



**PLANNING AND ZONING COMMISSION
MARICOPA COUNTY, ARIZONA**

205 W. Jefferson Street, Phoenix and by GoToWebinar

MINUTES
April 20, 2023

CALL TO ORDER: Chairman Schlosser called the meeting to order at 9:32 a.m.

MEMBERS PRESENT: **In-person**
Mr. Lucas Schlosser, Chairman
Mr. T.J. Mitchell, Vice Chairman
Mr. Erik Hernandez
GoToWebinar
Mr. Kevin Danzeisen
Mr. Spike Lawrence (arrived 9:36 a.m.)
Mr. Jimmy Lindblom
Ms. Kate McGee

MEMBERS ABSENT: Mr. Greg Arnett
Ms. Francisca Montoya
Mr. Jay Swart

STAFF PRESENT: Mr. Tom Ellsworth, Planning & Development Director
Mr. Darren Gérard, Planning Division Manager
Mr. Matt Holm, Planning Supervisor
Ms. Rachel Applegate, Senior Planner
Mr. Adam Cannon, Senior Planner
Ms. Paola Jaramillo, Planner
Mr. Joseph Mueller, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES: Mr. Wayne Peck, County Attorney
Mr. David Anderson, OET
Mr. Martin Camacho, Technical Team
Ms. Katherine Sanchez, Technical Team

CONTINUANCE: Z2019019

CONSENT: CPA2023002, Z2022205, MCP2022006, MCP2022009, CPA2022015,
Z2022214, MCP2022004

Chairman Schlosser lead the Pledge of Allegiance and made the standard announcements.

Chairman Schlosser said items #6, #7 and #8 are being moved to the consent agenda.

Mr. Gérard said correct, these items have been moved to the consent agenda. Item #6 – CPA2022015 and #7 – Z2022214 had a letter of opposition, and it has now been rescinded. Item #8 – MCP2022004 staff and the applicant agree to the conditions in a hand-out provided to the commission.

CONTINUANCE AGENDA

Special Use Permit - Z2022019

District 4

Project name: **Moon Valley Nurseries SUP**
Applicant: Adrienne Briceño, Merge Architecture Group
Request: Special Use Permit (SUP) for a nursery in the Rural-43 zoning district
Location: Generally located at the NEC of Pinnacle Peak Rd. & 87th Ave in the Peoria area
Continuance: **Continuance request to June 22, 2023 Planning & Zoning Commission hearing. No action required by the Commission.**

CONSENT AGENDA

Comprehensive Plan Amendment - CPA2023002

District 5

Project name: **411th Ave. & I-10**
Applicant: Zachary A. Pebler, PLLC
Request: General Comprehensive Plan Amendment (CPA) to change the land use designation in the Tonopah/Arlington Area Plan from Mixed-Use to Miscellaneous Retail
Location: Generally located at the NEC of 411th Ave. and I-10

Zoning - Z2022205

District 5

Project name: **411th Ave. & I-10**
Applicant: Zachary A. Pebler, PLLC
Request: Zone Change with Overlay from Rural-43 to C-3 CUPD
Location: Generally located at the NEC of 411th Ave. and I-10

Military Compatibility Permit - MCP2022006

District 4

Project name: Farm Bro's Toy Storage
Applicant: Steve MaGill, MBM Business Planners
Request: Military Compatibility Permit (MCP) with Plan of Development for RV/Boat storage in the Rural-43 MAAMF zoning district (LDN 70 noise contour)
Location: Generally located 2,500' west of the SWC of Peoria Ave. and Litchfield Rd. in the Waddell area

Military Compatibility Permit - MCP2022009

District 4

Project name: Sheila AZ45116
Applicant: Nicole Comach, Virtual Walk LLC
Request: Military Compatibility Permit (MCP) with a Plan of Development (POD) for a Wireless Communication Facility within the Rural-43 MAAMF zoning district
Location: Generally located on the SEC of Northern Avenue and Litchfield Rd. in the Glendale Area

Comprehensive Plan Amendment - CPA2022015

District 5

Project name: **Harquahala Sun II**
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Applicant: Kimley-Horn
Request: General Comprehensive Plan Amendment (CPA) to change the land use designation in the Vision 2030 Maricopa County Comprehensive Plan from Rural Development Area and Industrial to Utilities
Location: Generally located between the alignments of Courthouse Road on the north, Southern Avenue on the south, Harquahala Valley Road on the west and 491st Avenue on the east.

Zoning - Z2022214

District 5

Project name: **Harquahala Sun II**
Applicant: Kimley-Horn
Request: Zone Change with Overlay from Rural-43 and C-2 to IND-2 IUPD
Location: Generally located between the alignments of Courthouse Road on the north, Southern Avenue on the south, Harquahala Valley Road on the west and 491st Avenue on the east.

Military Compatibility Permit - MCP2022004

District 4

Project name: **Lorimor**
Applicant: Philip Woolbright, A & B Homes Inc.
Request: Military Compatibility Permit (MCP) with Plan of Development for RV, boat, semi, and farm equipment storage, material and part storage, trash and debris storage, machinery repair, and 24/7 site security in the Rural – 43 MAAMF district within the LDN 80 noise contour
Location: Generally Located 560' east and 610' south of the SEC of Olive Ave. and 142nd Ave. in the Glendale Area

Mr. Gérard presented the consent agenda.

COMMISSION ACTION: Commissioner Hernandez adopted a motion recommending the Board of Supervisors approve the consent agenda – CPA2023002, Z2022205 with conditions 'a'-'n', MCP2022006 with conditions 'a'-'e', MCP2022009 with conditions 'a'-'g', CPA2022015, Z2022214 with conditions 'a'-'u', and MCP2022004 with revised conditions 'a'-'g'. Commissioner Lawrence second. Approved 7-0. Ayes: Danzeisen, Hernandez, Lawrence, Lindblom, McGee, Mitchell, Schlosser.

Z2022205 conditions;

- a. Development of the site shall be in conformance with the Zoning Exhibit entitled "411th Ave and I-10 Zoning Exhibit", consisting of 1 page, dated January 19, 2023, and stamped received February 15, 2023, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Project Narrative", consisting of 8 pages, dated February 15, 2023, and stamped received February 15, 2023, 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.

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- 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 number of proposed buildings, site layout, 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. Right-of-way dedication (TBD along 411th Ave.; and 40' along the northern and eastern tract boundaries) may be required as part of future entitlement(s) (POD).
 4. Compliance with any ADOT requirements is required.
 5. Disturbance to floodplains (FEMA Zone A) will require procurement of a floodplain use permit concurrent with required building permit(s).
 6. 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. The CUPD overlay is applied to restrict the use of the site. The C-3 CUPD zoning district shall limit the use of the site to automobile service only, equipment rentals and sales, but not including equipment customarily used for heavy construction; Landscape material sales provided all incidental equipment and supplies, including fertilizer and empty cans, are kept within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six feet in height, and no goods, materials or objects are stacked higher than the fence or so erected; Commercial storage of mobile and manufactured homes, travel trailers, recreational vehicles and boats; Truck stops, with customary accessory facilities including restaurant, gasoline service stations, convenience retail, truck-wash, and minor repair facilities provided all incidental repair work is conducted wholly within a completely enclosed building and space required for such repair work does not constitute more than 60% of the floor area; Drive-thru restaurants and refreshment stands; Feed stores, inside storage only; Gas (butane or propane), retail sales of; Restaurants and cafes, including patios, cocktail lounges, and outside dining and drinking areas; Self-storage facilities; Accessory buildings and uses customarily incidental to the above uses including a solar field providing energy exclusively to a truck stop and its customary accessory facilities. 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 wastewater treatment shall be required prior to establishment of any use that requires potable water.
- f. The developer shall address all requirements of ADOT as per the e-mail dated March 1, 2023 prior to issuance of construction permits.

- g. The Owner or Developer shall address all recommendations of the Arizona Game and Fish Department (AZGFD) included in the letter dated March 10, 2023, prior to issuance of the initial construction permit.
- h. All outdoor lighting shall be designed as recommended by the International Dark-Sky Association and shall be in compliance with Section 1112 of the Maricopa County Zoning Ordinance.
- i. Prior to issuance of the initial 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.
- j. Amendments to the zone change shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance requirements.
- k. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for six (6) years within which time a Plan of Development and initial construction permit must be obtained.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance, and may be grounds for further action, including zoning revocation, by the Maricopa County Board of Supervisors.
- m. 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 District of Maricopa County may be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- n. The granting of this Zone Change 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 Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and changing to the prior land use designation results in the same value of the property as if the Zone Change had never been granted.

MCP2022006 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Farm Bro's Toy Storage", consisting of 2 full-size sheets, dated January 16, 2023, and stamped received January 17, 2023, except as modified by the following conditions.

- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Farm Bro's Toy Storage Narrative", consisting of 3 pages, dated January , and stamped received January 17, 2023, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - 1. 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.
 - 2. 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.
 - 3. Detailed Grading and Drainage (Site Infrastructure) Plans must be submitted with the application for Building Permits
 - 4. At the time of the Building Permit identify that there will be space between the ground and the bottom of the metal fence to allow the water to outfall into the retention basin
 - 5. Any Construction done in the MCDOT Right-of-Way must have a MCDOT Right-of-Way Permit.
 - 6. Any Construction done in the City of Surprise Right-of-Way must have a Surprise Right-of-Way Permit
 - 7. Peoria Avenue is classified as a Principal Arterial. Driveways connecting to arterial or major collector streets are to have adequate turnaround space on the private property or a circular driveway to eliminate backing onto the roadway.
- d. 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 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 MCP. The MCP enhances the value of the property above its value as of the date the MCP is granted and reverting to the prior zoning results in the same value of the property as if the MCP had never been granted.

MCP2022009 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Military Compatibility Permit", consisting of 6 pages, dated February 2, 2023, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Shelia/AZ45116 Narrative Report", consisting of 3 pages, dated February 20, 2023, except as modified by the following conditions.
- c. Major amendments to the site plan will require a new UCCD and MCP application to be filed prior to any permit approvals. The incorporation of any other parcels into this project will require a lot combination, new UCCD, and new MCP prior to any additional permit approvals.
- d. The height of the wireless communication facility shall be limited to 110 feet.
- e. 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.
- f. Noncompliance with any Maricopa County regulation shall be grounds for initiating revocation of this Military Compatibility 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 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 MCP. The MCP enhances the value of the property above its value as of the date the MCP is granted and reverting to the prior zoning results in the same value of the property as if the MCP had never been granted.

Z2022214 conditions;

- a. Development of the site shall be in substantial conformance with the Legal Description entitled "Legal Description", consisting of 4 pages, stamped received February 23, 2023, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Site Plan entitled "Harquahala Sun II Site Plan" consisting of 17 full-size sheets, dated April 11, 2023, and stamped received April 11, 2023, except as modified by the following conditions. The Plan of Development may be amended administratively under separate application as long as the amendment complies with the established IUPD 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.

- c. Development of the site shall be in substantial conformance with the Narrative Report entitled "Harquahala Sun II", consisting of 13 pages, dated March 3, 2023, and stamped received March 21, 2023, except as modified by the following conditions.
- d. The following IND-2 IUPD Zoning District standards shall apply:
 - 1. Max. Electric Transmission Line Height: 140'
 - 2. Parking Spaces Required: None required
 - 3. Pavement: Pavement not required for parking spaces with an approved dust control plan by Maricopa County Air Quality Control
 - 4. Loading and Unloading Spaces: No loading and unloading spaces required
 - 5. Landscaping: No landscaping setback required
 - 6. Screening: Min. 6' chain-link fence required along perimeter of site; fence shall be setback a min. of 10' from the property boundaries of any abutting rural or residential zoned property boundaries internal to the area of the zone change
 - 7. Sight Visibility Triangles (SVT): SVT's waived at project site entry/exit points, section line and midsection line intersecting alignments
 - 8. Article 902.9.1: All utility uses permitted outdoors, except that inverters and transformers shall be setback 300' from existing residences; other outdoor private infrastructure shall be set back a min. of 10' from the fenceline located within 10' any abutting rural or residential zoned property boundaries internal to the area of the zone change
- e. The following Planning Engineering conditions shall apply:
 - 1. On-site retention basins must be designed to contain overflows/spillways designed to accommodate the unattenuated peak 100 year inflow to each respective basin, inclusive of offsite flows.
 - 2. Detailed grading and drainage plans must be submitted with building permit application(s) indicating that runoff from each solar field area will be directed to a retention basin.
 - 3. Any reduction in the 100 year, 2hr. retention volume requirement will require approval of a Drainage Waiver. The waiver application is a separate application and must demonstrate that there will be no increase in runoff from the site as a result of the proposed development. At a minimum, the first flush volume of runoff must be retained. The Drainage Waiver is a separate application must be approved prior to issuance of building permit(s).
 - 4. Existing contour lines must be annotated on the plans submitted for building permit(s).
 - 5. Any buildings located in a floodplain must be elevated to the RFE or otherwise floodproofed.
 - 6. Disturbance to floodplains will require a floodplain use permit (issued concurrent with building permit(s) by PND) retention basins shall drain within 36 hours per County requirements.

7. The gen-tie line will require an FCD issued R/W permit where it crosses FCD encumbered properties (i.e. Saddleback FRS/Diversion Channel), prior to issuance of a building permit(s) involving this work.
 8. Preservation of R/W is required as shown on the approved plans.
 9. 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.
 10. Based on the conceptual design nature of the information submitted, changes to the site layout and/or a reduction in the number of solar arrays or BESS may be necessitated by the final engineering design of the site's drainage infrastructure.
- f. The IUPD overlay is applied to restrict the use of the site. IND-2 IUPD shall limit the use of the site exclusively to a solar electric generating facility including ancillary offices, ancillary uses and existing agricultural uses. Any other site uses shall require a Zone Change Major Amendment.
 - g. The Owner or Developer shall implement the construction best practices as guaranteed in the e-mail communication between Arizona Game and Fish Department (AZGFD) and Copia Power on February 6, 2023. The Zoning Inspector and/or their designee shall review whether these best practices are being implemented in accordance with the e-mail following the issuance of relevant permits and periodically as needed through either the inspection process or communication with AZGFD. Should the Zoning Inspector and/or their designee decide that the Owner or Developer has not substantially undertaken these best practices in good faith, the Owner or Developer shall not receive a final permit and certificate of occupancy until the best practices are implemented.
 - h. The Developer shall conduct a Class II Cultural Resources Survey as per the comments from the Arizona State Historic Preservation Office (AZSHPO) included in the e-mail dated April 11, 2023 prior to issuance of construction permits unless otherwise coordinated with AZSHPO. Prior to the Cultural Resources Survey, the Developer shall send a map and sampling strategy to AZSHPO for approval. Additionally, the Cultural Resources Survey shall include 100 percent survey coverage in and around washes including Centennial Wash and its tributaries as depicted on historical topographical maps and historic aerial imagery. The remainder of the site shall be sample surveyed using larger transect spaces as necessary and smaller transect widths where cultural resources have been identified in sample areas.
 - i. Development of APN#506-29-025A for utilities uses shall void the Agricultural Exemption on the parcel.
 - j. The Plan of Development shall maintain and illustrate an approximately one (1) acre development exclusion area directly east of the boundaries of APN#506-29-031C

approximately 140' running from north to south and approximately 330' running from east to west.

- k. The developer shall provide at least five-days notice to rural or residential zoned privately-owned parcels internal to the area of the zone change of heavy construction traffic and disruption beyond incidental disruption to any easement providing those owners with direct access to their properties. An appropriate detour shall be provided to these owners.
- l. The developer shall reasonably repair any damage to easements that provide direct access to rural or residential zoned privately-owned parcels internal to the area of the zone change upon completion of use of the easements for heavy construction traffic and shall abate dust during the construction. If use of the easements is intermittent, then easements shall be repaired following the cessation of the period in which the construction traffic is occurring.
- m. Two palm trees located south of the boundaries of APN#506-29-031C as illustrated on the Plan of Development shall be left untouched from site development.
- n. At the time of application for building permits, plans shall indicate construction of paved shoulders along the intersection of and extend through Salome Hwy and the frontage road (Harquahala Valley Road) south of eastbound ramps within ADOT ROW. Work shall also include replacement of the top 2" of the roadway surface and re-striping at this location. Work within ADOT right-of-way shall require a permit from ADOT. Timing of improvements shall be coordinated with ADOT prior to the start of work and the extent of the work shall be limited to the illustration in the e-mail dated Thursday, March 30, 2023 between Kimley-Horn and ADOT.
- o. All outdoor lighting shall be in compliance with Section 1112 of the Maricopa County Zoning Ordinance.
- p. 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.
- q. In the event that Harquahala Sun II, in whole or in part, is constructed and ceases operating for a period of five years or more, the Owner shall be responsible for decommissioning the non-operating portion of the site and for the regrading and restoration of the site. Decommissioning of the site shall include the removal of all structures above and under the ground (up to 3 feet) that are not a part of, or provide utility to, other operating portions of the site. The Owner shall be responsible for reporting any areas decommissioned to Staff and either converting the site to other uses permitted in condition 'f' of Z2022214 or otherwise Staff may present the CPA and Zoning to the Board of Supervisors for consideration of reversion within five years. All decommissioning and restoration activities will adhere to the requirements of the appropriate governing authorities, and will be in accordance with all applicable, federal, state and Maricopa County regulations. Decommissioning removal requirements may also be amended and amount of time to decommission extended, if warranted, by the Zoning Inspector or his or her designee. The

Owner shall inform any future buyers/property owners of this decommissioning requirement and of their responsibility to decommission.

- r. Amendments to the zone change shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance requirements.
- s. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance, and may be grounds for further action, including zoning revocation, by the Maricopa County Board of Supervisors.
- t. 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 District of Maricopa County may be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- u. The granting of this Zone Change 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 Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and changing to the prior land use designation results in the same value of the property as if the Zone Change had never been granted.

MCP2022004 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Vehicle Storage Facility", consisting of 2 full-size sheets, dated November 11, 2022, and stamped received February 16, 2023, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Assessor Parcel Number 501-42-975", consisting of 4 pages, dated February 16, 2023 and stamped received February 16, 2023 except as modified by the following conditions.
- c. In accordance with the UCCD, and as required by Superior Court Order, State Statute, and the Maricopa County Zoning Ordinance the following MCP uses will be allowed to occur on the property:
 - 1. Uncovered parking and repair services for vehicles such as farming and construction equipment, recreational vehicles, and boats.
 - 2. Storage of aggregate materials such as sand, millings, dirt, firewood, trash piles for haul away, concrete, lumber, and roofing products.

- d. The following Rural-43 MAAMF MCP standards shall apply:
 - 1. Max. Height: 30'
 - 2. Min. Rear Setback: 5'
 - 3. Sight Visibility Triangle: None Required
- e. The following Planning Engineering conditions shall apply:
 - 1. 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.
 - 2. 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.
 - 3. Detailed Grading and Drainage (Site Infrastructure) Plans and Drainage Report must be submitted with the application for Building Permits.
- f. Outdoor storage (including parking of heavy vehicles) above the height of screening shall be set back an additional 1' from all setback lines for every 1' of additional height above screening.
- 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. Failure to comply with conditions after a reasonable opportunity to bring the property into compliance may result in the initiation of revocation at a public hearing. 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 value of the property from the value it held on the date of application due to such revocation of the MCP. The MCP enhances the value of the property above its value as of the date the MCP is granted and reverting to the prior zoning results in the same value of the property as if the MCP had never been granted.

Chairman Schlosser adjourned the meeting of April 20, 2023 at 9:41 a.m.

Prepared by Rosalie Pinney
Recording Secretary

April 20, 2023