

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

February 10, 2022
9:31 a.m.

Gotowebinar.com
Phoenix, Arizona

MEMBERS PRESENT:

Mr. Jimmy Lindblom, Chairman
Mr. Lucas Schlosser, Vice Chairman
Mr. Greg Arnett
Mr. Kevin Danzeisen
Mr. Matt Gress
Mr. Erik Hernandez (arrived at 9:33 a.m.)
Ms. Kate McGee

MEMBERS ABSENT:

Mr. Spike Lawrence
Ms. Francisca Montoya
Mr. Jay Swart

STAFF PRESENT:

Mr. Tom Ellsworth, Planning & Development Director
Mr. Darren Gérard, Planning Services Manager
Ms. Rachel Applegate, Senior 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
Ms. Pearl Duran, Technical Team

CONTINUANCE:

Z2021115

CONSENT:

Z2021037, Z2021149

Chairman Lindblom made the standard announcements and asked if there were any changes or comments to the minutes for the January 13 meeting. None.

COMMISSION ACTION: Chairman Lindblom approved the minutes from January 13, 2022 minutes as written.

Mr. Gérard said item #3 – Z2021115 requested a 30-day continuance to the March 10 hearing.

CONTINUANCE AGENDA

Zoning - Z2021115

Project name:
Applicant:

Elliot Corner Commercial

Paul Gilbert, Beus Gilbert McGroder, PLLC

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District 5

Request: Rezone from R1-35 to C-2
Location: Generally located at the SWC Tuthill Rd. and Elliot Rd. in the Buckeye area

No action required by the commission.

Commissioner Hernandez joined the hearing.

CONSENT AGENDA

Zoning - Z2021037

District 3

Project name: **Marrs Corporate Offices**
Applicant: Dan Filuk, KDF Architectural Group, LLC
Request: Zone Change from Rural-43 to IND-2 IUPD with a Plan of Development for a corporate office with outdoor storage of construction equipment and vehicles
Location: Generally located ½ mile southwest of the southwest corner of 7th Ave. and Happy Valley Rd. in the Phoenix area

Zoning - Z2021149

District 4

Project name: **Marbella Ranch East Phase 2**
Applicant: Joe Walsh, Walsh Design Group
Request: Zone Change from Rural-43 to R-5 RUPD
Location: Approx. 750' south of the SEC of Northern Ave. and El Mirage Rd., in the Glendale area

Mr. Gérard presented the consent agenda.

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

COMMISSION ACTION: Commissioner Gress motioned to approve the consent agenda, Z2021037 with conditions 'a'-'h', and Z2021149 with conditions 'a'-'j'. Commissioner McGee second. Approved 7-0. Ayes: McGee, Arnett, Hernandez, Gress, Danzeisen, Schlosser, Lindblom.

Z2021037 conditions;

- a. A Plan of Development is approved subject to site plan entitled "Marrs Corporate Offices" consisting of three full-sized sheets, dated December 20, 2021, and stamped received December 21, 2021. The Plan of Development may be amended administratively under separate application as long as the amendment complies with the established IND-2 IUPD development standards 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 approved 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 "Marrs Construction – Corporate Offices", consisting of six pages, dated October 11, 2021, and stamped received October 12, 2021, except as modified by the following conditions.
- c. The IUPD zoning on this site shall restrict uses to office and construction storage.
- d. The following Planning Engineering conditions shall apply:
 - 1. The off-site flows across 11th Avenue into the site must be maintained.
 - 2. At the time of application for building permits, retention basin side slopes can be designed with 3:1 side slopes, except that a minimum 12-foot wide section must be designed with 4:1 side slopes to provide a "safety ramp". This "ramp" must connect to the GSA with binder or other accessible area of the site.
 - 3. No improvements shall be permitted within the unabandoned portions of the Federal Patent Easements surrounding the site.
 - 4. Drainage review of planning/ zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and Drainage Polices and Standards.
 - 5. 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.
 - 6. The entire site and adjacent half-street's runoff shall be retained onsite. If portions of adjacent right-of-way are controlled by other jurisdictions, the adjacent half-street's runoff shall be retained, unless separately addressed by the other jurisdictions.
 - 7. Sufficient retention volume shall be provided on-site to retain the required 100-year, two-hour runoff from all contributing areas. Retention basins with stormwater depths exceeding one-foot shall provide one-foot of freeboard.
 - 8. All retention basins shall drain within 36 hours per County requirements.
- e. The following IND-2 IUPD standards shall apply:

1. The use of six-foot-high fences with screening materials shall be used for screening.
 2. The use of compacted asphalt millings with a petroleum binder shall be used to minimize dust pollution emanating from driveways, parking areas, and storage areas.
 3. Outdoor storage shall be allowed in both the required front and street side yards of the property.
 4. There shall be no landscaping in both the required front and street side yards of the property.
- f. 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 services will be provided to the facility. Prior to issuance of the certificate of occupation, local fire protection review and approval will be required.
- g. 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.
- 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, 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.

Z2021149 conditions;

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Marbella Ranch East", consisting of 1 full-size sheet, dated December 24, 2021 and stamped received December 28, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Project Narrative for Rezone of Marbella Ranch East", consisting of 6 pages, dated December 24, 2021 and stamped received December 28, 2021, except as modified by the following conditions.

- c. The R-5 RUPD zoning district shall have a maximum of 400 residential units and shall be subject to the following R-5 RUPD zoning district standards:
1. Minimum front yard: 15 ft.
 2. Minimum rear yard: 15 ft.
 3. Minimum lot area: 3,000 sq. ft.
 4. Minimum lot width: 40 ft.
 5. Garage setback to alley line: 3 ft.
- 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 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 (TIS) must be submitted with future entitlement (preliminary plat or POD) application(s).
 3. The eastern border of the site is within the Agua Fria River Floodway and Floodplain. No fill will be allowed within the Floodway. Future entitlement (preliminary plat or POD) application(s) must address floodplain/floodway and erosion protection.
 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.
- e. All buildings subject to noise attenuation as per ARS § 28-8482(B).
- 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 house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.
- Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary

flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

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

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

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 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. 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.
- j. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years, within which time the subject site shall obtain an approved plan of development or final subdivision plat, and an issued infrastructure permit for initial development. If this term is not met the Planning and Development Department may present the R-5 RUPD zoning for Z2021149 to the Board of Supervisors

(Board), upon recommendation by the Planning and Zoning Commission (Commission), for consideration of amendments or revocation of zoning due to undeveloped parcels.

Chairman Lindblom announced the February 24 ZIPPOR meeting has been cancelled, and adjourned the February 10, 2022 meeting at 9:39 a.m.

Prepared by Rosalie Pinney
Recording Secretary

February 10, 2022