

**BOARD OF SUPERVISORS' HEARING**  
**PLANNING AND ZONING AGENDA**  
**May 18, 2022**

**CONSENT AGENDA**

Title: Bungalows at Glendale 303  
Case #: S2020015  
Supervisor District: 4  
Applicant / Owner: Sandy Hayden, HilgartWilson, LLC  
Request: Final Plat for a built-for-rent community containing one lot under common ownership in the IND-2 zoning district  
Site Location: Generally located 1,200' north of the NEC of Glendale Ave. and Cotton Ln. in the Glendale area

Staff  
Recommendation: **Approval**

Title: Vista Verde Unit 1 Replat  
Case #: S2021036  
Supervisor District: 2  
Applicant / Owners: Robert Jarrett P.E., Jarrett Engineering, LLC / Toll Brothers AZ Construction Company and Thomas Black  
Request: Final Plat for 5 residential lots in the R1-10 zoning district  
Site Location: Generally located on Lonesome Canyon Drive, approximately 250' west of Verde River Way, near the intersection of Rio Verde Drive and Verde River Way

Staff  
Recommendation: **Approval**

Title: AZ01-114 Donut/PHO Khussa  
Case #: Z2021038  
Supervisor District: 1  
Applicant & Owner: Eric Hurley, Pinnacle Consulting, Inc./ Luis Barocio  
Request: Special Use Permit (SUP) for a new Wireless Communication Facility in the Rural-43 RUPD Zoning District  
Site Location: SEC of Lindsay Road and Appleby Road, in the Gilbert area

Commission  
Recommendation: On 4/21/22, the Commission voted 8-0, to recommend **approval** of Z2021038 subject to conditions 'a' - 'i':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "AZ01-114 Donut / PHO Khussa", consisting of 6 full-size sheets, dated January 4, 2022, and stamped received February 23, 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 "AZ01-114 Donut / PHO Khussa", consisting of 9 pages, dated May 18, 2022 Board of Supervisors' Hearing – P&Z Agenda

February 7, 2022, and stamped received February 23, 2022, except as modified by the following conditions.

- c. The following Planning Engineering conditions shall apply:
  - 1. If combined disturbance area is 1500-sf or greater, Engineered Grading and Drainage Plans with retention basins are required.
  - 2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance, Drainage Policies and Standards and current engineering policies, standards and best practices at the time of application for construction.
  - 3. 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 Drainage Policies and Standards.
  - 4. The applicant should be aware that Lindsay Road is MCDOT Operated and Maintained. Any work in the MCDOT Right-of-Way will require a MCDOT Right-of-Way Permit.
- d. The maximum height of the Wireless Communication Facility shall be limited to 65'.
- e. This Special Use Permit allows for colocation of additional antenna, arrays and attachments but must maintain the integrity of the stealth design concealment elements and must maintain the setbacks (based on tower height) approved by this Special Use Permit.
- f. The wireless communication tower shall retain the stealth properties as originally designed. Any damaged or missing fronds or branches shall be replaced within 60 days of such damage occurring.
- g. This special use permit is valid for a period of 20 years and shall expire on May 18, 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.
- h. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of

application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Title: Marbella Well Site No. 2  
Case #: Z2021136  
Supervisor District: 4  
Applicant & Owner: Teresa Valentine, Valentine Environmental Engineers / Liberty Utilities  
Request: Plan of Development for a well site in the Rural-43 Military Airport and Ancillary Military Facility Overlay Zoning District  
Site Location: Approximately 2,900 feet west of El Mirage Rd. and 2,430 feet south of Northern Ave. in the Glendale area  
Commission  
Recommendation: On 4/21/22, the Commission voted 8-0, to recommend **approval** of Z2021136 subject to conditions 'a' – 'f':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Liberty Utilities Marbella Well Site No. 2", consisting of 7 full-size sheets, dated February 11, 2022, and stamped received February 11, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Liberty Utilities Marbella Well Site No. 2 Plan of Development Narrative Report - Revised", consisting of 7 pages, dated February, 2022, and stamped received February 11, 2022, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
  1. At the time of Building Permit, provide detailed Engineered Grading and Drainage Plans to show how the entire disturbed area will flow into the retention basin.
  2. The building Permit for Marabella wellsite No 2 cannot have the Final Inspections until after the Building Permit B20200905 and its MCDOT Permits have been finalized.
  3. 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.

4. 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.
  5. Any construction in MCDOT Right-of-Way of Northern Avenue must have a MCDOT Right-of-way Permit.
- d. 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.
  - e. 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.
  - 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 Plan of Development. The Plan of Development enhances the value of the property above its value as of the date the Plan of Development is granted and reverting to the prior zoning results in the same value of the property as if the Plan of Development had never been granted.

Title: Indicap – Olive & Reems  
Case #: Z2021155  
Supervisor District: 4  
Applicant & Owner: Kurt Jones, Tiffany & Bosco, P.A./ Lateral 20, LLC  
Request: Zone change major amendment of the IND-2 IUPD development standards to accommodate an industrial development with a precise plan of development  
Site Location: Generally located ¼ mile northwest of the NWC of Olive Ave. and Reems Rd. in the Glendale area  
Commission Recommendation: On 5/12/22, the Commission will vote on this case to either recommend approval or denial of this zone change major amendment. If the recommendation is to approve Z2021155, staff recommend the following conditions 'a' – 'l':

- a. A Plan of Development is approved subject to site plan entitled "Indicap – Olive and Reems" consisting of ten full-sized sheets, dated March 28, 2022, and stamped received March 29, 2022. 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 "Indicap, Inc. – Olive Ave. & Reems Rd.", consisting of ten pages, dated March 28, 2022, and stamped received March 29, 2022, except as modified by the following conditions.
- c. Development of the site shall be generally consistent with the Landscape Plan entitled "Indicap – Olive and Reems", consisting of nine pages, dated March 28, 2022, and stamped received March 29, 2022, except as modified by the following conditions.
- d. The following Planning Engineering comments shall apply:
  1. Earthen berms used to retain or convey runoff must contain an eight-foot-wide top width. Use of concrete lined channels negate this requirement.
  2. Surface retention basins deeper than one foot must contain one foot of freeboard.
  3. Retention basins, including underground retention systems, must drain within 36 hours.
  4. The areas identified to provide access from Reems Road contain Special Flood Hazard Areas (FEMA Zone A); and also contain lands owned or encumbered by the Flood Control District (FCD). In addition to floodplain use permitting, ROW permitting will be required by the FCD, see <https://www.maricopa.gov/5657/Permits#row> for more information. The FCD ROW permit must be procured prior to issuance of any building permit(s).
  5. Access to the site will be through a private easement through Maricopa County Flood Control District property. The applicant must demonstrate it has legal access to the site prior to the issuance of building permit(s).
  6. Access to 159th Avenue shall be gated and be used only for emergency access.
  7. Prior to issuance of building permit(s), the owner/ developer must contribute \$118,820.00 towards the cost of new traffic signal at the Olive Avenue / Reems Road intersection which is planned to be part of MCDOT TIP Project TT0562.

8. A dedicated southbound right-turn lane and northbound left-turn lane at Access A (Reems Road & Hatcher Road alignments) must be constructed as part of the site's development. MCDOT permit(s) for said work shall be issued prior to or concurrent with any building permit(s).
  9. The owner/developer must coordinate with MCDOT and City of Glendale DOT for the new traffic signal design and installation along with the final geometry of Access A and Hatcher Road alignment for review and approval. Traffic signal design and installation will be based on the approval from the City of Glendale. Such approvals (emails, letters etc.) must be demonstrated prior to building permit issuance.
  10. Detailed Grading and Drainage (Site Infrastructure) Plans must be submitted with the application for Building Permits to demonstrate how flow from each respective drainage area will be directed to its designated retention basin. This shall include the requirement to provide calculations to substantiate the storm drain design; and retention basin slope protection at areas that will receive direct inflow from paved areas and at concentrated inflow locations.
  11. 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.
  12. 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.
- e. All buildings are subject to noise attenuation as per ARS § 28-8482(B).
- f. The master developer shall notify future tenants or owners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Structures 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.

- g. The following IND-2 IUPD development standards shall apply:
  - 1. There shall be a maximum height of 49' for any building/structure.
  - 2. There shall be no screening required along the site's eastern and southern boundaries.
  - 3. Outdoor industrial uses or enclosures shall be permitted to encroach into any required street side yard.
  - 4. There shall be a minimum side yard of 25-feet adjacent to any rural or residential zoning district.
  - 5. All structures shall be prohibited within 100-feet from both the R1-35 and R1-6 RUPD zoning boundary to the north portion of the site.
  - 6. Any outdoor light sources within the 100-foot buffer area shall have a maximum height of 12-feet and fully shielded.
  - 7. There shall be a minimum 25-foot deep landscape buffer along the length of the northern site boundary.
  - 8. Adult oriented businesses, retail cannabis businesses, and residential uses shall be prohibited.
- h. The developer shall create a lot re-delineations of the southern portion of parcel 501-41-006N with a lot combination of parcel 501-41-006U prior to issuance of permits.
- i. Continued compliance with the approval of CPA2020005 and Z202012 as applicable.
- j. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
- k. 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.
- l. 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 amendment. The Zone Change amendment enhances the value of the property above its value as of the date the Zone Change amendment is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change amendment had never been granted.

## **REGULAR AGENDA**

Title: Santa Barbara Ranch (Cont. from 12/8/21)  
Case #: CPA2021009  
Supervisor District: 4  
Applicant & Owners: Tiffany & Bosco / Sunrise Airpark LLC, Surprise Commercial Development LLC, Surprise Industrial Properties LLC, and Southwest Investment Funds of Arizona LLC  
Request: Major Comprehensive Plan Amendment (CPA) to change the land use designation in the White Tank/Grand Avenue Area Plan from Rural Residential (0 – 1 d.u./ac.) to Single-Family Transitional Lot (3 – 5 d.u./ac.). CPA case approval is by Resolution.  
Site Location: Generally located north of the U.S. 60, south of Hwy 74, west of the 239<sup>th</sup> Ave. road alignment, and east of the 251<sup>st</sup> Ave. road alignment in the Morristown area  
Commission Recommendation: On 11/18/21, the Commission voted 5-1, to recommend **denial** of CPA2021009.  
Board Action: On 12/8/21, the Board of Supervisors voted 4-0, to recommend **continuance** of CPA2021009 to May 18, 2022 hearing.  
Recommended Conditions: With staff's updated recommendation in support of this request, staff recommends changes to conditions 'a' & 'b' should the Board decide to approve the request with conditions 'a – 'd' shown in final format below:  
a. Development and use of the site shall be in general conformance with the narrative report entitled "Santa Barbara Ranch" consisting of 24 pages, dated stamped received on October 15, 2021, except as modified by the following conditions. Within 30 days of approval, the applicant shall provide staff with an updated narrative report covering the changes as discussed within the applicant provided memo dated April 21, 2022.



- b. The land use designation of Single-Family Transitional Lot (3 – 5 d.u./ac.) approved as part of case CPA2021009 shall be subject to any time limits set forth in the subsequent zone change. The following requirements shall be applied to any future development for this site:
1. Minimum 80 gross acres to be used for commercial land uses.
  2. Minimum 150 gross acres to be reserved for open space. No less than 30 gross acres to be dedicated for active/recreational open space.
  3. Maximum residential dwelling units shall not exceed 5,000.
  4. Maximum of 832 gross acres to be used for residential land uses.
- c. 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 uses 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 land use designation 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 change of the land use. The land use enhances the value of the property above its value as of the date the land use change is granted and reverting to the prior land use designation results in the same value of the property as if the land use change had never been granted.
- d. The following Luke Air Force Base condition shall apply:

The owner or developer 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 “territory in the vicinity of a military airport,” however aircraft flying in this area are authorized to fly as low as 1,500 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

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 or home sales offices and be permanently posted on the front door of all leasing offices on not less than 8½ inch by 11 inch sign.