

**SPECIAL SESSION
January 2, 2008**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Special Session at 11:45 a.m., January 2, 2008, in the Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Max W. Wilson, Vice Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

PLANNING AND DEVELOPMENT ITEMS

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Darren Gerard, Deputy Planning and Development Director, and Victoria Mangiapane, Deputy County Attorney, came forward to present the following planning and zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA

1. **Z2006-093 District 2**
 Applicant: Rosebud Management, LLC
 Location: South of Apache Trail and west of Meridian Road (in the east Mesa area)
 Request: Special Use Permit (SUP) for a RV and Mini-Storage Facility in the R1-8 zoning district (approximately 3.34 acres) – Rosebud RV and Mini-Storage

COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z2006-093, subject to stipulations "a" through "p". Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the site plan entitled "Request for a Special Use Permit for RV Storage & Mini-Storage in R1-8 Zoning District Parcel 1 & Parcel 2", consisting of eight (8) sheets, dated revised October 24, 2007 and stamped received October 29, 2007, except as modified by the following stipulations.
- b. Development and use of the site shall be in conformance with the narrative report entitled "Rosebud RV & Mini-Storage SUP", consisting of five (5) pages, dated revised October 26, 2007, and stamped received October 29, 2007, except as modified by the following stipulations.
- c. Development of the C-3 portion of the property is not tied to this Plan of Development. Any changes to the layout of the C-3 portion of the site need not be preceded by an amendment to this Plan of Development unless said changes affect the operation of the Special Use Permit granted under this case, in which case, staff shall determine if said amendment is minor or major in scope.
- d. The retention basin shall be constructed concurrently with the development of the C-3 portion of the site and shall be designed to accommodate the entire property including the both the C-3 portion of the site plan and the subject Special Use Permit area.
- e. All trees shall be double-staked when installed.

- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- g. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Arizona Department of Transportation (ADOT) for landscaping, driveways or other improvements in the right-of-way.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- j. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- k. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- l. The applicant shall submit a written report outlining the status of the development every five (5) 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 Permit remains in compliance with the approved stipulations.
- m. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of 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 the Maricopa County Zoning Ordinance.
- o. 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

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District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

- p. 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 stipulations.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "p."

REGULAR AGENDA

- 2. CPA2007-14 District 2** (Adoption is by Resolution)
Applicant: Commission Initiative
Location: Generally located north, south, and west of Tonto National Forest and east of the Fort McDowell Yavapai Nation (in east-central Maricopa County)
Request: Comprehensive Plan Amendment to adopt the Goldfield Area Plan update (approximately 5000 acres) – Goldfield Area Plan

COMMISSION ACTION: Commissioner Bowers moved to recommend approval of CPA2007-14. Commissioner Brooks seconded the motion, which passed with a unanimous vote of 9-0.

Darren Gerard reported on the background of this case and the reasons for the amendment.

Randy Haines, resident, addressed the actions taken by himself and his neighbors regarding the amendment of the Comprehensive Plan for Goldfield Ranch that included meetings, surveys and four different draft plans. He said their consensus was reflected in the Planning Department's completed plan, which reflects the input of all of the participating stakeholders. He explained that compromises had been made by all and some work may remain to be done in the future, but he believed, "the plan accomplishes everything that could be expected of a land-use plan." He thanked Supervisor Stapley for his help and guidance in bringing this about and urged approval.

Supervisor Stapley congratulated Mr. and Mrs. Haines, their neighbors and County staff members for working diligently over a long time span to satisfactorily complete this plan amendment. Chairman Kunasek also praised residents, saying he was happy to see this happy ending for the Goldfield Area Plan, and that the doubt and disbelief that had partnered the effort had been overcome by good intentions and persistence.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval by resolution, as follows:

RESOLUTION ADOPTING THE GOLDFIELD AREA PLAN

BE IT RESOLVED by the Maricopa County Board of Supervisors as follows:

WHEREAS, the Goldfield Area Plan helps implement *Eye to the Future 2020*, the Maricopa County Comprehensive Plan, and helps Maricopa County fulfill its responsibilities under Title 11, Section 806 of the Arizona Revised Statutes to coordinate physical development in accordance with present and future needs; and

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WHEREAS, this Board acknowledges the responsibility to exercise its power in establishing land use patterns and development requirements which mitigate adverse impacts to the environment and ensure compatible land uses while enhancing individual freedom and opportunity, respecting private property rights, and facilitating competition and operation of a free marketplace; and

WHEREAS, growth in accordance with sound planning can produce a stronger economy, more efficient use of infrastructure, compatible development patterns, a decrease in pollution, protect natural resources, and improve the region's quality of life; and

WHEREAS, consideration of development issues requires a regional perspective to ensure coordinated development and preservation of the quality of life in the county; and

WHEREAS, this area plan will provide the Board of Supervisors and other decision makers in the county, both public and private, with proper long range guidelines to make decisions based on clear regional policies; and

WHEREAS, citizens and concerned stakeholders in the planning area have contributed significantly to preparation of the Goldfield Area Plan; and

WHEREAS, members of the Board of Supervisors and the Planning and Zoning Commission have provided guidance and strategic direction in the preparation of this area plan; and

WHEREAS, this area plan is intended to be periodically reviewed and, if necessary, updated by the Board of Supervisors; and

WHEREAS, the Maricopa County Planning and Zoning Commission, after careful consideration and a public hearing, has recommended adoption of the Goldfield Area Plan to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has carefully considered the Goldfield Area Plan, has held a public hearing, and finds that this area plan constitutes a suitable, logical, and timely document to guide future development in the Goldfield planning area.

NOW, THEREFORE, BE IT RESOLVED, that the document consisting of the text, maps, and supporting materials entitled "Goldfield Area Plan" and dated December, 2007, is hereby adopted in accordance with *Eye to the Future 2020*, the Maricopa County Comprehensive Plan, on this 2nd day of January, 2008; and

RESOLVED FURTHER, that the goals, objectives, and policies contained in the Land Use, Transportation, Environment, Environmental Effects, Economic Development, Open Space, Growth Areas, Water Resources, and Cost of Development Elements and the recommended Agenda for Action be implemented as policy; and

RESOLVED FURTHER, that this area plan may be amended periodically to reflect changing community needs or desires, and to represent the best judgment of the Board of Supervisors and the Planning and Zoning Commission; and

RESOLVED FURTHER, that all matters affecting the rezoning or physical development of lands in the subject unincorporated county submitted to the Planning and Zoning Commission for consideration, shall

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generally conform to the goals, objectives, and policies of the Goldfield Area Plan, the Maricopa County Comprehensive Plan, or an approved development master plan.

DATED this 2nd day of January 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

3. DMP2007-006 District 4

Applicant: Leadermark Homes, LLC for El Mirage and Camelback, LLC

Location: Northwest corner of Camelback Road and El Mirage Road (in the Litchfield Park area)

Request: Major Amendment to the Wigwam Creek DMP to change the land use designation from Commercial to Medium Density Residential (5-15 d.u./ac.) (approximately 20.47 gross acres) – The Villas at Camelback West

COMMISSION ACTION: Commissioner Jones moved to recommend approval of DMP2007-006, subject to stipulations “a” through “g”. Commissioner Barney seconded the motion, which passed with a majority vote of 7-1, with Commissioner Brooks dissenting.

- a. Development and use of the site shall comply with the narrative report entitled, “Narrative Report for an amendment to the Wigwam Creek Development Master Plan”, a document dated revised November 2, 2007 consisting of nine pages plus figures including a 24"x36" land use plan dated October 2007, except as modified by the following stipulations.
- b. If the final plat for this proposed project has not been approved within five (5) years from the date of development master plan amendment approval, this development master plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Medium Density Residential (5-15 d.u./ac) designation back to the previous Commercial designation.
- c. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 1. The Applicant has provided a Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and among other things, shall address driveway access onto El Mirage Road and the need for dual left turn lanes on southbound El Mirage Road. The TIS must be approved before the subsequent approval of any roadway improvement plans. The project must comply with all recommendations in the MCDOT-approved TIS.
 2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$2,461.00 per residential dwelling unit. The Developer shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.

3. The Developer shall be responsible for the design and construction of the ultimate full-width of all interior roadways and the ultimate half-width of all perimeter roadways. Roadways must meet all county standards. Roadway improvement plans must be approved and permitted by MCDOT.
 4. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Developer should contact the Office of the Superintendent of Streets to initiate the Improvement District process (602) 506-8797 to initiate the SLID process.
 5. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as assigned to Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
- d. The following Drainage Review stipulations shall apply:
1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
 2. 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 the Drainage Regulation and design policies and standards.
- e. A quality of life assessment of \$596.00 for each housing unit built shall be made available to the Maricopa County Library District at the time of building permit issuance.
- f. 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 A.R.S. 28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct overflights 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 areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be 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 8 1/2 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.

- g. All other stipulations approved by the Board of Supervisors for the Wigwam Creek Development Master Plan shall remain in effect.

Darren Gerard reported that the applicant for #3, DMP2007-006, and #4, Z2006-147, had requested this case be continued.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this item to the February 6, 2008, meeting.

- 4. **Z2006-147** **District 4**
Applicant: Leadermark Homes, LLC for El Mirage and Camelback, LLC
Location: Northwest corner of Camelback Road and El Mirage Road (in the Litchfield Park area)
Request: Rezone from C-2 to R-3 (approximately 17.3 net acres) – The Villas at Camelback West

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2006-147, subject to stipulations "a" through "o". Commissioner Makula seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall be in substantial conformance with the zoning exhibit entitled, "The Villas at Camelback West – A Preliminary Plat and Precise Plan of Development for Rezoning", consisting of fifteen (15) full size sheets, stamped received November 7, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in substantial conformance with the narrative report entitled, "The Villas at Camelback West – A Preliminary Condominium Plat and a Zoning Change from C-2 to R-3", consisting of twelve (12) pages, dated revised August 2, 2007, and stamped received September 5, 2007, except as modified by the following stipulations.
- c. Landscaping of the site shall be is in substantial conformance with the landscape plan entitled, "The Villas at Camelback West", consisting of nine (9) full size sheets, stamped received November 7, 2007, except as modified by the following stipulations.

- d. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
- 1) The developer shall provide ultimate half-width improvements with pavement, curb, gutter, and sidewalk to El Mirage Road and Camelback Road.
 - 2) Off-Site improvements shall accommodate the anticipated traffic demand for this project.
 - 3) The applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$2,461.00 per residential dwelling unit.
 - 4) All landscaping in county right-of-way shall conform to Chapter 9 of the MCDOT Roadway Design Manual.
- e. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- f. 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 residence 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.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be 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.
- g. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
 - h. All trees shall be double-staked when installed.
 - i. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
 - j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
 - k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to Final Plat approval, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
 - l. Prior to Final Plat approval, the developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
 - m. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
 - n. 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).
 - o. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this item to the February 6, 2008, meeting.

5. **Z2003-072** **District 5**
 Applicant: Gumaro Sosa
 Location: West of 29th Avenue and south of Baseline Road (in the Laveen / south Phoenix area)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

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Request: Special Use Permit (SUP) for rodeo events and a sports arena in the Rural-43 zoning district (approximately 5.0 acres) – Charros Los Amigos

COMMISSION ACTION: Commissioner Makula moved to recommend denial of Z2003-072. Commissioner Jones seconded the motion, which passed with a unanimous vote of 8-0.

Darren Gerard reported that there is organized opposition to this Special Use Permit and over half of the residents are opposed to it, which triggers a required super majority vote of the Board for approval. Mr. Gerard said that Charros Los Amigos has been operating in open violation for the past four years and owners have not taken the necessary actions to come into compliance. Staff recommendation is for denial.

Supervisor Wilcox said that work has been ongoing with Mr. Sosa and the department on this item for quite a while and plans have been worked out with Mr. Sosa in good faith but there was no follow through on the agreements by Mr. Sosa. She confirmed that the neighbors have great opposition to this permit and are very upset that it could be approved. Supervisor Wilcox recommended denial.

Interested citizens who were present in opposition to the approval of this Special Use Permit included Moses Eason, Ruben & Anna Ramirez, Jose Chavez and Dora Ruiz but in response to Supervisor Wilcox's recommendation did not choose to speak.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the several recommendations to deny this Special Use Permit.

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board