

BOARD OF SUPERVISORS' HEARING
PLANNING AND ZONING AGENDA
August 17, 2022

CONSENT AGENDA

Title: Sonoran Trails Final Plat
Case #: S2020025
Supervisor District: 2
Applicant / Owners: Toll Brothers / Norma & Richard Hoover
Request: Final Plat of Sonoran Trails, which comprises 24 residential lots and 3 tracts in the R1-18 RUPD zoning district
Site Location: Generally located at the NWC of 60th St. and Dynamite Blvd. in the Phoenix area.

Staff
Recommendation: Approval

Title: Val Vista 1
Case #: Z2021133
Supervisor District: 1
Applicant & Owner: Jessica Sarkissian, Upfront Planning & Entitlements, LLC / Brenlynn LLC
Request: Zone Change with Overlay from Rural-43 to C-2 CUPD
Site Location: Generally located 1,500' south of the SEC of Warner Rd. & Val Vista Dr. in the Gilbert area

Commission
Recommendation: On 7/21/22, the Commission voted 5-1 to recommend **approval** of Z2021133 subject to conditions 'a' – 'n':

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Zoning Exhibit for Brenlynn LLC", consisting of 1 full-size sheets, dated March 22, 2022, and stamped received April 4, 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 "Rezone and CUPD Narrative for Val Vista 1", consisting of 8 pages, dated March 2022, and stamped received April 4, 2022, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. Without the submittal of a precise plan of development, no development approval is inferred 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. All Commercial Development will be required to retain onsite the 100 year 2 hour storm event. All retention basins are required to provide percolation results that show the basin(s) will drain within 36 hours.
4. Provide Ingress and Egress for Fire Access and fire access route.

PND Transportation Comments

1. A traffic impact study must be submitted with any future entitlement application (i.e. plan of development).
2. Access to site is proposed from Val Vista Dr which is a public right of way that has not been adopted by the County, therefore not maintained by the County. MCDOT has no comments.
3. Val Vista Drive: Access, driveway Plans and traffic impact study to be submitted to Jurisdictional agency for approval and permission to work within their right of way.

Storm Water Quality (SWPPP) – Pre-Construction

1. The subject premises is located within the County's Urbanized Area and will disturb more than one (1) acre (Common Plan of Development). A Storm Water Pollution Prevention Permit (SWPPP), issued by the County (PND), will be required prior to issuance of any building permits required for site development.

General

1. 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 Maricopa County Environmental Services Department (MCESD) conditions shall apply:
1. ATC must be obtained prior to construction permit approval.
 2. Abandonment of the existing septic system also must be obtained.
- e. The following C-2 CUPD standards shall apply:
1. Minimum billboard distance separation to a rural or residential zone boundary: 100 feet (but not include zoning within street right-of-way, or any open space that is zoned rural or residential but is only being used for a golf course)
 2. Minimum illuminated billboard distance separation to a rural or residential zone boundary: 150 feet (but not to include zoning within street right-of-way, or any open space that is zoned rural or residential but is only being used for a golf course)
 3. Shade structures and or coverings shall not exceed a height of 20'. Site screening requirement for off-site advertising signs waived.
- f. The CUPD 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.

- g. The following C-2 uses are prohibited:
 - 1. Adult Oriented Facilities
 - 2. Bars
 - 3. Liquor Stores
 - 4. Recreation Centers with pool halls or billiards
 - 5. Theaters
 - 6. RV & Boat Storage Facilities
- h. 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.
- 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, 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.
- l. Billboard illumination shall be extinguished/turned off between 11pm and dusk.
- m. Billboard illumination and outdoor lighting must comply with Section 1112 of the MCZO.
- n. Billboard illumination shall be top down and shielded so as to mitigate light trespass onto adjacent properties.

Title: Agave Solar
Case #: Z2021160
Supervisor Districts: 4 & 5
Applicant & Owner: Snell & Wilmer, LLP / Arizona Public Service Company
Request: Zone Change, with Plan of Development, from Rural-190 to IND-2 IUPD
Site Location: Generally located 1/2 mile south of Elliot Road along 363rd Avenue alignment and then north and south of the Southern Pacific railway
Commission Recommendation: On 7/7/22, the Commission voted 6-0, to recommend **approval** of Z2021160 subject to conditions 'a' – 'j':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Site Plan for Agave Solar", consisting of 30 full-size sheets, dated June 2, 2022, and received June 17, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Arizona Public Service Company Rezoning Application Narrative Report", consisting of 10 pages, dated June 17, 2022, except as modified by the following conditions.
- c. Removal of Special Use Permit (Z99-111) for portions within the subject Z2021160 boundaries.
- d. The following Planning Engineering conditions shall apply:
 1. Work with the floodplains will require a floodplain use permit issued concurrent with the building permits. If the project is determined to be building permit exempt, Floodplain Use permitting shall be processed by the Flood Control District of Maricopa County.
 2. Prior to the start of work, the owner/applicant must obtain written permission from the owner of adjoining parcel(s) on which work is proposed, including, but not limited to, construction of bypass swale 2; and basin bleed-offs and spillways to and within the AVSE channel south of the site for Basins 6.1, 9.1, 10.1, 11.1, 14.1-14.3 and 16.1.
 3. Retention basins must drain within 36 hours. Owner shall be responsible for maintaining basins, drywells and basin storm water quality devices in good working order.
 4. Utilities for solar facilities that will occupy County R/W (i.e. gen-ties or other offsite electric utility extensions) require a license in addition to any construction related permits. The first step in the licensing process is to complete the MCDOT Solar License Application Form and email it to: MCDOTsolarlicense@maricopa.gov.
 5. 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.

6. 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.
- e. Prior to initial building permit issuance the applicant/owner shall submit an FAA Obstruction Evaluation/Airport Airspace Analysis (FAA Form 7460-1) and a request for analysis to the DoD Siting Clearinghouse for Energy, Installations, and Environment.
- f. The IND-2 IUPD shall limit the use of the site exclusively to solar electric generating including ancillary facilities, appurtenances, and uses. All other site uses shall require a Zone Change Major Amendment.
- g. The following IND-2 IUPD Zoning District standards shall apply:
 1. Min. Front Yard – 0'
 2. Min. Side Yard – 0'
 3. Min. Rear Yard – 0'
 4. Max. Lot Coverage – 60%
 5. Parking Spaces Required – 6 standard parking spots, 1 ADA parking spot
 6. Loading and Unloading Spaces Required – None required
 7. Landscaping – No landscaping areas required
 8. Sight Visibility Triangles – 25' x 25'
 9. Article 902.91 – All utility uses shall be permitted to be conducted outdoors
 10. Site Enclosure and Screening – 8' tall chain link fencing with 1' of barbed wire topping. Gates to be allowed at perimeter of project. This will include parallel fencing at eastern boundary of the site
- h. 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.
- i. 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.
- j. 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.

Title: 705 N. Mary St. Digital Billboard
Case #: Z2022051
Supervisor District: 1
Applicant & Owner: Jacob Zonn, Becker Boards Small, LLC / Dallas Jack Scott
Request: Special Use Permit (SUP) to allow the conversion of a legal non-conforming static illuminated billboard to digital in the IND-2 zoning district
Site Location: Generally located 730' east of the northeast corner of Red Mountain Frwy. and Scottsdale Rd. in the Tempe area
Commission Recommendation: On 7/7/22, the Commission voted 6-0 to recommend **approval** of Z2022051 subject to conditions 'a' – 'h', with the deletion of condition 'c'. Shown below is the relabeled conditions 'a' – 'g' in final format:

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Gilbert Dr & Mary St. Digital Billboard", consisting of two full-size sheets, dated April 13, 2022, and stamped received May 6, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Mary St. Digital Billboard", consisting of four pages, dated May 5, 2022, and stamped received May 6, 2022, except as modified by the following conditions.
- c. The following Planning Engineering condition shall apply:
 1. Engineering review of zone change/Special Use Permits are 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.
- d. The digital billboard shall be in conformance with Article 1403.3.1.J. of the Maricopa County Zoning Ordinance.
- e. All outdoor lighting shall comply with Section 1112 of the Maricopa County Zoning Ordinance.

- f. 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.
- g. 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: US 60 & Country Club Dr.
Case #: Z2022053
Supervisor District: 2
Applicant & Owner: Becker Boards Small, LLC / Country Club Store, LLC
Request: Zone Change Modification of Conditions amending the C-3 CUPD zoning district development standards to raise maximum billboard height to 70' from 48' and eliminate top down illumination in anticipation of future digital conversion of both billboard static faces
Site Location: Generally located at the SEC of US-60 & Country Club Dr. in the Mesa area
Commission Recommendation: On 7/21/22, the Commission voted 6-0 to recommend **approval** of Z2022053 subject to conditions 'a' – 'l':

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Plan of Development Request to Rezone from C-3 to C-3 with Commercial Unit Plan of Development", consisting of 6 full-size sheets, dated January 10, 2014, and stamped received January 17, 2014. Except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Country Club Store, LLC Comprehensive Sign Package Zone Change to CUPD", consisting of 10 pages, dated January 14, 2014, and stamped received January 22, 2014, except as modified by the following conditions.
- c. The C-3 CUPD zoning district shall observe the following amended development standards:

Sign 'C' – New Holland freestanding sign
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1. 30' height
2. Sign to be located 192' north of existing sign B, and 66' south of proposed new sign D

Sign 'D' – New multiple tenant freestanding sign

1. Maximum sign area of 122 sq. ft. per face
2. 25' height
3. Sign to be located 66' north of sign 'C' and 258' north of existing sign 'B'

Sign 'E' – New billboard

1. Distance of 531' from existing billboard to the east.
2. 672 sq. ft. for each sign face.
3. 70' maximum height, inclusive of all billboard embellishments

- d. The following condition shall apply from Arizona Department of Transportation:
 1. A new ADOT Outdoor Advertising Sign Permit will be required due to the change in the location of the replacement billboard.
- e. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- f. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
- g. The following Drainage Review 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.
- h. Variations to the development standards as indicated in the approved Unit Plan of Development (UPD) table may be varied by the Board of Adjustment in accordance with Article 303.2.2 of the Maricopa County Zoning Ordinance (MCZO).
- i. 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.
- j. 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).

- k. 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 revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- l. The property owner/s and their successor waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.

Title: Creamline West – Digital Billboard
Case #: Z2022054
Supervisor District: 1
Applicant & Owner: Jacob Zonn, Becker Boards Small, LLC / Spruit Family Trust
Request: Special Use Permit for Digital Conversion of a Legal Non-Conforming Static Billboard
Site Location: Generally located Approx. 2,700' east of the SEC of Willis Rd. and Arizona Ave.
Commission Recommendation: On 7/7/22, the Commission voted 6-0 to recommend **approval** of Z2022054 subject to conditions 'a' – 'h', with the deletion of condition 'c'. Shown below is the relabeled conditions 'a' – 'g' in final format:

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "For Willis Road Digital Billboard", consisting of two full-size sheets, dated June 6, 2022, and stamped received June 6, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Narrative Report / Special Use Permit for Digital Billboard", consisting of four pages, dated May 5, 2022, and stamped received June 6, 2022, except as modified by the following conditions.
- c. The following Planning Engineering condition shall apply:
 - 1. Applicant shall be responsible for coordinating any requirements that may be imposed by ADOT (redletter@azdot.gov)
 - 2. Engineering review of zone change/Special Use Permits are 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.

- d. The digital billboard shall be in conformance with Article 1403.3.1.J. of the Maricopa County Zoning Ordinance.
- e. All outdoor lighting shall comply with Section 1112 of the Maricopa County Zoning Ordinance.
- f. 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.
- g. 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: CCO I-10 & Chandler
Case #: Z2022066
Supervisor District: 1
Applicant & Owner: Taylor Earl, Earl & Curley, PLLC / Eller Acquisition Inc.
Request: Special Use Permit for Digital Conversion of a Legal Non-Conforming Static Billboard
Site Location: Generally located at the NEC of I-10 and Pecos Rd. in the Chandler area
Commission Recommendation: On 7/21/22, the Commission voted 6-0 to recommend **approval** of Z2022066 subject to conditions 'a' – 'g':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Site Plan", consisting of one full-size sheet, dated July 2021, and stamped received March 28, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Clear Channel Outdoor Northeast corner of I-10 and Pecos Road", consisting of four pages, dated March 21, 2022, and stamped received June 28, 2022, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:

1. Applicant shall be responsible for coordinating any requirements that may be imposed by ADOT (redletter@azdot.gov)
 2. 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 digital billboard shall be in conformance with Article 1403.3.1.J. of the Maricopa County Zoning Ordinance.
 - e. All outdoor lighting shall comply with Section 1112 of the Maricopa County Zoning Ordinance.
 - f. 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.
 - g. 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: 202 & Higley Digital Billboard
Case #: Z2022076
Supervisor District: 1
Applicant & Owner: Jessica Sarkissian, Upfront Planning & Entitlements / Becker Boards Small, LLC
Request: Zone Change with Overlay from C-2 to C-2 CUPD
Site Location: Approx. 500' east of the NEC of Higley Rd. & Loop 202
Commission
Recommendation: On 7/21/22, the Commission voted 6-0 to recommend **approval** of Z2022076 subject to conditions 'a' – 'f'.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled, "Loop 202 Freeway and Higley Road" consisting of 3 pages dated May 24, 2022, and stamped received June 17, 2022, except as modified by the following conditions.

- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "202 & Higley Digital Billboard CUPD", consisting of 5 pages, dated revised June 13, 2022, and stamped received June 13, 2022, except as modified by the following conditions.
- c. The following C-2 CUPD Zoning District standards shall apply:
 - 1. Min. Lot Area – 5,520 sq. ft.
 - 2. Min. Off-Site Sign Distance from Another Off-Site Sign within 3 Miles of a Municipality – 522'
 - 3. Min. Setback for Non-Illuminated Off-Site Signs from Rural or Residential Zoning – 1'
 - 4. Min. Setback for Illuminated Off-Site Signs from Rural or Residential Zoning – 1'
 - 5. Uses Permitted – All uses are prohibited except for off-site signs
- d. The following Planning Engineering conditions shall apply:
 - 1. Applicant shall be responsible for coordinating any requirements that may be imposed by ADOT (redletter@azdot.gov).
 - 2. 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. 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.
- f. The granting of this Zone Change has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of the application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of the application. It is, therefore, stipulated and agreed that 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 the value of the property from the value it held on the date of application due to such revocation. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and changing to the prior land use designation results in the same value of the property as if the Zone Change had never been granted.

Title: Gross Voluntary Rezone
 Case #: Z2022122
 Supervisor District: 1
 Applicant & Owner: Holly Gross

Request: Rezone from R1-35 RUPD to Rural-43 RUPD
Site Location: APN 304-89-048V @ 18820 E Lawndale Pl. - Generally located 1,140 feet south of the SEC of Riggs Rd. and Mandarin Dr. in the Queen Creek / Chandler Heights area.

Commission
Recommendation: On 7/21/22, the Commission voted 6-0 to initiate the request and to recommend **approval** of Z2021122 subject to condition 'a':

- a. Subject to all conditions of case Z2005006, including the following Rural-43 RUPD development standards:
 1. Average lot area per dwelling unit: 43,560 sq. ft.
 2. Minimum lot area: 35,000 sq. ft.
 3. Minimum lot width: 120'
 4. Maximum lot coverage: 20%
 5. Minimum Distance between buildings: 15'
 6. Minimum Front setback: 20'
 7. Minimum Rear setback: 25'
 8. Minimum Side setback: 5'
 9. Minimum Street-side setback: 10'
 10. Maximum building height: 30'
 11. Accessory Dwelling Units: One (1) secondary dwelling unit allowed with MCESD approval of liquid waste disposal system.

REGULAR AGENDA

Title: Santa Barbara Ranch
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 approval is by Resolution
Site Location: Generally located north of the U.S. 60, south of Hwy 74, west of the 243rd Ave. road alignment, and east of the 251st Ave. road alignment in the Morristown area
Commission
Recommendation: On 7/21/22, the Commission voted 6-0 to recommend **approval** of CPA2021009 subject to conditions 'a' – 'd':

- 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 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.