

BOARD OF SUPERVISORS' HEARING
PLANNING AND ZONING AGENDA
October 19, 2022

CONSENT AGENDA

Title: Superior Tanks
Case #: Z2021076
Supervisor District: 5
Applicant & Owners: Weston Michael, Superior Tank & Fabrication / Weston & Cindy Michael
Request: A Special Use Permit (SUP) for a cottage industry to accommodate the manufacture of water tanks for water carrying vehicles in the Rural-43 zoning district
Site Location: A ¼ mile north of the northwest corner of El Mirage Rd. and Southern Ave. in the Avondale area
Commission
Recommendation: On 9/22/22, the Commission voted 8-0, to recommend **approval** of Z2021076 subject to conditions 'a' – 'h':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Special Use Permit Request for Superior Tank and Fabrication", consisting of two full-size sheets, dated March 21, 2022, and stamped received March 22, 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 "Superior Tank and Fabrication", consisting of four pages, dated March 13, 2022, and stamped received March 22, 2022, except as modified by the following conditions.
- c. The following Planning Engineering comments shall apply:
 1. The regulatory flood elevation for new structures shall be two feet above the base flood elevation for building and floodplain use permitting purposes.
 2. New fencing within the floodplain shall be designed such that it will not result in an adverse drainage or flood impact to the site or surrounding properties.
 3. Retention basins must drain within 36 hours.
 4. The owner shall dedicate right-of-way along the site's El Mirage Rd. frontage to provide a total half-width of 65 feet prior to issuance of any building permits; or within six months of SUP approval, whichever occurs first.

5. Detailed Grading and Drainage (Site Development) Plans indicating that the site will drain to the retention basin(s) must be submitted with the application for Building Permits.
 6. 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; and issuance of construction permits.
- d. The two temporary shade structures must be removed or permitted within 12 months. A status report must be submitted in 12 months showing that the shade structures have been removed or permitted on the site.
 - e. The site shall use an alternative surface material on driveways, parking areas, and loading/unloading areas to address dust pollution in place of paved surfaces, except for any ADA accessible parking space(s).
 - f. This special use permit is valid for a period of ten years and shall expire on October 19, 2032, 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 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: 8815 E. Apache Trail
Case #: Z2021131
Supervisor District: 2
Applicant & Owner: Rod Jarvis, Earl & Curley / Sofia Vasquez

Request: Zone Change from R-5 and C-3 to C-3 CUPD with a plan of development for an auto repair business

Site Location: Generally located 225' east of the southeast corner of Glenmar Rd. and Apache Trail in the Mesa area

Commission Recommendation: On 9/22/22, the Commission voted 8-0, to recommend **approval** of Z2021131 subject to conditions 'a' – 'k':

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Zone Change with Overlay R-5 & C-3 to C-3 CUPD Z2021131 8815 E. Apache Trail", consisting of 1 full-size sheet, dated June 30, 2022 and stamped received August 12, 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 "8815 E. Apache Trail", consisting of 11 pages, dated revised September 8, 2022 and stamped received September 8, 2022 except as modified by the following conditions.
- c. A Plan of Development is approved subject to site plan entitled "Zone Change with Overlay R-5 & C-3 to C-3 CUPD Z2021131 8815 E. Apache Trail" consisting of 11 full-size sheets, dated June 30, 2022, and stamped received August 12, 2022. The Plan of Development may be amended administratively under separate application as long as the amendment complies with the established CUPD development standards as approved by the Board of Supervisors. Staff may determine slight refinements to remain in substantial conformance with the approved site plan. Minor and major amendments to the site plan will be determined in accordance with Chapter 3 of the Maricopa County Zoning Ordinance.
- d. The following Planning Engineering conditions shall apply:
 - 1. The submitted plan of development includes a previously unpermitted structure built over previously impervious surface. No additional development approval is implied by this review, including, but not limited to drainage design, access and roadway alignments.
 - 2. Any future development must ensure that historic drainage patterns are maintained at the up and downstream limits of development.
 - 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.

- e. The following Maricopa County Environmental Services Department (MCESD) condition shall apply:
 - 1. Approval to Construct (ATC) and Notice of Intent to Discharge (NOID) must be obtain prior to construction permit approval.
- f. The following C-3 CUPD standards shall apply:
 - 1. Front, rear, side and street-side setbacks: 0'
 - 2. Maximum side yard lot coverage and setback: 100% and 0'
 - 3. Maximum number of standard parking spaces: 11
 - 4. Fencing: 6' fencing with opaque screening
 - 5. Elimination of the sight visibility triangles at the north property line (both sides of the ingress/egress) and Apache Trail right-of-way.
 - 6. One freestanding pole sign to be setback 0' from east property line with height of 12', non-illuminated double-faced sign with 24 sq. ft.
 - 7. Paving waived – utilization of existing decomposed granite for the property.
- g. The owner shall submit as-built permits for all unpermitted construction which includes the existing 1,200 mechanic shop (northern region of site), existing canopy 720 sq. ft (northern region of site), completion of B202005586 for the existing mechanic shop (southern region of site), on-site parking improvements and fencing by obtaining final inspections by the extended Compliance Agreement deadline date – June 30, 2023.
- h. The C-3 CUPD overlay is applied to restrict the use of the site to automobile repair until such time as the site is served by sewer.
- 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.

Title: Envirotech Group
Case #: Z2021137
Supervisor District: 5
Applicant & Owner: Arno Naekel, Davillier Law Group / Steve Elsner
Request: Zone Change from Rural-43 to IND-2 IUPD
Site Location: Generally located at the SWC of Campbell Ave. & 355th Ave.
Commission
Recommendation: On 9/22/22, the Commission voted 8-0, to recommend **approval** of Z2021137 subject to conditions 'a' – 'j':

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Zoning Exhibit", consisting of 1 page, dated July 2, 2022, and stamped received September 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 Envirotech Group", consisting of 6 pages, dated revised September 13, 2022, and stamped received September 13, 2022 except as modified by the following conditions.
- 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 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.
- d. 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. A Plan of Development shall be required for any future development should the zone change application be approved (i.e. building expansion). Any development must ensure that historic drainage patterns are maintained at the up and downstream limits of development; provide for storm water retention of new development area(s); and will require an engineered grading and drainage plan.
 3. A traffic impact study must be submitted with any future entitlement application(s) (i.e. plan of development), unless otherwise waived by MCDOT.

4. Dedication of right-of-way for the arterial (65') alignment fronting the site (355th Avenue) may be required as part of future entitlement application(s).
 5. 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. The following IND-2 IUPD Zoning District standards shall apply:
1. Parking – A minimum of 10 regular parking stalls shall be developed including 1 ADA space to accommodate employees and 1 space per 900 sq. ft. of floor area shall be required thereafter
 2. Uses Permitted – Manufacturing or assembly of electrical appliances, electronic instruments and devices, optical goods, precision instruments, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers and crystal holders; accessory buildings and uses customarily incidental to the above uses; commercial storage of mobile homes, manufactured homes, travel trailers, recreation vehicles, boats and aircraft; construction equipment, including sales, service, rental and storage, and one single-family dwelling or caretaker residence. Until such time as the site is served by sewer and water, of the uses permitted, the uses on site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic and well. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.
- f. No more than ten (10) individuals other than the owner are permitted to be employed on the site.
- g. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years for the initial phase and an additional five (5) years for each subsequent phase, within which time a Plan of Development and initial construction permit must be obtained.
- 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 Special Use Permit. 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: SR 24 RV-Boat Storage
Case #: Z2021163
Supervisor District: 2
Applicant & Owner: Ralph Pew, Pew & Lake, PLC / SR24 Storage LLC
Request: Special Use Permit (SUP) for RV & Boat storage in the Rural-43 district
Site Location: Generally located approx. ½ mile to the southeast of the intersection of 222nd St. & Williams Field Rd. and directly north of the future State Route 24 (SR 24) – Gateway Freeway in the Mesa area

Commission
Recommendation: On 9/22/22, the Commission voted 8-0, to recommend **approval** of Z2021163 subject to conditions ‘a’ – ‘h’:

- a. Development of the site shall be in substantial conformance with the Site Plan entitled “SR24 Storage”, consisting of 1 full-size sheets, dated June 7, 2022, and stamped received June 20, 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 “Special Use Permit (SUP) Project Narrative for SR24 RV & Boat Storage”, consisting of 8 pages, dated revised July 14, 2022 and stamped received July 14, 2022, except as modified by the following conditions.
- c. Development of the site shall be in substantial conformance with the Sign Package entitled “Sign Package SR24 RV Boat Storage”, consisting of 5 pages, dated July 11, 2022 and stamped received July 14, 2022, except as modified by the following conditions.
- d. This special use permit is valid for a period of (10 years) and shall expire on August 31, 2032, 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.
- e. The following Planning Engineering conditions shall apply:

1. At the time of application for building permit, verification of (no) offsite flow must be provided.
 2. At the time of application for building permit, there must be details on the plans for the grates over the manholes. The MAG Standard Details do not have grates for manhole covers.
 3. The applicant should be aware that 222nd St. is MCDOT operated and maintained. Any work in the MCDOT right-of-way will require a MCDOT right-of-way permit.
 4. The applicant should be aware that Fry Road/SR24 is ADOT operated and maintained. Any work in the ADOT right-of-way will require a ADOT right-of-way permit.
 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.
 7. Design conforming to Maricopa County Drainage Policies and Standards DPS 6.10.9. Item required, but not limited to:
 - a. Certification from system manufacturer for a minimum 75-year service life.
 - b. Maintenance Plan.
 - c. Geotechnical Report (soil borings indicating depth to groundwater) and corrosivity (soil pH) testing for metal (CMP,CAP) systems.
 - d. Soil percolation testing in accordance with DPS 6.10.12.
 - e. Construction details of all system components.
 - f. Calculations for the required 100 year, 2 hour storm volume.
 - g. Basin drain down time calculations. Design rate for drywells shall be 0.1 cfs/drywell. As-built percolation tests may result in an increase or reduction in the number of drywells required. Calculations showing retention basins will drain within 36 hours.
 - h. Third party inspections will be required for the underground retention systems.
- f. The following Phoenix-Mesa Gateway Airport Authority conditions shall apply:
1. Any permanent development or temporary structures, such as cranes are subject to a CFR Title 14 Part 77 (Form 7460) review to determine any impacts to navigable airspace and air navigation facilities. An FAA

determination notice of no hazard to air navigation shall be provided, if requested. Maximum building height should include the height of all structures on top the building and not to the top of the parapet.

2. Any buildings, uses design or features which may obscure a pilot's vision in any way resulting in glare, or flash blindness should not be permitted.
 3. Lighting placement or systems that direct lighting upward or toward the approach paths of aircraft, or that could be confused with airport identification or navigational lighting should not be permitted.
 4. Sources of potential electromagnetic interference shall be considered through CFR Title 14 Part 77 (Form 7460) review.
 5. Ensure that landscape features and lush plant/tree varieties attractive to hazardous wildlife are not used. Trash or debris collection containers shall close or be enclosed.
- 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 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: The Flower Shop
Case #: Z2022003
Supervisor District: 1
Applicant & Owner: Andrew Yancy of Bergin, Frakes, Smalley & Oberholtzer, PLLC / Elliot Holdings, LLC
Request: Major Special Use Permit Amendment in the C-2 zoning district for the expansion of an existing marijuana establishment onto adjacent parcel and to include the sale of extracted product to third party, off-site licensed dispensaries on the adjacent parcel
Site Location: Generally located 400' west of the SWC of Elliot Rd. and I-10 Maricopa Frwy. in the Phoenix area

Commission

Recommendation: On 9/22/22, the Commission voted 8-0, to recommend **approval** of Z2022003 subject to conditions 'a' – 'k':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "The Flower Shop", consisting of five full-size sheets, dated July 27, 2022, and stamped received August 3, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "The Flower Shop", consisting of 15 pages, dated August 2, 2022, and stamped received August 2, 2022, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. 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.
 2. Detailed Grading and Drainage (Site Infrastructure) Plans must be submitted with the application for Building Permits.
 3. The subject premises is located within the County's Urbanized Area and will disturb more than one acre (Common Plan of Development). A Storm Water Pollution Prevention Permit (SWPPP), issued by the County (PND), shall be required prior to issuance of any building permits required for site development.
- d. This special use permit shall expire on October 19, 2032, or upon termination of the use for a period of 90 or more days, whichever occurs first. Any buildings and improvements on the site may remain in place, but the use for which this Special Use Permit was approved shall not continue.
- e. A recorded lot combination document must be submitted with subsequent building permit applications.
- f. The east Sight-Visibility-Triangle of the central driveway shall have a dimension of 6½' by 6½' and the west Sight-Visibility-Triangle of the east driveway shall have a dimension of 19' by 19'.
- g. Minimum south front yard along the private street shall be three feet.
- h. Maximum height for freestanding signs shall be 32'.
- i. Any applicable conditions of approval of Special Use Permit Z2018070 and Major Special Use Permit Amendment Z2020047 shall be maintained.

- j. 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.
- 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 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: NWC 202 & Apache Billboard
Case #: Z2022075
Supervisor District: 2
Applicant & Owner: Jacob Zonn, Becker Boards / 8946 Apache Trail LLC
Request: Zone Change from R-5 and C-3 to C-3 CUPD to accommodate the relocation and upgrade of a static billboard to digital
Site Location: Generally located at the NWC of Apache Blvd. and the Loop 202 Freeway in the Mesa area
Commission Recommendation: On 9/22/22, the Commission voted 8-0, to recommend **approval** of Z2022075 subject to conditions 'a' – 'g':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "SITE-PLAN-2", consisting of 2 full-size sheets, dated June 20, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "NARR-RPTS-2", consisting of 4 full sized sheets, dated July 7, 2022, except as modified by the following conditions.
- c. 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.
- d. The following C-3 CUPD standards shall apply:
 - a. Min. Distance from Another Billboard to the west: 200'

- 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 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.
- 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, 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: Power & Riggs Commercial
Case #: Z2022082
Supervisor District: 1
Applicant & Owner: George Pasquel III – Withey-Morris, PLC / Hoffman Irrevocable Trust
Request: Zone Change from Rural-43 RUPD, R-4 and C-3 to C-3 CUPD
Site Location: Generally located at the SWC of Power Rd. & Riggs Rd. in the Queen Creek area

Commission
Recommendation: On 9/22/22, the Commission voted 7-0, to recommend **approval** of Z2022082 subject to conditions 'a' – 'i':

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Exhibit A", consisting of 6 pages, dated September 9, 2022, and stamped received September 9, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Riggs and Power Commercial Center", consisting of 8 pages, dated September 9, 2022, and stamped received September 9, 2022 except as modified by the following conditions.
- 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. The following Planning Engineering conditions shall apply:
 - 1. Without the submittal of a precise plan of development, no development approval is implied 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. The property owner/developer shall address MCDOT comments in the letter dated May 11, 2022 with future entitlement submittals (POD).
 - 4. 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. The following C-3 CUPD Zoning District standards shall apply:
 - 1. Min. Front Yard – 10'
 - 2. Parking – Except for required ADA spaces, parking waived for mini-storage & RV/boat storage use except for the office where a minimum of 4 spaces shall be required. 1 space per 250 sq. ft. of floor area shall be required for all other uses.
 - 3. Screening/Buffering – 6' solid masonry wall adjacent to or abutting any rural or residential zone boundary except where existing walls are present
 - 4. C-3 Uses Prohibited – Adult-oriented businesses, dance halls and nightclubs, bus depots, medical marijuana establishments, marijuana establishments, bars, halfway houses, boarding houses, liquor stores and residential uses shall be prohibited.

- f. No further division of land shall occur unless access is provided to a new lot from either Riggs Rd., Power Rd. or via the establishment of a cross-access easement between parcels. Establishment of a cross access easement may require the owner or developer secure a Zone Change: Modification of Conditions in the event setbacks are modified.

- 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 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 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 Special Use Permit. 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: SEC of Apache & 202
Case #: Z2022085
Supervisor District: 2
Applicant & Owner: Jacob Zonn, Becker Boards Small, LLC / Simoncre Rubicon V LLC
Request: Amendment to C-3 CUPD zoning district standards
Site Location: Generally located at the SEC of Apache Trl. and Loop 202
Commission
Recommendation: On 9/22/22, the Commission voted 8-0, to recommend **approval** of Z2022085 subject to conditions 'a' – 'e':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Plan of Development", consisting of 2 full-size sheets, dated July 14, 2022 and stamped received August 3, 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 / CUPD Amendment for Digital billboards", consisting of 6 pages, dated August 8, 2022, and stamped received August 8, 2022, except as modified by the following conditions.
- c. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this amendment to C-3 CUPD zoning district standards as set forth in the Maricopa County Zoning Ordinance.
- d. The following Planning Engineering conditions shall apply:
 1. Application 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 of construction.

- e. The following C-3 CUPD standards shall apply:
 - 1. Maximum Billboard height: 70'
 - 2. Minimum separation distance from another billboard located to the north across Apache Trail: 916'

Title: LCO Outdoor Advertising – Billboard Digital Conversion
Case #: Z2022109
Supervisor District: 1
Applicant & Owner: Bergin, Frakes, Smalley & Olberholtzer (BFSO) / Gilbert Drive Industrial Partners, LLC
Request: Special Use Permit for Digital Billboard Conversion in the IND-2 IUPD zoning district
Site Location: Approx. 600' northeast of the NEC of Mary St. & Gilbert Dr. in the Tempe area
Commission Recommendation: On 9/22/22, the Commission voted 8-0, to recommend **approval** of Z2022109 subject to conditions 'a' – 'g':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled, "LCO Outdoor Advertising – Digital Billboard Conversion" consisting of 4 pages dated September 8, 2022, and stamped received September 8, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Special Use Permit Narrative for Digital Billboard Conversion", consisting of 17 pages, dated revised August 12, 2022, and stamped received August 15, 2022, except as modified by the following conditions.
- c. The SUP shall comply with the conditions of approval for Z2016010 except as modified by the following conditions:
 - 1. Min. Off-Site Sign Distance from Another Off-Site Sign within 3 Miles of a Municipality – 500'
 - 2. Min. Off-Site Sign Distance from a Park, School or Roadside Rest Area – 470'
- d. Upon discontinuation, termination or abandonment of the billboard use for a period of 90 or more days, the SUP shall become void. All site improvements associated with the special use permit shall be removed within 90 days of such expiration or termination of use.
- e. 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.
- f. 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.
 - g. The granting of this Special Use Permit 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 Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and changing to the prior land use designation results in the same value of the property as if the Special Use Permit had never been granted.

Title: Arrington Outdoor – Scottsdale Rd.
Case #: Z2022111
Supervisor District: 1
Applicant & Owner: Jayson Williams / Arrington Outdoor Advertising, LP / Tasmanian Works, LLC
Request: Special Use Permit to convert LNC static billboard to digital in the IND-2 IUPD zoning district
Site Location: Generally located approx. 230' east of the NEC of Scottsdale Rd. and Loop 202
Commission Recommendation: On 9/22/22, the Commission voted 8-0, to recommend **approval** of Z2022111 subject to conditions 'a' – 'e':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Arrington Outdoor Billboard", consisting of 2 full-size sheets, dated August 8, 2022, and stamped received August 9, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Special Use Permit Digital Billboard Conversion", consisting of 20 pages, dated August 9, 2022, and stamped received August 9, 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

October 19, 2022 Board of Supervisors' Hearing – P&Z Agenda

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.

- d. 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.
- e. 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 125 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.

Title: Billboard Conversion SUP
Case #: Z2022121
Supervisor District: 1
Applicant & Owner: Withey Morris, PLC / Moran Real Estate Investments, LLC
Request: Special Use Permit to allow for digital conversion of a Legal Non-Conforming Static Billboard in the IND-2 zoning district
Site Location: Generally located 490 feet from the NEC of 59th Ave. & Watkins St. in the Phoenix area
Commission Recommendation: On 9/22/22, the Commission voted 8-0, to recommend **approval** of Z2022121 subject to conditions 'a' - 'g':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Moran Lumber Repair Facility – Off-Premise Sign Conversion to Digital", consisting of one full-size sheet, dated and stamp received August 17, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Moran Real Estate Investments, LLC Special Use Permit Digital Conversion Off-Premise Sign", consisting of 22 pages, dated and stamp received August 17, 2022, except as modified by the following conditions.

- c. The following Planning Engineering conditions shall apply:
 - 1. This parcel is within Special Flood Hazard Area, Zone AH, and a Floodplain Use Permit will be required at the time of application for construction.
 - 2. Applicant shall be responsible for coordinating any requirements that may be imposed by ADOT (redletter@azdot.gov)
 - 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 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.

REGULAR AGENDA

Title:	The Ville – Apartment Townhomes
Case #:	Z2022068
Supervisor District:	4
Applicant & Owner:	Ashley Marsh, Gammage & Burnham, P.L.C. / Gregory Living Trust
Request:	Zone change with overlay from Rural-43 to R-4 RUPD for future multi-family residential development

Site Location: Generally located ¼ mile east of the northeast corner of 75th Ave. and Thunderbird Rd. in the Peoria area

Commission Recommendation: On 9/22/22, the Commission voted 7-1, to recommend **approval** of Z2022068 subject to conditions 'a' – 'g':

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "The Ville – Apartment Townhomes", consisting of one full-size sheet, dated June 20, 2022, and stamped received June 22, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "The Ville – Apartment Townhomes", consisting of 14 pages, dated June 22, 2022, and stamped received June 22, 2022, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. APNs 200-68-020L, 200-68-020P and 200-68-020S are located within the jurisdiction of the City of Peoria (strip annexed) who must approve any zone change proposal within their confines.
 2. Thunderbird Rd. and 73rd Ave. are within the jurisdiction of the City of Peoria. The applicant is responsible for coordinating with the City to review any traffic impact, right-of-way dedication, permitting or roadway improvement requirements.
 3. Without the submittal of a Plan of Development, no development approval is inferred by this review, including, but not limited to number of proposed building lots/units, 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.
 4. 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 policies, standards, and best practices at the time of application for construction.
- d. The following R-4 RUPD development standards shall apply:
 1. Maximum height of 30' for structures.
 2. Minimum 20' perimeter setback from any zoning boundary or adjacent street, excluding any refuse enclosure or parking spaces from a zoning boundary.
 3. Minimum standard parking space widths of 9½' and depths of 20'. However, parking spaces may overhang two feet into a landscape strip or

pedestrian walkway, but any parking spaces that protrude over a pedestrian walkway shall maintain at least a four-foot-wide clearance to allow for pedestrian access.

- e. Prior to a precise plan of development or final plat approval, the applicant shall provide the Maricopa County Planning and Development Department with an executed pre-annexation service agreement with the City of Peoria 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.
- f. 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.
- 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, 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.

Continuance: The applicant has requested a continuance to the November 16, 2022 Board hearing.