

BOARD OF SUPERVISORS' HEARING
PLANNING AND ZONING AGENDA
December 7, 2022

CONSENT AGENDA

Title: Hyder Energy Center Project
Case #: CPA2022009
Supervisor District: 5
Applicant / Owners: Wood Group USA / Multiple – See Parcel Exhibit in Planning & Zoning Packet
Request: Major Comprehensive Plan Amendment (CPA) to change the land use designation in the Vision 2030 Maricopa County Comprehensive Plan from Rural Development Area to Utilities. CPA approval is by Resolution.
Site Location: Generally located between the Yuma County Line to the west, 555th Ave. to the east, Old Agua Caliente Rd. to the south, and Butterfield Stage Rd. to the north
Commission Recommendation: On 11/3/22, the Commission voted 9-0, to recommend **approval** of CPA2022009 subject to conditions 'a' – 'd':

- a. Development and use of the site shall be in substantial conformance with the narrative report entitled "Hyder Energy Center Project" dated revised September 30, 2022 and stamped received October 3, 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 "Land Use Exhibit" dated revised September 30, 2022 and stamped received October 3, 2022, except as modified by the following conditions.
- c. The land use designation of 'Utilities' approved as part of case CPA2022009 shall be subject to any applicable time limits set forth in the subsequent zone change.
- d. The applicant is proposing to develop a photovoltaic solar electric generating facility which, pursuant to the Maricopa County Comprehensive Plan, necessitates a change in the land use designation from Rural Development Area to Utilities. The proposal by the applicant represents a comprehensive approach to the subject property and will allow the applicant to pursue the proper entitlements pursuant to state law so that they can lawfully operate in unincorporated Maricopa County. This particular proposal is an appropriate plan for the property and is consistent with the overall intention of the comprehensive plan. However, in the event that the zone change or a zone change phase for this particular proposal is not approved by Maricopa County Board of Supervisors (BOS) within five (5) years from the date of Board approval of this comprehensive plan amendment, this amendment shall no longer be effective as the planning justification for this comprehensive plan amendment will no longer be present. In such instance, a change of the land use designation from Utilities to Rural Development Area will occur, and all comprehensive plan land use maps shall

be altered to reflect as such, because this represents superior long-range planning by Maricopa County.

Title: Harquahala Sun III
Case #: CPA2022010
Supervisor District: 5
Applicant / Owners: Kimley-Horn / Multiple – See Parcel Exhibit in Planning & Zoning Packet
Request: Major Comprehensive Plan Amendment (CPA) to change the land use designation in the Vision 2030 Maricopa County Comprehensive Plan from Rural Development Area to Utilities. CPA approval is by Resolution.
Site Location: Generally located between Lower Buckeye Rd. to the north, Elliot Rd. to the south, 539th Ave. to the west and the 487th Ave. alignment to the east
Commission Recommendation: On 11/3/22, the Commission voted 9-0, to recommend **approval** of CPA2022010 subject to conditions 'a' – 'd':

- a. Development and use of the site shall be substantial conformance with the narrative report entitled "Harquahala Sun III" dated revised October 7, 2022 and stamped received October 17, 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 "Harquahala Sun III" dated revised October 7, 2022 and stamped received October 13, 2022, except as modified by the following conditions.
- c. The land use designation of utilities approved as part of case CPA2022010 shall be subject to any applicable time limits set forth in the subsequent zone change.
- d. The applicant is proposing to develop a photovoltaic solar electric generating facility which, pursuant to the Maricopa County Comprehensive Plan, necessitates a change in the land use designation from Rural Development Area to Utilities. The proposal by the applicant represents a comprehensive approach to the subject property and will allow the applicant to pursue the proper entitlements pursuant to state law so that they can lawfully operate in unincorporated Maricopa County. This particular proposal is an appropriate plan for the property and is consistent with the overall intention of the comprehensive plan. However, in the event that the zone change or a zone change phase for this particular proposal is not approved by Maricopa County Board of Supervisors (BOS) within five (5) years from the date of Board approval of this comprehensive plan amendment, this amendment shall no longer be effective as the planning justification for this comprehensive plan amendment will no longer be present. In such instance, a change of the land use designation from Utilities to Rural Development Area will occur, and all comprehensive plan land use maps shall be altered to reflect as such, because this represents superior long-range planning by Maricopa County.

Title: Z2021162
Case #: Brown Family Project
Supervisor District: 1
Applicant / Owners: Jessica Sarkissian, Upfront Planning & Entitlements, LLC / Brown Family Trust / Soltz Family Trust / Joshua Brown
Request: Zone Change with Overlay Rural-43 to C-2 CUPD
Site Location: Approx. 1,640' east of the NEC of 144th St. and Willis Rd.
Commission
Recommendation: On 11/3/22, the Commission voted 9-0, to recommend **approval** of Z2021162 subject to conditions 'a' – 'i':

- a. 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 the construction permit for each phase must be obtained. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of Z2021162 which details the status of this project, including progress on obtaining construction permits. The status report to be administratively reviewed by Planning and Development with the ability to administratively accept or to carry the status report to the Board of Supervisors (Board), upon recommendation by the Planning and Zoning Commission (Commission) for consideration of amendments or revocation of zoning for undeveloped parcels. Status reports will be required until completion of the initial construction permits for each zoning parcel.
- b. Prior to approval of the precise plan of development approval, except as noted in this condition, the applicant shall provide the Maricopa County Planning and Development Department with an executed pre-annexation service agreement with the Town of Gilbert that identifies the detail for when the proposed project will be annexed and the provision of water and sewer service. In lieu of pre-annexation service agreement the developer must provide a 'will serve' letter from the certificated water and sewer provider(s). Until the pre-annexation service agreement is executed or a will-service letter is accepted, the only uses permitted shall be those that the Department considers to not require water and wastewater.
- c. The following C-2 CUPD standards shall apply:
 1. Height: 70'
 2. Billboard height: 70'
 3. Distance from freeway travel lane for freeway billboard: 556'
 4. Site Screening: Outdoor storage of products and materials may exceed the height of the enclosure, but they shall not exceed 8'. Stored vehicles and related shade structures may not exceed a height of 12'.

5. Minimum distance separation between billboards: 850'
- d. CUPD overlay shall prohibit the following uses:
1. Adult orientated facilities
 2. Bars
 3. Drive-in or drive-thru restaurants
 4. Retail sales of gas (butane or propane)
 5. Liquor stores
 6. Theaters
 7. Self-storage
 8. Recreation centers with pool halls or billiards
- e. The following PND Engineering conditions:
1. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards. No entitlement is inferred by this review.
 2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
 3. Any site development must include a grading and drainage plan prepared by a licensed civil engineer in accordance with Drainage Review Requirements for Precise Plans (Planning Phase) and the Engineered Plan Submittal Requirements (Building Phase).
 4. The site is not located in a Special Flood Hazard Area. The Flood Control District has no comments on this application.
 5. MCDOT has no comments on this application.
 6. The subject premise is NOT located within the County's Urbanized Area. A Storm Water Pollution Prevention Permit (SWPPP) is not required for the development of this site.
- f. 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.

- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change with Overlay 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, 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: Black Rock Coffee
Case #: Z2022100
Supervisor District: 3
Applicant / Owner: Shaine T. Alleman, Tiffany & Bosco, P.A. / 7960 East Thompson Peak Parkway LLC
Request: Zone Change with Overlay from C-O to C-1 CUPD
Site Location: Generally located at the NWC of King Rd. & Gavilan Peak Pkwy. in the Anthem area
Commission
Recommendation: On 11/3/22, the Commission voted 9-0, to recommend **approval** of Z2022100 subject to conditions 'a' – 'g':

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled 'Black Rock Coffee Bar Black Rock Coffee' consisting of 1 page, dated August 3, 2022, and stamped received September 15, 2022, except as modified by the following conditions. Staff may determine slight refinements to remain in substantial conformance with the approved narrative. Minor and major amendments to the narrative will be determined in accordance with Chapter 3 of the Maricopa County Zoning Ordinance.

- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "NEC of Gavilan Peak Parkway & King Drive Proposed Rezone from C-O to C-1 CUPD", consisting of 11 pages, stamped received October 21, 2022, except as modified by the following conditions.
- c. The following CUPD standards shall apply:
 - 1. Menu-boards for drive-thru restaurants containing speakers shall not be located any closer than 90 feet to a Rural or Residential zone
 - 2. A solid wall shall not be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary.
 - 3. Adjacent to any rural or residential zone parking areas shall not be screened from view.
 - 4. Uses Permitted – Cafes, including drive-through but not including those having dancing or shows, or drive-in car service. The sale of alcoholic beverages for on-site consumption only may be permitted as an accessory use if the kitchen facilities in the restaurant do not exceed 20% of the floor area. Patios, cocktail lounges, and outside dining and drinking area shall be limited to a space serving no more than 50 patrons, and no entertainment or music shall be audible off site.
- d. 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.
- e. The Following 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 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.
 - 2. A traffic impact study must be submitted with future entitlement (POD) application(s).
 - 3. The applicant shall coordinate with MCDOT, who has initiated a Transportation Improvement Project (TT0662) involving the signalization of King Drive and Gavilan Peak Pkwy, with future entitlement (POD) application(s).
 - 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.

- 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.

REGULAR AGENDA

Title: Eagletail Airstrip (Cont. from 12/9/20)
Case #: Z2020011
Supervisor District: 5
Applicant & Owner: Gretchen House & Michael Tragarz, 99AZ Eagletail Runway Association
Request: Modification of Condition for permanent extension of Special Use Permit (SUP) Z 99-87 for a private airstrip/runway in the Rural-43 zoning district
Site Location: Generally located between Broadway Rd. and Southern Ave. approximately ¼ mile west of 539th Ave., in the Harquahala area
Commission Recommendation: On 10/22/20, the Commission voted 8-0 to recommend **approval** of Z2020011 with waiver to the Runway Protection Zones and Obstacle Free Zones per MCZO Art. 1111.3, subject to conditions 'a' – 'j':

- a. Development shall comply with the site plan, entitled "Site Plan of Eagletail Airstrip," consisting of 4 sheets, dated November 18, 1999 and stamped received February 24, 2020 except as modified by the following stipulations.
- b. Development shall comply with the provisions in the narrative report entitled "Eagletail Airstrip, Maricopa County, Arizona Special Use Permit Narrative Report", consisting of 8 pages, dated February 10, 2020 stamped received February 24, 2020 except as modified by the following stipulations.
- c. The applicant shall submit a written report outlining the status of the development at the end of five years from the date of approval by the Board of Supervisors.

The status report shall be reviewed by staff to determine whether the special use is compatible with the surrounding area.

- d. This Special Use Permit shall be in perpetuity or shall expire upon termination of the use. Any improvements associated exclusively with the SUP shall be removed within 180 days of such expiration.
- e. All outdoor lighting shall conform to Section 2318 of the Maricopa County Zoning Ordinance.
- f. Major changes to this Special Use Permit must be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. The Department of Planning and Development may administratively approve minor changes.
- g. No person shall operate, maintain, use or allow the use of any area larger than 5,000 square feet for the parking, storage, servicing or dispatching of motor vehicles without first implementing reasonably available control measures to effectively prevent or minimize fugitive dust.
- h. After zoning approval, but prior to issuance of any building permits or the issuance of a drainage clearance, the developer or his representatives must contact the Flood Control Permitting Office.
- i. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in Section 2806 of the Zoning Ordinance.
- j. The number of flights per month shall be unlimited.

Title: Cowboy Mounted Shooting Training with Half Loads
Case #: Z2022141
Supervisor District: 5
Applicant & Owner: Carrie Hirshberg
Request: Special Use Permit for Mounted Cowboy Shooting in the Rural-43 zoning district
Site Location: Generally located approximately 636 ft. south of the SWC of Weldon Ave. & 359th Ave. in the Tonopah area.
Commission Recommendation: On 11/3/22, the Commission voted 8-0, to recommend **approval** of Z2022141 subject to conditions 'a' – 'g':

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Horse Training Facility and Training for Cowboy Mounted Shooting Using Half Loads", consisting of 3 full-size sheets, stamped received September 26, 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 "Cowboy Mounted Shooting Training with Half Loads", consisting of 5 pages, stamped received September 26, 2022, except as modified by the following conditions.
- c. This special use permit is valid for a period of 10 years and shall expire on December 7th, 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.
- d. The following Arizona State Land Department condition shall apply:
 - 1. No projectiles or casings associated with this SUP will be left upon the State Trust Land.
- e. 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.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, 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.
- g. All existing structures erected without the benefit of a building permit shall be subject to a building permit with a status of finalled within 6 months of approval of this SUP.