

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

January 26, 2023
9:30 a.m.

205 W. Jefferson Street, Phoenix, Arizona
and by GoToWebinar

MEMBERS PRESENT:

In-person

Mr. Lucas Schlosser, Chairman
Mr. Greg Arnett

GoToWebinar

Mr. T.J. Mitchell, Vice Chairman
Mr. Erik Hernandez
Mr. Spike Lawrence
Ms. Kate McGee

MEMBERS ABSENT:

Mr. Kevin Danzeisen
Mr. Jimmy Lindblom
Ms. Francisca Montoya
Mr. Jay Swart

STAFF PRESENT:

Mr. Darren Gérard, Planning Services Manager
Mr. Matt Holm, Planning Supervisor
Ms. Paola Jaramillo, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Mr. David Anderson, Business Engagement Manager, OET
Ms. Alisha Bach, Technical Team
Mr. Martin Camacho, Technical Team

CONTINUANCE:

Z2019024

CONSENT:

Z2022178

Chairman Schlosser lead the Pledge of Allegiance and made the standard announcements and noted item #2 – Z2019024 is being moved to the continuance agenda.

CONTINUANCE AGENDA

Special Use Permit - Z2019024

District 5

Project name: **Cazarez Small Event Venue**
Applicant: Staff-initiated
Request: Revocation of Special Use Permit (SUP) for a small event venue site in the Rural-43 zoning district due to non-compliance with SUP conditions

Location: Generally located 635' east of the NEC of 169th Ave. and Pioneer St. alignments in the Goodyear area

Mr. Gérard said the applicant and their legal counsel requested a continuance to the April 6, 2023 hearing. No action required by the Commission.

CONSENT AGENDA

Zoning - Z2022178

District 4

Project name: **101 & Northern Ave.**
Applicant: Bill Lally, Tiffany & Bosco, P.A.
Request: Zone Change from Rural-43 to C-2 CUPD
Location: Generally located 400' east of the SEC of Northern Ave. & the Loop 101 Freeway in the Glendale area.

Mr. Gérard presented case Z2022178 on the consent agenda.

Chairman Schlosser asked if anyone from the public wished to speak. None.

COMMISSION ACTION: Commissioner Hernandez motioned to approve the consent agenda – Z2022178 with conditions 'a'-'i'. Commissioner McGee second. Approved 6-0. Ayes: Arnett, Hernandez, Lawrence, McGee, Mitchell, Schlosser.

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "101 & Northern: Zoning Exhibit", consisting of 1 full-size sheet, dated December 7, 2022, and stamped received December 9, 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 "101 & Northern", consisting of 9 pages, dated December 7, 2022, and stamped received December 9, 2022, except as modified by the following conditions.
- c. The following C-2 CUPD standards shall apply:
 1. Off-Site Billboard Height: 48 ft.
 2. Off-Site Billboard Sign Face Area: 672 sq. ft. per sign face
- d. The following Planning Engineering conditions shall apply:
 - i. 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 submitted to the County for further review and/or entitlement.

- ii. A traffic impact study must be submitted with future (non-billboard) entitlement (POD) application(s) Maricopa County Planning & Development.
 - iii. Northern Avenue is within the jurisdiction of the City of Peoria. The City of Glendale maintains a strip annexation across the site's frontage as well. The applicant will be responsible for coordinating with both cities to review any traffic impact, right-of-way dedication, permitting or roadway improvement requirements for this and future entitlements.
 - iv. 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.
- e. Prior to a precise plan of development approval for the development of a commercial use requiring utilities, not including billboards uses, the applicant shall provide the Maricopa County Planning and Development Department with an executed pre-annexation service agreement with the City of Glendale that identifies the detail for when the proposed project will be annexed and/or the provision of water and sewer service. In lieu of a pre-annexation service agreement, the developer must provide a 'will serve' letter from the certificated water and sewer provider, unless otherwise approved by Maricopa County Environmental Services Department.
- 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 subject site. 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 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.

Mr. Gérard said the February 9th Planning and Zoning Commission hearing will be cancelled, no agenda items.

Chairman Schlosser adjourned the meeting of January 26, 2023 at 9:36 a.m.

Prepared by Rosalie Pinney
Recording Secretary

January 26, 2023