and Happy Valley Rd. in the Phoenix area
Commission
Recommendation: On 2/10/22, the Commission voted 7-0, to recommend **approval** Z2021037 subject to the following conditions 'a' – 'h':

- a. A Plan of Development is approved subject to site plan entitled "Marrs Corporate Offices" consisting of three full-sized sheets, dated December 20, 2021, and stamped received December 21, 2021. The Plan of Development may be amended administratively under separate application as long as the amendment complies with the established IND-2 IUPD development standards approved by the Board of Supervisors. Staff may determine slight refinements to remain in substantial conformance with the approved site plan. Minor and major amendments to the approved site plan will be determined 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 "Marrs Construction – Corporate Offices", consisting of six pages, dated October 11, 2021, and stamped received October 12, 2021, except as modified by the following conditions.
- c. The IUPD zoning on this site shall restrict uses to office and construction storage.
- d. The following Planning Engineering conditions shall apply:
 1. The off-site flows across 11th Avenue into the site must be maintained.
 2. At the time of application for building permits, retention basin side slopes can be designed with 3:1 side slopes, except that a minimum 12-foot wide section must be designed with 4:1 side slopes to provide a "safety ramp". This "ramp" must connect to the GSA with binder or other accessible area of the site.
 3. No improvements shall be permitted within the unabandoned portions of the Federal Patent Easements surrounding the site.

4. Drainage review of planning/ 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.
 5. 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.
 6. The entire site and adjacent half-street's runoff shall be retained onsite. If portions of adjacent right-of-way are controlled by other jurisdictions, the adjacent half-street's runoff shall be retained, unless separately addressed by the other jurisdictions.
 7. Sufficient retention volume shall be provided on-site to retain the required 100-year, two-hour runoff from all contributing areas. Retention basins with stormwater depths exceeding one-foot shall provide one-foot of freeboard.
 8. All retention basins shall drain within 36 hours per County requirements.
- e. The following IND-2 IUPD standards shall apply:
1. The use of six-foot-high fences with screening materials shall be used for screening.
 2. The use of compacted asphalt millings with a petroleum binder shall be used to minimize dust pollution emanating from driveways, parking areas, and storage areas.
 3. Outdoor storage shall be allowed in both the required front and street side yards of the property.
 4. There shall be no landscaping in both the required front and street side yards of the property.
- f. 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 services will be provided to the facility. Prior to issuance of the certificate of occupation, local fire protection review and approval will be required.
- 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.

Title: Marbella Ranch East Phase 2
Case #: Z2021149
Supervisor District: 4
Applicant & Owners: Joe Walsh, Walsh Design Group / Henderson Properties, LLC; Rim Village III, LLC; Marbella Ranch East, LLC
Request: Zone Change from Rural-43 to R-5 RUPD
Site Location: Approx. 750' south of the SEC of Northern Ave. and El Mirage Rd., in the Glendale area
Commission
Recommendation: On 2/10/22, the Commission voted 7-0, to recommend **approval** of Z2021149 subject to conditions 'a' - 'j':

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Marbella Ranch East", consisting of 1 full-size sheet, dated December 24, 2021 and stamped received December 28, 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 Marbella Ranch East", consisting of 6 pages, dated December 24, 2021 and stamped received December 28, 2021, except as modified by the following conditions.
- c. The R-5 RUPD zoning district shall have a maximum of 400 residential units and shall be subject to the following R-5 RUPD zoning district standards:
 1. Minimum front yard: 15 ft.
 2. Minimum rear yard: 15 ft.
 3. Minimum lot area: 3,000 sq. ft.
 4. Minimum lot width: 40 ft.
 5. Garage setback to alley line: 3 ft.
- d. The following Planning Engineering conditions shall apply:
 1. Without the submittal of a precise plan of development, no development approval is implied 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. A traffic impact study (TIS) must be submitted with future entitlement (preliminary plat or POD) application(s).
 3. The eastern border of the site is within the Agua Fria River Floodway and Floodplain. No fill will be allowed within the Floodway. Future entitlement (preliminary plat or POD) application(s) must address floodplain/floodway and erosion protection.
 4. 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. All buildings subject to noise attenuation as per ARS § 28-8482(B).
- f. 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.

- g. 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.
- 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, 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.
- j. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years, within which time the subject site shall obtain an approved plan of development or final subdivision plat, and an issued infrastructure permit for initial development. If this term is not met the Planning and Development Department may present the R-5 RUPD zoning for Z2021149 to the Board of Supervisors (Board), upon recommendation by the Planning and Zoning Commission (Commission), for consideration of amendments or revocation of zoning due to undeveloped parcels.

REGULAR AGENDA

Title: White Tank Foothills Phase 3 (Cont. from 2/23/22)
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, as now modified, will increase the lot yield to 654 units at 2.63 du/ac. The subject site is the third and final phase of the White Tank Foothills Development Master Plan (DMP) residential community. The applicant had the cases continued from the December 8, 2021, January 26, 2022 and February 23, 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' with revisions to conditions 'a', 'f' and 'i':

- a. Development shall comply with the Development Master Plan Narrative Report entitled "White Tank Foothills", dated February 25, 2022, and stamped received February 28, 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 1,621 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 2/23/22)
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, as now modified, will increase the lot yield to 654 units at 2.63 du/ac. The subject site is the third and final phase of the White Tank Foothills Development Master Plan (DMP) residential

community. The applicant had the cases continued from the December 8, 2021, January 26, 2022 and February 23, 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 'a' – 'q' renumbered with revision to conditions 'a' , 'b' and 'k', deletion of 'f.3', and addition of 'g.5', 'h.1-3', 'i.7', 'p' and 'q':

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "White Tank Foothills", consisting of five pages, dated February 25, 2022, and stamped received February 28, 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 February 25, 2022, and stamped received February 28, 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.
5. All lots in Parcel 3.17 and 3.19 adjacent and facing White Tank Foothills Phase 1 shall have minimum lot widths of 65-feet, all of which must be noted on each plat.

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, 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 lots in the R1-10 RUPD zoning district shall have a minimum lot width of 90-feet and a maximum 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. Those lots identified on the fifth page of the zoning exhibit entitled "Single Story Restricted Lots" shall be restricted to a single-story with a maximum height of 24-feet and the developer shall ensure these restrictions match this exhibit and are identified 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.
- p. There shall be no RV garages for lots of Parcel 3.17 and 3.19 adjacent to and facing White Tank Foothills Phase1 and for lots of Parcel 3.11 in the R1-8 RUPD zoning district.
- q. Those lots identified on the third page of the zoning exhibit with restricted lot widths and lot depths shall be identified on each plat.