

BOARD OF SUPERVISORS' HEARING
PLANNING AND ZONING AGENDA
September 28, 2022

CONSENT AGENDA

Title: Fulton Homes Enclave Phase 1A
Case #: S2021001
Supervisor District: 4
Applicant / Owners: Brian Nicholls, EPS Group. Inc, / Fulton Homes
Request: Final Plat for 42 residential lots and 8 tracts in the R1-6 RUPD zoning district
Site Location: Generally located NWC Perryville Rd. and Indian School Rd. in the Buckeye area

Staff
Recommendation: Approval

Title: Fulton Homes Enclave Phase 1B
Case #: S2021002
Supervisor District: 4
Applicant / Owners: Brian Nicholls, EPS Group. Inc, / Fulton Homes
Request: Final Plat for 220 residential lots and 15 tracts in the R1-6 RUPD zoning district
Site Location: Generally located NWC Perryville Rd. and Indian School Rd. in the Buckeye area

Staff
Recommendation: Approval

Title: Bennett Auto
Case #: Z2021075
Supervisor District: 1
Applicant & Owner: Richard Bennett
Request: Special Use Permit (SUP) for Home Cottage Industry - Auto Repair
Site Location: Generally located at the NWC of Empire Blvd. & 203rd Way
Commission
Recommendation: On 9/1/22, the Commission voted 9-0, to recommend **approval** of Z2021075 subject to conditions 'a' - 'i':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled, "Bennett Automotive" consisting of one full-size sheet dated July 28, 2022, and stamped received August 2, 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, "Bennett Automotive", consisting of five pages, dated May 2, 2022, and stamped received August 2, 2022, except as modified by the following conditions.

- c. The following Planning Engineering conditions shall apply:
1. The applicant will be responsible for coordinating with the Town of Queen Creek to review any traffic impact, right-of-way dedication, permitting or roadway improvement requirements for Empire Boulevard Avenue in conjunction with this proposed entitlement.
 2. The applicant must work with the County Building Official to remedy unpermitted construction (frame garage) on the site to bring it into compliance within six (6) months of any (zone change) approval.
 3. 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 SUP standards shall apply:
1. Min. Front Yard – 12’
 2. Min. Lot Area – 39,559 sq. ft.
 3. Pavement – Pavement permitted to be compacted and rolled decomposed granite with a dust control plan approved by Maricopa County Air Quality Control except for ADA parking

All other development standards per Rural 43 zoning shall apply.

- e. All outdoor lighting shall be shielded and directed downward and otherwise in accordance with Section 1112 of the Maricopa County Zoning Ordinance.
- f. The special use permit is valid for a period of 5 years and shall expire 5 years from the date of BOS approval 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.
- g. 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.
- h. 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.
- 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.

REGULAR AGENDA

Title: White Tank Foothills Phase 3 (Cont. from 6/8/22)
Case #: DMP2021001
Supervisor District: 4
Applicant & Owner: Brennan Ray, Burch & Cracchiolo, P.A. / Citrus & Lower Buckeye, LLC
Request: Major Amendment to the 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 8/4/22, the Commission voted 9-0, to recommend **approval** of DMP2021001 subject to conditions 'a' – 'c':

- a. Development shall be in substantial conformance with the Development Master Plan Narrative Report entitled "White Tank Foothills", dated May 10, 2022, and stamped received May 16, 2022, including all exhibits, maps, and appendices, except as modified by the following conditions.
- b. Changes regarding 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 Development Master Plan shall be developed sequentially as depicted on the phasing diagram contained in the narrative report.

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 390 units in Phase 3, or 1.59 du/ac. The amendment, as now modified, will increase the lot yield to 645 units on 244.74 gross acres at 2.647 du/ac. The subject site is the third and final phase of the White Tank Foothills Development.

To date staff has received 142 letters of opposition, an opposition petition with 206 signatures and six support letters. During the August 4, 2022, Commission Hearing four individuals spoke in opposition. The opposition is largely concerned with loss of community character due to increased density, and associated access concerns with increased traffic.

The applicant has also discovered an error in the total amount of dwelling units for the entire White Tank Foothills community once Phase 3 is approved. The amount listed in the Commission Staff Report was 1,621 dwelling units; however, the true number will be 1,636 dwelling units once Phase 3 is complete. The reason for this discrepancy was due to a miscount of the total units in Phase 2 of White Tank Foothills, where 15 lots were not included in the overall community total. It's important to note this typographical error in the applicant's material was in regard to the existing unit count of Phase 2 and not the subject amendment concerned with proposed Phase 3.

Since the August 4, 2022, Commission Hearing, the applicant has prepared a DMP / land use plan exhibit that appropriately illustrates the Phase 3 Amendment superimposed upon the existing approved DMP where Phases 1 & 2 are already platted. Staff is recommending DMP2021001, condition 'a' be updated to reflect this exhibit to include the following change:

- a. Development shall be in substantial conformance with the Development Master Plan Narrative Report entitled "White Tank Foothills", dated May 10, 2022, and stamped received May 16, 2022, including all exhibits, maps, and appendices, except as modified by the following conditions. Within 30 days of Board approval the narrative shall be revised to incorporate the land use plan exhibit entitled "White Tank Foothills Proposed Phase 3 Exhibit" stamped received September 9, 2022.

Therefore, with regard to DMP2021001, staff recommend the Board motion for approval subject to Commission recommended conditions 'a' – 'c' but with revised language to condition 'a' as shown below:

- a. Development shall be in substantial conformance with the Development Master Plan Narrative Report entitled "White Tank Foothills", dated May 10, 2022, and stamped received May 16, 2022, including all exhibits, maps, and appendices, except as modified by the following conditions. Within 30 days of Board approval the narrative shall be revised to incorporate the land use plan exhibit entitled

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"White Tank Foothills Proposed Phase 3 Exhibit" stamped received September 9, 2022.

- b. Changes regarding 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 Development Master Plan shall be developed sequentially as depicted on the phasing diagram contained in the narrative report.

Title: White Tank Foothills Phase 3 (Cont. from 6/8/22)
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 8/4/22, the Commission voted 9-0, to recommend **approval** of Z2021050 subject to conditions 'a' - 'aa':

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "White Tank Foothills", consisting of four full-size sheets, dated May 10, 2022, and stamped received May 16, 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 19 pages, dated May 10, 2022, and stamped received May 16, 2021, 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.

2. Engineering review of these application is limited to the rezoning of the site and does not include any aspects of future entitlement application(s) that will be required for site development. No development approval is inferred by this review, including, but not limited to drainage design, access, roadway alignments and right-of-way dedication(s). These items will be addressed as development plans progress and are submitted to the County for additional entitlement (i.e. preliminary plat).
- 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.

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5-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.

- f. The following R1-6 RUPD development standards shall apply:

1. Minimum rear yards of 15-feet.
 2. Maximum lot coverage of 60 percent.
- g. The following R1-7 RUPD development standards shall apply:
1. Minimum rear yards of 15-feet.
 2. Maximum lot coverage of 60 percent.
 3. All lots in Parcel 3.17 and 3.19 zoned R1-7 RUPD 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 percent.
- i. The following R1-10 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 15 feet.
 5. Minimum lot width of 75 feet.
 6. Maximum lot coverage of 50 percent.
 7. Maximum height of 24-feet.
 8. Lots identified in the zoning exhibit in the R1-10 RUPD zoning district shall have a minimum lot width of 90 feet.
- j. There shall be at minimum three-foot-high shielded bollard lighting in pocket parks, trails, 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. Any RV garages, if constructed, shall be architecturally integrated into the design of the home, and not exceed the height of the residence itself.
- m. Those lots identified on the zoning exhibits with typical lot widths and lot depths shall be identified on each plat and shall match exactly as shown on the zoning exhibits.
- n. Irregular shaped lots may be located at cul-de-sacs, street knuckles, and eyebrows. The minimum front yard setback line for irregular or non-rectangular shaped lots shall be established at the distance between the front property line and a line parallel to the street chord at the point where said lot achieved the minimum lot width. But, in no case shall be less than the minimum prescribed front yard for each zoning district and in no instance shall this measurement line be

- greater than 60 feet from the street cord. The minimum front yard setback line for all irregular or non-rectangular shaped lots must be illustrated on each plat.
- o. 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.
 - p. The total number of residential dwelling units of White Tank Foothills Phase 3 shall not exceed 645 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.
 - q. All park facilities shown on plats shall be completed concurrently with residential development. Park facilities and amenities shall be identified on all applicable plats.
 - r. Not less than 50 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. 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.
 - s. 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 within the area of the overall planned community. Said school shall not front on to arterial streets.
 - t. Development phasing shall assure two access points are provided.
 - u. Bike lanes shall be required on all arterial and collector streets as specified in the Maricopa County Bicycle Transportation System Plan.
 - v. 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.
 - w. There shall be a ten-foot-wide multi-use trail along Northern Ave. outside of the ultimate right-of-way and public utility easement.
 - x. Landscaping of all common areas and open spaces, except for identified recreational areas shall consist of indigenous and or low water use species.
 - y. 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.

- z. 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.
- aa. 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.

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 390 units in Phase 3, or 1.59 du/ac. The amendment, as now modified, will increase the lot yield to 645 units on 244.74 gross acres at 2.647 du/ac. The subject site is the third and final phase of the White Tank Foothills Development.

To date staff has received 142 letters of opposition, an opposition petition with 206 signatures and six support letters. During the August 4, 2022, Commission Hearing four individuals spoke in opposition. The opposition is largely concerned with loss of community character due to increased density, and associated access concerns with increased traffic.

The level of opposition has triggered a super-majority (four affirmative) vote requirement for the Board to approve the zone changes. The trigger is when 20% or more of property owners within a 300' radius of the subject site, by number and area register opposition to the case. The opposition received accounts for 152 property owners equating to:

30% opposed by acreage and 45% opposed by number

The applicant has also discovered an error in the total amount of dwelling units for the entire White Tank Foothills community once Phase 3 is approved. The amount listed in the Commission Staff Report was 1,621 dwelling units; however, the true number will be 1,636 dwelling units once Phase 3 is complete. The reason for this discrepancy was due to a miscount of the total units in Phase 2 of

White Tank Foothills, where 15 lots were not included in the overall community total. It's important to note this typographical error in the applicant's material was in regard to the existing unit count of Phase 2 and not the subject amendment concerned with proposed Phase 3.

The applicant is requesting to change Condition 'p' of Z2021050 from the Commission's recommendation to reflect this error:

Condition 'p': The total number of residential dwelling units of White Tank Foothills Phase 3 shall not exceed 645 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. *Development of all parcels in Phase 3 of the White Tank Foothills DMP shall be limited to a total of 645 lots. All plats must contain a table tracking total approved, platted, and remaining lot counts for the total of Phase 3.*

Additionally, since the August 4, 2022, Commission Hearing staff has received an updated Zoning Exhibit, attached, with a greater number of the Phase 3 dwelling units being restricted to a maximum height of 24' (essentially limiting those units to single-story). The amount of lots the Commission recommended was 115 and the applicant is requesting to add nine more lots for a total of 124 lots that will have a maximum height of 24'. Accordingly, Condition 'a' of Z2021050 is also to be changed from the Commission's recommendation:

Condition 'a': Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "White Tank Foothills", consisting of four full-size sheets, dated ~~May 10, 2022~~ August 24, 2022, and stamped received ~~May 16, 2022~~ August 25, 2022, except as modified by the following conditions.

With regard to Z2021050, staff recommends the Board motion for approval subject to the Commission recommended conditions 'a' – 'aa' but with revised language to conditions 'a' & 'p' as shown below:

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "White Tank Foothills", consisting of four full-size sheets, dated August 24, 2022, and stamped received August 25, 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 19 pages, dated May 10, 2022, and stamped received May 16, 2021, except as modified by the following conditions.
- c. The following Planning Engineering condition shall apply:

3. 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.
 4. Engineering review of these application is limited to the rezoning of the site and does not include any aspects of future entitlement application(s) that will be required for site development. No development approval is inferred by this review, including, but not limited to drainage design, access, roadway alignments and right-of-way dedication(s). These items will be addressed as development plans progress and are submitted to the County for additional entitlement (i.e. preliminary plat).
- 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.

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5-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.

- f. The following R1-6 RUPD development standards shall apply:
 - 3. Minimum rear yards of 15-feet.
 - 4. Maximum lot coverage of 60 percent.

- g. The following R1-7 RUPD development standards shall apply:
 - 4. Minimum rear yards of 15-feet.
 - 5. Maximum lot coverage of 60 percent.
 - 6. All lots in Parcel 3.17 and 3.19 zoned R1-7 RUPD 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:
 - 3. Minimum rear yard of 15-feet.
 - 4. Maximum lot coverage of 60 percent.

- i. The following R1-10 development standards shall apply:
 - 9. Minimum front yards of ten feet.
 - 10. Minimum side yards of five feet.
 - 11. Minimum street side yards of five feet.
 - 12. Minimum rear yards of 15 feet.
 - 13. Minimum lot width of 75 feet.
 - 14. Maximum lot coverage of 50 percent.
 - 15. Maximum height of 24-feet.
 - 16. Lots identified in the zoning exhibit in the R1-10 RUPD zoning district shall have a minimum lot width of 90 feet.

- j. There shall be at minimum three-foot-high shielded bollard lighting in pocket parks, trails, 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. Any RV garages, if constructed, shall be architecturally integrated into the design of the home, and not exceed the height of the residence itself.

- m. Those lots identified on the zoning exhibits with typical lot widths and lot depths shall be identified on each plat and shall match exactly as shown on the zoning exhibits.

- n. Irregular shaped lots may be located at cul-de-sacs, street knuckles, and eyebrows. The minimum front yard setback line for irregular or non-rectangular shaped lots shall be established at the distance between the front property line and a line parallel to the street chord at the point where said lot achieved the minimum lot width. But, in no case shall be less than the minimum prescribed front yard for each zoning district and in no instance shall this measurement line be greater than 60 feet from the street cord. The minimum front yard setback line for all irregular or non-rectangular shaped lots must be illustrated on each plat.
- o. 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.
- p. Development of all parcels in Phase 3 of the White Tank Foothills DMP shall be limited to a total of 645 lots. All plats must contain a table tracking total approved, platted, and remaining lot counts for the total of Phase 3.
- q. All park facilities shown on plats shall be completed concurrently with residential development. Park facilities and amenities shall be identified on all applicable plats.
- r. Not less than 50 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. 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.
- s. 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 within the area of the overall planned community. Said school shall not front on to arterial streets.
- t. Development phasing shall assure two access points are provided.
- u. Bike lanes shall be required on all arterial and collector streets as specified in the Maricopa County Bicycle Transportation System Plan.
- v. 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.
- w. There shall be a ten-foot-wide multi-use trail along Northern Ave. outside of the ultimate right-of-way and public utility easement.
- x. Landscaping of all common areas and open spaces, except for identified recreational areas shall consist of indigenous and or low water use species.

- y. 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.
- z. 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.
- aa. 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: Sunrise Ranch at South Mountain
Case #: CPA2021012
Supervisor District: 5
Applicant & Owner: Pew & Lake, PLC / Sunrise Ranch Estates, LLC
Request: General Comprehensive Plan Amendment (CPA) to change the land use designation in the Laveen Area Plan from Open Space and Rural (0-1 d.u./acre) to Large Lot Residential (1-2 d.u./acre). CPA case approval is by Resolution.

Site Location: Generally located at the SEC of 35th Ave. & Olney Ave. in the Laveen area

Commission Recommendation: On 9/1/22, the Commission voted 9-0, to recommend **approval** of CPA2021012 subject to conditions 'a' – 'c':

- a. Development and use of the site shall be in substantial conformance with the Narrative Report entitled "Sunrise Ranch at South Mountain", consisting of 14 pages, dated June 6, 2022, and stamped received June 28, 2022, except as modified by the following conditions.
- b. Development and use of the site shall be in substantial conformance with the land use exhibit entitled "Sunrise Ranch at South Mountain" dated January 4, 2022 and stamped received January 25, 2022, except as modified by the following conditions.
- 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 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 Comprehensive Plan Amendment enhances the value of the property above its value as of the date the Comprehensive Plan Amendment is granted and changing to the prior land use designation results in the same value of the property as if the Comprehensive Plan Amendment had never been granted.

Title: Sunrise Ranch at South Mountain
Case #: Z2021074
Supervisor District: 5
Applicant & Owner: Pew & Lake, PLC / Sunrise Ranch Estates, LLC
Request: Zone Change with Overlay from Rural-43 to R1-18 RUPD
Site Location: Generally located at the SEC of 35th Ave. & Olney Ave. in the Laveen area

Commission
Recommendation: On 9/1/22, the Commission voted 9-0, to recommend **approval** of Z2021074 subject to conditions 'a' – 's':

- a. Development of the site shall comply with the Legal Description entitled "Exhibit A – Sunrise Ranch at South Mountain", consisting of 3 pages, dated August 11, 2021, and stamped received September 19, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Sunrise Ranch at South Mountain", consisting of 12 pages, dated August 23, 2022, and stamped received August 23, 2022, except as modified by the following conditions.
- c. The following R1-18 RUPD Zoning District standards shall apply:
 1. Min. Front Yard: 15'
 2. Min. Side Yard: 5'
 3. Min. Rear Yard: 20'
 4. Min. Lot Area: 8,750 sq. ft.
 5. Min. Lot Width: 70'
 6. Average Lot Area: 22,277 sq. ft.
 7. Max. Lot Coverage: 50%
 8. Max. Dwelling Units: 101 dwelling units
 9. Sight Visibility Triangles (SVT): 1 SVT waived on the northeast corner of Olney Ave. & 35th Ave., all others required
- d. Concurrent with submittal of the initial Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.

- e. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- f. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- g. The following Planning Engineering conditions shall apply:
 - 1. Care shall be taken when aligning Olney Avenue on the east and west sides of 35th Avenue. Final plans shall show improvements on the west side of 35th Avenue and demonstrate how the intersection will be aligned. This may require coordination with the developer on the west side of 35th Avenue.
 - 2. The final design shall include detailed plans for the widening of 35th Avenue to a Minor Arterial section per Figure 5.9 of the Roadway Design Manual.
 - 3. The Olney Avenue site frontage shall be developed to Rural Local Roadway classification- reference cross section 5.6 MCDOT Roadway Design Manual. Olney improvements are as indicated below:
 - a. Segment of Olney Avenue from 35th Avenue to approximately 616 east of 35th Avenue - 25 foot R/W half street local roadway dedication containing 20 feet of pavement with 2 ½ shoulders each side.
 - b. Segment east of first ±616' from 35th Avenue - 25 foot R/W half street local roadway dedication containing 26 feet of pavement width plus southern shoulder per typical RDM cross section standard for local rural roadway. The 26 foot pavement will encroach on parcel to north. MCDOT will assist in determining legal owner of this parcel and obtaining right to pave/improve in this parcel. This roadways section shall taper from the western point of new pavement to meet pavement the width of the west portion of existing Olney Avenue.
 - c. Prior to final plat/infrastructure approval, a Design Exception will be required from MCDOT for the substandard improvement of Olney Avenue.
 - 4. To satisfy safe sight distance requirements at the southern road access to 35th Avenue (Capistrano Drive), the roadway profile of Capistrano Drive east of 35th Avenue must be designed such that Capistrano Drive is sloped towards 35th Avenue for a distance of at least 20 feet.
 - 5. Channel side slopes of 2:1 can only be stabilized with grouted rip rap or concrete; side slopes of 1:1 or steeper can only be stabilized with concrete. Channel grades and resultant velocities within the channels exceed those which would allow for unlined systems. As noted in the Drainage Report, final design will warrant stabilization. The use of vertically placed rip rap for scour protection is prohibited. Subsurface scour protection must be placed at a maximum 2:1 slope.

6. Final design plans shall indicate retention of the site's half-width frontage of 35th Avenue.
 7. Retention and spreader basins must drain within 36 hours.
 8. Berms used for storm water retention, conveyance of storm water or a combination of the two, must have a minimum top width of eight feet (8').
 9. A geotechnical analysis addressing the stability of cut slopes in excess of 2:1 must be submitted as part of the subdivision's infrastructure permit application.
 10. The need to address erosion setback requirements from new drainage infrastructure will be further evaluated as part of the final design, pending channel stabilization requirements.
 11. The need for drainage easements within HOA tracts must be further evaluated as part of the final plat preparation.
 12. A Storm Water Pollution Prevention Permit (SWPPP), issued by the County (PND), will be required prior to issuance of any building/grading permits required for site development.
 13. Engineering 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; Floodplain Regulations for Maricopa County; and the MCDOT Roadway Design Manual.
 14. Based on the conceptual design nature of the information submitted, changes to the site layout and/or a reduction in the number of building lots may be necessitated by the final engineering design of the subdivision drainage infrastructure.
 15. Detailed Grading and Drainage (Infrastructure) Plans must be submitted with the application for Final Plat Approval and Building Permits.
- h. The final plat construction documents shall restrict traffic exiting from Olney Avenue onto 35th Avenue to right out only movement until such time that Olney Avenue is fully developed with half street improvements on the northern side of the mid-section line or the interim design of the intersection allows for the appropriate sight visibility triangle on the adjacent northern property. If the developer cannot demonstrate appropriate safety or visibility with the design of Olney Avenue, a splitter island shall be required in the final plat construction documents to MCDOT specifications.
- i. The Owner or Developer shall address and respond to all recommendations of the Arizona Game and Fish Department (AZGFD) included in the letter dated September 28, 2022 Board of Supervisors' Hearing – P&Z Agenda

- November 10, 2021 at the time of final plat infrastructure permits. The response shall be sent to AZGFD for review and consideration. The Zoning Inspector and/or their designee shall review the applicant's response, and any subsequent comments received from AZGFD, to determine whether the response issued by the Owner or Developer addresses AZGFD comments in good faith. Should the Zoning Inspector and/or their designee decide that the Owner or Developer has not substantially addressed AZGFD comments in good faith, the Owner or Developer shall be required to propose and implement alternatives to the recommendations made by AZGFD.
- j. Sunrise Ranch will be a "dark skies" community. Any county required outdoor lighting shall be shielded so as not to direct or reflect light upon adjoining land, shall not be constructed within 20 feet of any adjoining property under other ownership, and shall not exceed 18 feet in height.
 - k. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
 - l. Two required parking spaces on all lots will be provided within garages with a minimum of 9'x18' per space in addition to having two parking spaces available on driveways with a minimum of 9'x18' per parking space
 - m. Prior to approval of the initial Final Plat, the applicant shall provide the Maricopa County Planning and Development Department with an executed pre-annexation service agreement with the City of Phoenix that identifies when the proposed project will be annexed and the provision of water, and sewer, police, fire, and related services and infrastructure. In lieu of a pre-annexation service agreement the developer must provide a 'will serve' letter from the City of Phoenix for water, sewer, fire and police services. This information shall be included in the narrative report for the Final Plat and the associated public report for the subdivision. The Final Plat shall contain a note referencing the will serve letters or pre-annexation service agreement.
 - n. Prior to Final Plat approval, the property owner shall add a note on the plat that discloses to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping.
 - o. Prior to Final Plat approval, the property owner shall add a note on the plat that discloses to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active aviation uses in the Hangar Haciendas Units One, Two, and Three subdivisions located approximately 750 feet to the east of the subject property in Maricopa County.
 - p. Amendments to the zone change shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
 - q. 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).

- r. 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 Zone Change as set forth in the Maricopa County Zoning Ordinance.
- s. 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.