

BOARD OF SUPERVISORS' HEARING
PLANNING AND ZONING AGENDA
June 8, 2022

CONSENT AGENDA

Title: Freedom Boat & RV Storage
Case #: MCP2020003
Supervisor District: 4
Applicant & Owner: Mario Mangiamele, AICP - Iplan Consulting / Artisan Holdings, LLC
Request: Military Compatibility Permit (MCP) with Plan of Development (POD) for an RV and boat storage facility in the C-2 MAAMF zoning district
Site Location: Generally located at the southeast corner of 137th Ave. and Glendale Ave. (APN#501-57-933D)
Commission Recommendation: On 5/12/22, the Commission voted 9-0, to recommend **approval** of MCP2020003 subject to conditions 'a' – 'k':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled, "Freedom RV & Boat Storage" consisting of three full-size sheets dated March 17, 2022, and stamped received April 2, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled, "Freedom Boat & RV Storage", consisting of 14 pages, dated, revised March 28, 2022, and stamped received April 2, 2022, except as modified by the following conditions.
- c. Development of the site shall be in substantial conformance with the Landscape Plan, consisting of 6 pages, entitled "Freedom Boat & RV Storage" dated December 7, 2021, and stamped received April 2, 2022, except as modified by the following conditions.
- d. The Military Compatibility Permit shall be limited to the following uses:
 - 1. Recreational vehicle and boat storage facility with associated office space
 - 2. Mini warehouse self-storage facility
- e. The following Planning Engineering conditions shall apply:
 - 1. At the time of the Building Permit, retention basins must drain within 36-hours.
 - 2. At the time of application for building permits, the owner/applicant must demonstrate that Retention Basin C and the existing underground retention basin contains the required volume to store the runoff from their contributory areas. The construction plans must demonstrate how runoff enters the underground retention basin via Retention Basin C.

3. At the time of the Building Permit, the plans must be updated per the Traffic Study for the current MCP with POD.
 4. At the time of the Building Permit, the steepest side slopes of the retention basin is 4:1. Update the contour lines around the headwall in Retention Basin B to be 4:1. The pipe length may need to be extended.
 5. The length of longest flow path for the ration method could not be duplicated. In the Building Permit Review, re-evaluate the length of longest flow path and provide them on the On-Site Map.
 6. At the time of the Building Permit, the curb openings must be sized according to the 100-year peak flow rate.
 7. Any work within the City of Glendale R/W will require a City of Glendale R/W Permit.
 8. 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.
 9. 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.
- f. All buildings are subject to noise attenuation as per ARS § 28-8482(B).
- g. The following Military Airport and Ancillary Military Facility Overlay Zoning District standards shall apply:
1. Lot Width – 30'
 2. Screening – A solid wall, not less than 6' in height, shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary except sides abutting property boundaries interior to the site
 3. Landscaping – 5' landscaping strip not required with approval of landscaping plan
 4. Loading Spaces Required – None required
- h. Artisan Holdings, LLC shall notify future occupants/tenants that they are located within the High Noise or Accident Potential Zone of Luke Air Force Base with the following language:

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 <https://www.luke.af.mil/Units/Community-Initiatives-Team/> or contact the Maricopa County Planning and Development Department."

- i. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Military Compatibility Permit 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 Military Compatibility 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 Military Compatibility 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 Military Compatibility Permit. The Military Compatibility Permit enhances the value of the property above its value as of the date the Military Compatibility Permit is granted and reverting to the prior zoning results in the same value of the property as if the Military Compatibility Permit had never been granted.

Title: Shappell Family Project
Case #: Z2021118
Supervisor District: 1
Applicant & Owners: Jessica Sarkissian / Lyle & Glenna Shappell
Request: Zone Change with Overlay from Rural-43 to C-2 CUPD
Site Location: Approximately 530' east of the SWC of German Rd and Lindsay Rd in the Gilbert area

Commission
Recommendation: On 5/12/22, the Commission voted 9-0, to recommend **approval** of Z2021118 subject to conditions 'a' - 'h':

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Shappell & Germann Road", consisting of 1 full-size sheet, dated November 4, 2021, and stamped received November 23, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Rezone with Overlay Narrative for Germann 4", consisting of 7 pages, dated February 2022, and stamped received February 8, 2022, except as modified by the following conditions.
- c. CUPD Overlay shall prohibit the following uses:
 - 1. Adult oriented facilities
 - 2. Bars
 - 3. Drive-in or drive-thru restaurants
 - 4. Retail sales of gas (butane or propane)
 - 5. Liquor stores
 - 6. Recreation centers with pool halls or billiards
 - 7. Theaters
 - 8. Self-storage
 - 9. Medical Marijuana Dispensaries and/or Marijuana Establishments
- d. 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. No entitlement is inferred by this review.
 - 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. Any site development must include a grading and drainage plan prepared by a licensed civil engineer in accordance with Drainage Review Requirements for Precise Plans (Planning Phase) and the Engineered Plan Submittal Requirements (Building Phase).
 - 4. The site is not located in a Special Flood Hazard Area. The Flood Control District has no comments on this application.

5. A Traffic Impact Study to address traffic impacts and roadway improvements required to support the proposed development must be submitted with the Plan of Development application(s) or other future entitlement applications. Applicant to contact the Town of Gilbert to coordinate any offsite improvements within their jurisdiction along Germann Road.
 6. The subject premise is NOT located within the County's Urbanized Area. A Storm Water Pollution Prevention Permit (SWPPP) is not required for the development of this site.
- e. Prior to the initial precise plan of development approval, the applicant shall provide the Maricopa County Planning and Development Department with an executed pre-annexation service agreement with the Town of Gilbert that identifies the detail for when the proposed project will be annexed and the provision of water and sewer service. In lieu of pre-annexation service agreement the developer must provide a 'will serve' letter from the certificated water and sewer provider(s).
 - f. 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 any 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.
 - 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 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: Arlington Valley Solar Energy
Case #: Z2022015

Supervisor District: 4
Applicant & Owner: Marilyn Burke / ConEdison
Request: Special Use Permit (SUP) Modification of Conditions of case Z2009063, as amended via Z2012043, Z2013102 and Z2016059, to modify condition 'j' to preserve ROW for 395th Ave, and modify condition 'x' to extend the SUP to 5/11/2027
Site Location: Generally located 7,900 feet south of the SWC of Elliot Rd. & 387th Ave. in the Arlington area.
Commission Recommendation: On 5/12/22, the Commission voted 9-0, to recommend **approval** of Z2022015 subject to conditions 'a' – 'bb':

- a. Development of the site shall be in substantial compliance with the Site Plan entitled "Arlington Valley Solar Energy, LLC", consisting of twelve (12) full-size sheets, dated February 22, 2022, and stamped received February 28, 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 "Arlington Valley Solar Energy project Narrative Report", consisting of 35 pages, dated February 11, 2022, and stamped received February 28, 2022, except as modified by the following conditions.
- c. Any special events as described in the narrative report shall be limited to 30 people. The groundbreaking event will exceed this maximum number; however, the developer will make provisions for off-site parking and shuttle service.
- d. Prior to zoning clearance for any permit, legal access documentation shall be provided for both the main and emergency access points.
- e. To the extent possible, the applicant shall accommodate Maricopa County's regional trail system which traverses their site generally along the 387th Ave. alignment adjacent to Winters Wash as may be deemed necessary by Maricopa County Parks.
- f. Any existing vegetation along 395th Avenue shall be maintained through construction and revegetation efforts shall be generally consistent with the vegetation along the west side of said alignment.
- g. Revegetation along and within Winters Wash shall be consistent with the US Army Corps of Engineers permitting requirements. In the event that this permit is not pursued, revegetation along Winters Wash shall be consistent with the Arlington Valley Energy Land Management Plan approved with CPA200004.
- h. All trees shall be double staked when installed.
- i. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the

- development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened with a continuous parapet.
- j. Preservation of a right-of-way area to bring the total half-width to 65' for 395th Ave. shall be maintained in project design.
 - k. Prior to zoning clearance, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation [MCDOT) for landscaping or other improvements in the right-of-way.
 - l. The following Maricopa County Environmental Services [MCESD) stipulations shall be met:
 - 1. Prior to issuance of the first facility building permit, all required permits for any required drinking water, sanitary, and industrial wastewater permits by MCESD and ADEQ must be submitted to the appropriate agency.
 - 2. No facility operation can begin prior to the approval of the above permits (issuance of an Approval to Construct) and a construction approval (Approval of Construction) of the required facilities signed by MCESD.
 - m. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
 - n. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
 - o. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a grading permit. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation prior to zoning clearance for any building permits.
 - p. 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.
 - q. As part of the building permit process, a Floodplain Use Permit will need to be obtained from the Floodplain Management and Services Division of the Flood Control District.
 - r. Development and use of the site shall comply with requirements for fire protection measures as deemed necessary by the Arizona Fire & Medical Authority. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- s. The applicant or his successor shall obtain approval of any development plans from the applicable Fire Marshall prior to any construction.
- t. This Special Use Permit shall expire forty (40) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 90 days of such termination or expiration.
- u. The applicant shall submit an annual written report from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations including maintenance of drainage facilities.
- v. 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.
- w. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- x. If a building permit for the facility has not been issued by May 11,2027, this SUP and the related Comprehensive Plan Amendments (CPA200808, CPA2009016, CPA200917, and CPA200919) will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa [County] Planning and Zoning Commission, to consider reverting the zoning to Rural-190 and the related land use designations to Open Space and Rural respectively. Additionally, in the event of reversion, the Land Management Plan associated with CPA200004 shall be implemented.
- y. 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 is temporary and allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions and stipulations. In the event of the failure to comply with any condition or stipulation, 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 stipulations, 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.

- z. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- aa. Prior to any ground disturbance activities and prior to the issuance of any construction permits, the developer shall provide assurance in an amount and form acceptable to the Maricopa County Planning & Development Department sufficient to restore or stabilize the entire site in the event the project is abandoned, expires, or otherwise becomes defunct. Additionally, in the event of reversion, the Land Management Plan associated with CPA200004 shall be implemented.
- bb. Continued compliance with the conditions of approval for Z2009063 as applicable.

Title: 55th & Baseline
 Case #: Z2022058
 Supervisor District: 5
 Applicant & Owner: Ashley Marsh, Gammage & Burnham / SOR 55A LLC
 Request: Zone Change with Overlay from C-2 to C-2 CUPD
 Site Location: Generally located at 56th Ave. & Baseline Rd. in the Laveen area
 Commission
 Recommendation: On 5/12/22, the Commission voted 9-0, to recommend **approval** of Z2022058 subject to conditions 'a' – 'f':

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled 'Proposed Site Plan' consisting of 1 page, dated March 17, 2022, and stamped received April 15, 2022, except as modified by the following conditions. Staff may determine slight refinements to remain in substantial conformance with the approved narrative. Minor and major amendments to the narrative will be determined in accordance with Chapter 3 of the Maricopa County Zoning Ordinance.
- b. The following CUPD standard shall apply:
 - 1. Menu-boards for drive-thru restaurants containing speakers shall not be located any closer than 50 feet to a Rural or Residential zone.
- c. 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.

- d. Continued compliance with the conditions of approval for Z2021035 as applicable.
- 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.

REGULAR AGENDA

Title: White Tank Foothills Phase 3 (Cont. from 3/9/22)
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 Board hearings. The Board instructed the applicant to work with the neighbors on a modified

project with a lower density. On February 18, 2022 the applicant requests another request of continuance for these cases until the March 9, 2022 BOS Hearing. On February 23, 2022, the Board voted to continue DMP2021001 and Z2021050 to the March 9, 2020 BOS Hearing. On March 8, 2022, the applicant requested another continuance for these cases to the June 8, 2022 to provide additional time to review the proposed changes to ensure the development continues to be compatible with the surrounding area, work with County Staff, and continue working with the neighbors. On March 9, 2022, the Board voted to continue DMP2021001 & Z2021050 to the June 8, 2022 BOS Hearing.

January through April of this year, the applicant met with opposition leaders to discuss the proposed project modifications including a reduced lot yield from the Commission recommended 770 (3.14 du/ac) to 654 (2.63 du/ac).

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 May 10, 2022, and stamped received May 11, 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 3/9/22)
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 Board hearings. The Board instructed the applicant to work with the neighbors on a modified project with a lower density. On February 18, 2022 the applicant requests another request of continuance for these cases until the March 9, 2022 BOS Hearing. On February 23, 2022, the Board voted to continue DMP2021001 and Z2021050 to the March 9, 2020 BOS Hearing. On March 8, 2022, the applicant requested another continuance for these cases to the June 8, 2022 to provide additional time to review the proposed changes to ensure the development continues to be compatible with the surrounding area, work with County Staff, and continue working with the neighbors. On March 9, 2022, the Board voted to continue DMP2021001 & Z2021050 to the June 8, 2022 BOS Hearing.

January through April of this year, the applicant met with opposition leaders to discuss the proposed project modifications including a reduced lot yield from the Commission recommended 770 (3.14 du/ac) to 654 (2.63 du/ac).

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 four pages, dated May 10, 2022, and stamped received May 11, 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 May 10, 2022, and stamped received May 11, 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.

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- 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 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 yard of 15-feet.
 - 2. Maximum lot coverage of 60%.
 - 3. All residential lots in Parcel 3.11, zoned R1-8 RUPD, 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 second page of the zoning exhibit entitled "Zoning Exhibit" and fourth 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. Any RV garages, if constructed, shall be architecturally integrated into the design on the home and not exceed the height of the residence itself.
- q. Those lots identified on the second page of the zoning exhibit with restricted lot widths and lot depths shall be identified on each plat.