

BOARD OF SUPERVISORS' HEARING
PLANNING AND ZONING AGENDA
June 22, 2022

REGULA AGENDA

Title: Shappell Family Project (Cont. from 6/8/22)
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.