

**BOARD OF SUPERVISORS' HEARING**  
**PLANNING AND ZONING AGENDA**  
**April 6, 2022**

**CONSENT AGENDA**

Title: Zanjero Trails Parcel 31B  
Case #: S2021022  
Supervisor District: 4  
Applicant / Owner: HilgartWilson, LLC / Maricopa Water District  
Request: Replat of Zanjero Trails Parcel 31B for Parcel 31, which comprises 103 residential lots and 9 tracts in the R1-6 RUPD PAD zoning district  
Site Location: Generally located Approx. 1,100 ft. west of the SWC of Glendale Avenue and Perryville Road, in the Buckeye area

Staff  
Recommendation: **Approval**

Title: Zanjero Trails Parcel 31C  
Case #: S2021023  
Supervisor District: 4  
Applicant / Owner: HilgartWilson, LLC / Maricopa Water District  
Request: Replat of Zanjero Trails Parcel 31C for Parcel 31, which comprises 124 residential lots and 16 tracts in the R1-6 RUPD PAD zoning district  
Site Location: Generally located Approx. 1,100 ft. west of the SWC of Glendale Avenue and Perryville Road, in the Buckeye area

Staff  
Recommendation: **Approval**

Title: Zanjero Trails Parcel 31D  
Case #: S2021025  
Supervisor District: 4  
Applicant / Owner: HilgartWilson, LLC / Maricopa Water District  
Request: Replat of Zanjero Trails Parcel 31D for Parcel 31, which comprises 106 residential lots and 11 tracts in the R1-6 RUPD PAD zoning district  
Site Location: Generally located Approx. 1,100 ft. west of the SWC of Glendale Avenue and Perryville Road, in the Buckeye area

Staff  
Recommendation: **Approval**

Title: Zanjero Trails Parcel 31E  
Case #: S2021026  
Supervisor District: 4  
Applicant / Owner: HilgartWilson, LLC / Maricopa Water District  
Request: Replat of Zanjero Trails Parcel 31E for Parcel 31, which comprises 89 residential lots and 11 tracts in the R1-6 RUPD PAD zoning district  
Site Location: Generally located Approx. 1,100 ft. west of the SWC of Glendale Avenue and Perryville Road, in the Buckeye area

Staff  
Recommendation: **Approval**

Title: Zanjero Trails Parcel 31  
Case #: S2021027  
Supervisor District: 4  
Applicant / Owner: HilgartWilson, LLC / Maricopa Water District  
Request: Offsite Infrastructure Plat of Zanjero Trails Parcel 31, which comprises 422 residential lots and 48 tracts in the R1-6 RUPD PAD zoning district  
Site Location: Generally located Approx. 1,100 ft. west of the SWC of Glendale Avenue and Perryville Road, in the Buckeye area

Staff  
Recommendation: **Approval**

Title: 4202 & 4150 W. Sunland Ave.  
Case #: Z2021123  
Supervisor District: 5  
Applicant & Owner: Peter Batsholet / IV Bat Holdings, LLC  
Request: Rezone from Rural-43 to IND-2 IUPD  
Site Location: Generally located 670' east of the NEC of Sunland Ave. and 43<sup>rd</sup> Ave. in the Phoenix area

Commission  
Recommendation: On 3/10/22, the Commission voted 7-0, to recommend **approval** Z2021123 subject to the following conditions 'a' – 'f':

- a. The IUPD 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.
- b. 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.
- c. Subject to the following Planning Engineering conditions:
  1. Without the submittal of a precise plan of development, no approval is implied 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. Any development must ensure that historic drainage patterns are maintained at the up and downstream limits of development.

3. A traffic impact study must be submitted with any future entitlement application (i.e. plan of development).
  4. 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. 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: Harquahala Sun  
Case #: Z2021111  
Supervisor District: 5  
Applicant & Owners: Kimley-Horn & Associates – Keith Nichter / CV Harquahala LLC (C/O HV Sunrise, LLC) & Kawela One LLC (C/O HV Sunrise, LLC) – Matthew McCaffrey  
Request: Zone Change with Overlay from Rural-43 to IND-2 IUPD with Plan of Development  
Site Location: Generally located at the SWC of the intersection of 483rd Ave. & Courthouse Rd  
Commission Recommendation: On 3/10/22, the Commission voted 7-0, to recommend **approval** of Z2021111 subject to conditions ‘a’ – ‘k’:

- a. The initial Plan of Development shall be developed in substantial conformance with the Site Plan entitled “Harquahala Sun Site Plan” consisting of 17 full-size sheets, dated March 1, 2022, and stamped received March 1, 2022, except as modified by the following conditions. Staff may determine slight refinements to

remain in substantial conformance with the approved site plan. Minor and major amendments to the 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 "Harquahala Sun Narrative Report", consisting of 14 pages, dated February 25, 2021, and stamped received March 1, 2022 except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
  1. At the time of application for building permits, the plans or a drainage exhibit must identify (quantity) offsite flows entering the site,
  2. At the time of application for building permits, retention basin design for basins located in a floodplain must be revised to provide excavated basins.
  3. Retention basin volumes must be sized for the 100 year, 2 hour storm event. Retention basins must drain within 36 hours.
  4. At the time of application for building permits, the weighted runoff coefficient to size retention basins must be verified and be based on C=0.95 for the panels, C=0.88 for gravel access roads; and C=0.5 for unimproved areas.
  5. At the time of application for building permits, detailed grading and drainage plans must show diversions necessary to direct flows from solar development site to a retention basin. No flow from the solar development site shall be permitted to flow directly offsite (unretained).
  6. Electrical equipment, including inverters must be elevated to be at or above the regulatory flood elevation for each respective flood zone; or otherwise floodproofed.
  7. Work with the floodplains will require a floodplain use permit issued concurrent with the building permits.
  8. Extension of the gen-tie across FCDMC owned properties will require procurement of a Flood Control District R/W permit.
  9. Extension of the gen-tie within County (MCDOT) right-of-way may require procurement of a lease or license to occupy the right-of-way.
  10. Driveways C and D along 491<sup>st</sup> Avenue, south of Courthouse Road must align.
  11. The following R/W dedication and preservation will be required. R/W dedication must occur prior to issuance of building permits.

Dedication:

491<sup>st</sup> Avenue – 40' half width (80' full) right-of-way for a collector roadway

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Courthouse Road – 65' half width right-of-way

Preservation:

483<sup>rd</sup> Avenue – 40' half width right-of-way

499<sup>th</sup> Avenue – 65' half width right-of-way

12. 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's drainage infrastructure.
  13. Detailed Grading and Drainage (Site Infrastructure) Plans must be submitted with the application for Final Plat Approval and Building Permits.
  14. 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.
- d. The following IND-2 IUPD Zoning District standards shall apply:
1. Maximum Electric Transmission Line Height – 140'
  2. Maximum Lot Coverage – 60%
  3. Parking Spaces Required – None required
  4. Loading & Unloading Spaces Required - None required
  5. Landscaping – No landscaping strip required
  6. Sight Visibility Triangles – No sight visibility triangles are required at project site entry/access points and road intersection, section line, mid-section line or alignment corners
  7. Article 902.91 – All utility uses shall be permitted to be conducted outdoors
  8. Site Enclosure and Screening – Chain-link fencing and gates are permitted around the perimeter of the site boundaries except that opaque chain-link fencing with vinyl slats shall be required along any property line abutting a residential zoning boundary
  9. Pavement Required – Pavement not required for parking spaces with approval of a dust control plan by Maricopa County Air Quality Department.
- e. The applicant shall route their plans through the Department of Defense (DOD) siting clearinghouse process in accordance with the letter from Luke Air Force Base dated November 1, 2021. Based on those findings, a revised site plan shall be submitted in accordance with condition 'a' if required.
- f. The Owner or Developer shall address and respond to all recommendations of the Arizona Game and Fish Department (AZGFD) included in the letter dated February 24, 2022 at the time of construction permitting. The response shall be sent to AZGFD for review and consideration. The Zoning Inspector and/or their designee shall review the applicant's response, and any subsequent comments received from AZGFD, to determine whether the response issued by the Owner

or Developer addresses AZGFD comments in good faith. Should the Zoning Inspector and/or their designee decide that the Owner or Developer has not substantially addressed AZGFD comments in good faith, the Owner or Developer shall be required to propose and implement alternatives to the recommendations made by AZGFD.

- g. The Owner or Developer shall receive approval of a Cultural Resource Survey accordance with the comments received by AZSHPO in the letter dated July 8, 2021 prior to the issuance of building permits.
- h. The IND-2 IUPD shall limit the use of the site exclusively to a solar electric generating facility including ancillary offices and ancillary uses. Any other site uses shall require a Zone Change Major Amendment.
- i. 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.
- j. 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.
- k. 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 Zone Change, 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 Zone Change, 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 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.

## **REGULAR AGENDA**

Title: Luxury Storage RV & Boat  
Case #: Z2021034  
Supervisor District: 3  
Applicant & Owner: Thomas Hart, RA/ Thomas A. Hart Architecture & Planning, LLC / Shawn Schwanbeck, Luxury Storage RV & Boat, LLC  
Request: Special Use Permit (SUP) for commercial storage of RVs, boats and vehicles in the Rural-43 zoning district  
Site Location: 600' east of the SEC of Carefree Hwy. and 12<sup>th</sup> St. in the Desert Hills area  
Commission

Recommendation: On 3/10/22, the Commission voted 7-0, to recommend **approval** Z2021034 subject to the following conditions 'a' – 'q':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Luxury Storage RV & Boat, LLC", consisting of three full-size sheets, dated December 14, 2021, and stamped received December 28, 2021, except as modified by the following conditions. Staff may determine slight refinements to remain in substantial conformance with the approved site plan. Minor and major amendments to the 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 "Luxury Storage RV & Boat, LLC", consisting of eleven pages, dated December 14, 2021, and stamped received December 28, 2021, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
  1. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
  2. 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.
  3. The entire site and adjacent half-streets' runoff shall be retained onsite. If portions of adjacent right-of-way are controlled by other jurisdictions, the adjacent half-streets' runoff shall be retained unless separately addressed by the other jurisdictions.
  4. Retention basins with stormwater depths exceeding one foot shall provide one foot of freeboard and all retention basins shall drain within 36 hours per County requirements.
- d. The Following MCDOT conditions shall apply:
  1. There shall be a Right-In/Right-Out access only to the site and there shall be no left turn from the site or left turn from westbound Carefree Hwy. thru traffic to the site.
  2. There shall be a right-turn deceleration lane at the main entry driveway to limit site traffic impact to eastbound thru traffic on Carefree Hwy.
- e. This special use permit is valid for a period of ten years and shall expire on April 6, 2032, 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.
- f. There shall be no repair of RVs or boats on the site.
  - g. There shall be a maximum lot coverage of 50% on the site.
  - h. There shall be minimum interior side and rear yards of 15-feet on the site.
  - i. There shall be a minimum front yard adjacent to the Highway right-of-way of 50-feet with no average front setback.
  - j. All landscaping shall consist of indigenous trees, plants, shrubs, and groundcover typical of the Upper Sonoran Desert, preserving existing vegetation where possible and any landscaping used shall be drought tolerant with low water consumptive landscaping materials.
  - k. Any rooftop mechanicals, ground mechanicals, parking areas, trash enclosures, and transformers shall be screened.
  - l. All materials and colors used in screening walls, buildings, covered RV wash bay, and parking shade canopies must be muted and compatible with the desert environment and the architecture of the main office.
  - m. There shall be no reflective glass used in any building.
  - n. All outdoor lighting shall be dark sky compliant, low intensity, fully shielded, and directed downward at least 20% below the horizontal plane at bottom of light fixture so that no illumination occurs off site. All light poles or standards shall have a maximum height of 16-feet from surface grade of the parking lot, treated to minimize glare, placed at intervals, and setback a minimum of 20-feet from adjacent properties.
  - o. The developer must complete habitat and special status species evaluation and submit to the Arizona Game and Fish Department for review prior to the submission of building permits.
  - p. 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.
  - q. 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.