



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

205 W. Jefferson Street, Phoenix and by GoToWebinar

MINUTES
May 11, 2023

CALL TO ORDER: Chairman Schlosser called the meeting to order at 9:30 a.m.

MEMBERS PRESENT: **In-person**
Mr. Lucas Schlosser, Chairman
Mr. Greg Arnett
Mr. Erik Hernandez
GoToWebinar
Mr. Kevin Danzeisen
Mr. Jimmy Lindblom
Ms. Kate McGee
Ms. Francisca Montoya
Mr. Jay Swart

MEMBERS ABSENT: Mr. T.J. Mitchell, Vice Chairman
Mr. Spike Lawrence

STAFF PRESENT: Mr. Tom Ellsworth, Planning and Development Director
Mr. Darren Gérard, Planning Division Manager
Mr. Matt Holm, Planning Supervisor
Ms. Paola Jaramillo, Planner
Mr. Joel Landis, Planner
Mr. Daniel Johnson, 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

CONSENT: **S2022007, MCP2023001, Z2022211, Z2023008, Z2023012, Z2023019, Z2023022, Z2023043**

Chairman Schlosser lead the Pledge of Allegiance and made the standard announcements and asked if there were any changes or comments to the March 9 minutes. None.

COMMISSION ACTION: Chairman Schlosser approved the minutes from March 9, 2023 as written.

Chairman Schlosser said he has a conflict on item #3 – Z2022211 and is recusing himself from that case.

CONSENT AGENDA

Preliminary Plat - S2022007

District 4

Project name: **Granite Vista Phase 2K, 3L & 3M Preliminary Plat**
Applicant: Dan Recker, Kimberley-Horn
Request: Preliminary plat for a residential subdivision with 405 lots and 56 tracts in the R1-6 RUPD PAD, R1-7 RUPD PAD, R1-8 RUPD PAD, and R1-10 RUPD PAD zoning districts.
Location: Generally located 222 feet southeast of the southeast corner of Olive Ave. and Citrus Rd. in the Glendale area

Military Compatibility Permit - MCP2023001

District 4

Project name: **US-AZ 7062 Wittmann**
Applicant: Shawn Sanchez, State 48 Development Consulting
Request: Military Compatibility Permit and Plan of Development to allow a 134' WCF within the Rural – 43 MAAMF (LDN 65) zoning district
Location: Generally located 650' east of the SEC of Patton Rd. and 227th Ave. in the Wittmann area

Plan of Development - Z2022211

District 4

Project name: **Marbella West Plan of Development**
Applicant: Bill Lally, Tiffany & Bosco
Request: Plan of Development for six warehouse buildings with a total floor area of 790,200 sq. ft. in the Rural-43 MAAMF (LDN 65) zoning district
Location: Generally location 1,200 east of the SEC of Northern Pkwy. And Dysart Rd.

Special Use Permit - Z2023008

District 2

Project name: **AZ5_Bushnell_Perm**
Applicant: Shannon McCrea - DW Tower, LLC.
Request: Special Use Permit (SUP) for a new 197' self-supporting Wireless Communication Facility lattice tower with associated equipment in a 134' x 140' compound surrounded by a 6' high chain link fence in the Rural-190 Zoning District
Location: Generally located approx. 906' from the NEC of SR-87 & Sunflower Rd in the Sunflower area.

Special Use Permit - Z2023012

District 5

Project name: **US-AZ-7072 Vee Quiva**
Applicant: Shawn Sanchez, Vertical Bridge
Request: Special Use Permit (SUP) for a 94' WCF with 15'-2" diameter antenna array in the Rural-43 zoning district
Location: Generally located on the SWC of Galveston St. and 43rd Ave.

Special Use Permit - Z2023019

District 4

Project name: **Bell & 114th Ave. Billboard**
Applicant: Bill Lally, Tiffany & Bosco
Request: Special Use Permit (SUP) in the C-2 zoning district for a Billboard Relocation
Location: Generally located at the SEC of W. Bell Road and N. 114th Avenue in the Sun City area

Special Use Permit - Z2023022

District 2

Project name: **CCO US60 & Country Club Billboard**
Applicant: Brian Vaccaro, Earl & Curley
Request: Special Use Permit (SUP) in the IND-2 zoning district for a Billboard Digitization
Location: Generally located at the NEC of Country Club Rd and Iron Ave., in the Mesa area

Zoning - Z2023043

District 1

Project name: **Leresche Voluntary Rezone**
Applicant: Mark Leresche
Request: Request for Commission initiation of rezone from R-4 to Rural-43 RUPD
Location: APN 304-88-104A @ 18332 E Navajo Dr. - generally located 325' north from the NWC of Hunt Hwy & Power Rd. in the Queen Creek area.

Mr. Gérard presented the consent agenda and noted in a handout to the Commission on item #2 – MCP2023001 is to change recommended language of condition ‘c.5’ so it is a 48.25” maximum diameter for the support structure. Item #3 – Z2022211 Chairman Schlosser is recused, and on item #4 – Z2023008 the proposal is for a 197’ tower, there will be a required FAA warning light attached to the top and the applicant is to provide a revised exhibit prior to going to the Board of Supervisors.

Commissioner McGee asked with the revised information in the handout on item #2, this does not represent a material change. Mr. Gérard said that is correct. We wanted to draw attention to it since it is a trigger for the Special Use Permit, with height, setback, and diameter. The maximum diameter in the ordinance limits to 30 inches and this will be greater than that.

COMMISSION ACTION: Commissioner Hernandez adopted a motion recommending the Board of Supervisors approve the consent agenda – S2022007 with conditions ‘a’-‘z’, MCP2023001 with conditions ‘a’-‘e’ with revised conditions provided with handout memo, Z2023008 with conditions ‘a’-‘g’, Z2023012 with conditions ‘a’-‘j’, Z2023019 with conditions ‘a’-‘f’, Z2023022 with conditions ‘a’-‘f’, and Z2023043 with condition ‘a’. Commissioner Danzeisen second. Approved 8-0. Ayes: Arnett, Danzeisen, Hernandez, Lindblom, McGee, Swart, Schlosser.

COMMISSION ACTION: Commissioner Hernandez adopted a motion recommending the Board of Supervisors approve Z2022211 with conditions ‘a’-‘e’. Commissioner Danzeisen second. Approved 7-0. Ayes: Arnett, Danzeisen, Hernandez, Lindblom, McGee, Swart. Chairman Schlosser recused.

S2022007 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled “Granite Vista Phase 2K, 3L & 3M” consisting of 16 full-size sheets, dated March 6, 2023, and stamped received March 15, 2023, except as modified by the following conditions.
- b. Development and use of the site shall in substantial conformance with the Narrative Report entitled “Master Planned Community – Preliminary Plat Narrative”, consisting of 14 pages, dated March 6, 2023, and stamped received March 15, 2023, except as modified by the following conditions.
- c. Development of the site shall be generally consistent with the Landscape Plan entitled “Preliminary Landscape for Granite Vista Phase 2K, 3L, & 3M”, consisting of 24 full-size sheets, dated March 6, 2023, and stamped received April 17, 2023, except as modified by the following conditions.

- d. In Development Parcels C2 and C3, the following neighborhood and landscape buffer requirements shall apply:
1. Developer shall install a perimeter CMU block wall six (6) feet in height above the current surface elevation at the center line of Butler Avenue, which shall be constructed approximately 35 feet north of the center line of Butler Ave. adjacent to the Crystal Springs Neighborhood. A row of 24-inch box trees planted at 20-foot intervals shall be installed on the south side of this perimeter wall.
 2. Developer shall also install a minimum landscape buffer of 50 feet on the north side of the perimeter wall north of Butler Ave. Another row of 24-inch box trees at 20-foot intervals shall be planted in this buffer area north of the perimeter wall.
 3. Pedestrian access through the perimeter wall shall be provided at the location designated in Exhibit B for Crystal Springs Estates to access the sidewalk/trail system within Granite Vista to access the future school site. This accessway shall remain closed off with a wrought iron fence until the school is built.
- e. In Development Parcels B4 and B5, the following neighborhood and landscape buffer requirements shall apply:
1. The developer shall install an eight (8) foot tall perimeter CMU block wall along the west side of the Developer's property adjacent to Northern-177 LLC's land.
 2. The perimeter walls shall be installed in the buffer zones with the adjacent development phase within 60 days of completion of grading, subject to force majeure events.
 3. There shall be no street/vehicular access from Granite Vista onto Northern Ave.
 4. The minimum depth of the open space buffer on the north side of Northern Ave. within Granite Vista shall be 170 feet. Within this buffer area, the developer shall install a berm and two (2) rows of 24-inch box trees planted at 20-foot intervals in the center or equivalent groupings with Phase I of the project.
 5. The perimeter CMU block wall along the project's Northern Ave. frontage shall be installed at the minimum setback line of 170 feet with the adjacent development phase and before the County's final inspection of the first home in that phase.
 6. A six (6) foot wide decomposed granite path shall be installed along the project's Northern Avenue frontage within the dedicated right-of-way with the first development phase.
- f. The Final Plat(s) shall include a chart for the R1-6 RUPD PAD, R1-7 RUPD PAD, R1-8 RUPD PAD, and R1-10 RUPD PAD, the neighborhood and landscape buffer zones, and general requirements of Z2013122 and Z2017056 shown on the next page:
1. R1-6 RUPD PAD
 - a. Maximum height of 30' and 20' within Zone B (Development Parcel C1 and C7)
 - b. Minimum front yard of 15'

- c. Minimum side yard of 15' combined, minimum 5' on one side
- d. Minimum rear yard of 20'
- e. Minimum lot area of 5,750 sq. ft.
- f. Minimum lot width of 50'
- g. Maximum lot coverage of 50%.
- h. Minimum fence height of 7' along the west property line of Development Parcel C1).
- i. The following footnotes shall apply:
 - i. A combined side yard setback will be demonstrated on each individual lot. For each lot, a minimum 5' setback must be provided on one side and the corresponding side must be dimensioned so that the total (combined) setback equals the total provided in the tables. For example, in the R1-10 RUPD zoning district, the minimum setback is 5' and the combined in 17'. If 5' is proposed for one side, the opposing side must be 12'. If 6' on one side, then 11' on the other side; and so on.
 - ii. Open porch covered patio or open balcony located in the rear yard may project into a rear yard, provided that the structure is not 10' from the rear lot line.
 - iii. Roof overhangs on the sides of all houses shall not exceed one foot from the exterior walls of the house. This restriction shall not apply to roof overhangs on the front of the houses, including architectural façade elements that may extend onto a portion of the side of the house for aesthetics.

2. R1-7 RUPD PAD

- a. Maximum height of 30'; 20' within Zone A (Development Parcels B3 and C2); and 20' within Zone B (Development Parcel C1 and C7).
- b. Minimum front yard of 15'.
- c. Minimum side yard of 15', combined with five feet on one side.
- d. Minimum lot area of 6,900 sq. ft. and 10,000 sq. ft. within Zone A (Development Parcel C2).
- e. Minimum lot width of 60' and 80' within Zone A (Development Parcel C2).
- f. Maximum lot coverage of 50% and 40% within Zone A (Development Parcel C2).
- g. Maximum sign area of 100 sq. ft. and a maximum height of 26' (eliminate the base and width requirement) for primary subdivision (community) entry monument signs
- h. Minimum of 7' for fences along the west property line of Development Parcel C2.
- i. The following footnotes shall apply:
 - i. A combined side yard setback will be demonstrated on each individual lot. For each lot, a minimum 5' setback must be provided on one side and the corresponding side must be dimensioned so that the total (combined) setback equals the total provided in the tables. For example, in the R1-10 RUPD zoning district, the minimum setback is 5'

and the combined is 17'. If 5' is proposed for one side, the opposing side must be 12'. If 6' on one side, then 11' on the other side; and so on.

- ii. Open porch covered patio or open balcony located in the rear yard may project into a rear yard, provided that the structure is not 10' from the rear lot line.
- iii. Community Identification Sign, located at the southeast corner of Citrus Rd. and Alice Ave.

3. R1-8 RUPD PAD

- a. Maximum height of 30' and 20' within Zone C (Development Parcel B5).
- b. Minimum front yard of 15'.
- c. Minimum side yard of 15' combined with a minimum of 5' on one side.
- d. Minimum lot area of 8,000 sq. ft. and 12,000 sq. ft. within Zone C (Development Parcel B5).
- e. Minimum lot width of 70'; 80' within Zone A (Development Parcel B5); and 90' within Zone C (Development Parcel B5).
- f. Maximum lot coverage of 51% and 40% within Zone A (Development Parcel B5).
- g. Maximum fence height of 8' along the west property line of Development Parcel B5.
- h. The following footnotes shall apply:
 - i. A combined side yard setback will be demonstrated on each individual lot. For each lot, a minimum 5' setback must be provided on one side and the corresponding side must be dimensioned so that the total (combined) setback equals the total provided in the tables. For example, in the R1-10 RUPD zoning district, the minimum setback is 5' and the combined in 17'. If 5' is proposed for one side, the opposing side must be 12'. If 6' on one side, then 11' on the other side; and so on.
 - ii. Open porch covered patio or open balcony located in the rear yard may project into a rear yard, provided that the structure is not 10' from the rear lot line.
 - iii. Roof overhangs on the sides of all houses shall not exceed one foot from the exterior walls of the house. This restriction shall not apply to roof overhangs on the front of the houses, including architectural façade elements that may extend onto a portion of the side of the house for aesthetics.

4. R1-10 RUPD PAD

- a. Maximum height of 30' and 20' within Zone A and Zone D (Development Parcel C3).
- b. Minimum front yard of 15'.
- c. Minimum side yard of 17' combined with a minimum of 5' on one side.

- d. Minimum lot area of 10,000 sq. ft. and 12,000 sq. ft. within Zone C (Development Parcel B4).
- e. Minimum lot width of 80'; 90' within Zone C (Development Parcel B4); and 83' within Zone D (Development Parcel C3).
- f. Maximum lot coverage of 45%.
- g. Maximum sign area of 100 sq. ft. and maximum height of 26' (eliminate the base and width requirement) for the community identification tower sign.
- h. Maximum height for fences of 8' along the west property line of Development Parcel B4 and along the south property line of Development Parcel C3 adjacent to Zone D with segments of wrought iron indicated on Figure 5.
- i. The following footnotes shall apply:
 - i. A combined side yard setback will be demonstrated on each individual lot. For each lot, a minimum 5' setback must be provided on one side and the corresponding side must be dimensioned so that the total (combined) setback equals the total provided in the tables. For example, in the R1-10 RUPD zoning district, the minimum setback is 5' and the combined is 17'. If 5' is proposed for one side, the opposing side must be 12'; if 6' on one side, then 11' on the other side; and so on.
 - ii. Open porch covered patio or open balcony located in the rear yard may project into a rear yard, provided that the structure is not 10' from the rear lot line.
 - iii. Community identification sign located on the southeast corner of Citrus Rd. and Alice Ave.
- g. Concurrent with the submittal of the Final Plat(s), Improvement Plans shall be submitted to the Planning and Development Department.
- h. After Final Plat(s) recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- i. Prior to Final Plat(s) approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- j. 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.

For further information, please check the Luke Air Force Base website or contact the Maricopa County Planning and Development Department.”

- k. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- l. Prior to Final Plat(s) approval or issuance of a grading permit, 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 applicable Fire District servicing the project. This information shall be included in the narrative report for the Final Plat(s) and the associated public report for the subdivision. The Final Plat(s) shall contain a note referencing the will-serve letter.
- m. Streetlights installed in County public streets must be approved and permitted by the Maricopa County Department of Transportation.

When public streetlights are provided, construction costs for said streetlights shall be borne by the Developer and said streetlight facilities will become property of the local power utility company. In addition, streetlights that are installed within public streets accepted by the Board of Supervisors must establish a Street Lighting Improvement District (SLID) or comparable authority to purchase or pay for the energy expended by the streetlights. The Developer should contact the Office of the Superintendent of Streets at (602) 506-8797 for information regarding the SLID establishment process.

NOTE: Maricopa County is not responsible for public street lighting operation or maintenance regarding streetlight operation and maintenance.

- n. The following Planning Engineering conditions shall apply:
 - 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.

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. Based on the conceptual design nature of the preliminary plat submitted, changes on the site layout and/or a reduction in the number of building lots may be necessitated by the final engineering design of the subdivision drainage infrastructure.
 4. Retention basins with stormwater depths exceeding one (1) foot shall provide one (1) foot of freeboard.
 5. All retention basins shall drain within 36 hours per County requirements.
 6. By the end of build out year 2024, at the intersections of Granite Vista Loop North and Granite Vista Loop South intersections on Cotton Lane, the developer shall install pull boxes and conduits to reduce the inconvenience to the motoring public if or when the traffic signals are eventually warranted and installed.
 7. The traffic signal at Northern Avenue and Cotton Lane, is to be designed, furnished, and installed by the developer when approximately half of Phases 2H, 2I, and 2J are occupied.
 8. All right-of-way dedications required by the Maricopa County Department of Transportation must be provided on or before any Final Plat.
- o. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
 - p. Preliminary Plat approval shall expire two (2) years from the date of Commission approval. Any request for an extension of time shall be submitted prior to the expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.
 - q. The Final Plat(s) shall include a note that states that there shall be no further division of land or parcels within the area of this subdivision plat without approval by the Board of Supervisors.
 - r. The Final Plat(s) shall include a notice that notifies all future Granite Vista residents that they are not located within an incorporated city or town and, therefore, will not be represented by or be able to petition a citizen-elected municipal government, nor have access to municipally managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection.

This notice must be permanently posted on the front door of all home sales offices on not less than an 8½ by 11-inch sign and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).

- s. In accordance with the Planned Area Development (PAD) Overlay zoning district, the Final Plat(s) shall delineate the zoning district boundary lines for the R1-6 RUPD, R1-7 RUPD, R1-8 RUPD, and R1-10 RUPD zoning districts.
- t. Notice shall be provided in the required Public Report given to all new home buyers by home builders within Granite Vista as to the existing use characteristics of the rural residential neighborhoods adjoining and/or in close proximity to the Granite Vista property. Such rural use characteristics include crop cultivation and the raising of farm animals.
- u. Notice shall also be provided in the required Public Report given to all new home buyers by home builders within Granite Vista of the pre-existing use characteristics of Luke Air Force Base, which is located approximately 1½ miles southeast of the subject Property.
- v. Architectural designs of homes in Granite Vista shall include two (2) to three (3) elevations per plan, and exteriors will be professionally colorized with varying themes. The same house plan and elevation shall not be used next to or across the street from one another. There shall be a mix of one and two-story homes, except for lots in identified buffer zones that shall be one-story only. This condition shall be included in recorded covenants, conditions, and restrictions (CC&Rs) and enforced by the Homeowners' Association.
- w. A minimum landscape buffer of 25 feet shall be installed along the Project's Olive Avenue frontage with the adjacent development phase. The project's perimeter CMU wall along Olive Avenue shall be a minimum of six (6) feet.
- x. The perimeter walls along Citrus Road, Olive Avenue, Cotton Lane, and Northern Avenue shall be installed by Developer with the adjacent phase within 60 days of grading completion.
- y. A six (6) foot-tall perimeter fence or theme wall shall be the minimum height within the Granite Vista project unless they are located in a special buffer zone discussed above.
- z. The Final Plat(s) shall substantially conform with the conditions of approval for zoning cases Z2013122 and Z2017056.

MCP2023001 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Vertical Bridge US-AZ-7062", consisting of 7 full-size sheets, dated March 23, 2023, and stamped received March 24, 2023 except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Narrative Report US-AZ-7062", consisting of 8 pages, dated March 17, 2023 and stamped received March 24, 2023, except as modified by the following conditions.
- c. The following Rural – 43 MCP standards shall apply:
 - 1. Maximum WCF Height: 134'
 - 2. Setback to Western Lot Line: 43' 4"
 - 3. Setback to Northern Lot Line: 201' 8"

4. Maximum Diameter of Antenna Array: 14' 7"
 5. Maximum Diameter of Support Structure: ~~36~~**48.25"**
- d. The following Planning Engineering conditions shall apply:
- i. 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.
 - ii. 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.
 - iii. Detailed Grading and Drainage (Site Infrastructure) Plans must be submitted with the application for Building Permits
 - iv. Disturbance within the R/W will require a MCDOT permit concurrent with building permits.
 - v. MCDOT Right-of-Way dedication to the full half width of 65-ft must be completed.
 - vi. The Fence on the property has been permitted with DC20040157 (FA20040060) and B200800760 (FA20080052). Removal of the fence is not 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. 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.

Z2023008 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "BUSHNELL", consisting of 7 full-size sheets, dated March 15, 2023, and stamped received March 22, 2023, 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 "DW Tower, LLC. Site", consisting of 5 pages, dated March 20, 2023, stamped received March 22, 2023, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
1. Provide the required retention volume for the 100 year, 2 hour storm event with one (1) foot of freeboard for the SUP area.
 2. Provide a runoff coefficient based on Table 6.3 of the Maricopa County Drainage Policies and Standards. Use 0.95 for commercial/industrial areas and 0.5 for retention basin areas. Revise the drainage calculations to use the County's required runoff coefficients.
 3. Basins one (1) foot or less in depth need not provide freeboard. Provide documentation that the retention basin(s) will drain within 36 hours. (MCZO 1205.7.6-2.a & c)
 4. The Red Letter process has been started by the applicant; applicant to notify ADOT of proposal through the Red Letter Process, RedLetter@azdot.gov, due to proximity to State Route 87.
 5. The above comment does not include identification of utilities or underground facilities within or adjacent to the required right-of-way that may have prior rights and/or require relocation.
 6. 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.
 7. 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.
 8. Detailed Grading and Drainage (Site Infrastructure) Plans must be submitted with the application for Building Permits
- d. This special use permit is valid for a period of 20 and shall expire on June 14, 2043, 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.
- e. 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.
- f. 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.
- 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, 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.

Z2023012 conditions;

- a. Development of the site shall be in substantial conformance with the site plan entitled "US-AZ-7072 ", consisting of 5 full-size sheets, dated March 9, 2023, and stamped received May 3, 2023, 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 "US-AZ-7072", consisting of 8 pages, stamped received May 3, 2023, except as modified by the following conditions.
- c. Maximum overall height of tower and attachments shall be limited to 90' except for additional height to include any future Eligible Facility Request for colocation and up to a 10' top-mounted lighting rod.
- d. The SUP established the following standards:
 - i. Maximum antenna array diameter of 15'-2"
 - ii. Minimum setback of 18'-4" to the eastern property line
 - iii. Minimum setback of 131'-8" to the northern property line
- e. Development and use of the site shall comply with requirements for 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.
- f. This Special Use Permit shall expire Twenty-Five (25) years from the date of approval by the Board of Supervisors, June 14, 2048, or upon termination of the use for a period of 90 days or more, whichever occurs first. All site improvements associated with the SUP shall be removed within 60 days of such termination or expiration.
- g. Development of the site shall be in conformance with all Federal and State requirements, including but not limited to, Federal Communications Commission (FCC), Federal Aviation Administration (FAA), National Environmental Policy Act (NEPA), and State Historical Preservation Office (SHPO). The applicant shall be responsible for obtaining all necessary

approvals prior to construction, and shall be accountable to those agency requirements, and penalties.

- h. The following Planning and Development Engineering Stipulations shall apply:
 - i. Any work within County (MCDOT) Right-of-Way (Galveston Street) for utility extensions to serve the site will require a MCDOT Right-of-Way Permit concurrent with required building permits.
 - ii. Access to Galveston Street will require a paved driveway access (within the R/W) and a MCDOT Right-of-Way Permit to be issued concurrent with the building permits.
 - iii. Prior to issuance of building permits, the applicant must contact MCDOT to determine if a Wireless Agreement is required for equipment, conduit, fiber optic lines and other work within the MCDOT Right-of-Way (W Galveston Street). The applicant must coordinate with Utility Branch Coordination Manager.
 - iv. 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.
- i. 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.
- j. 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 be considered for revocation by the Board of Supervisors, upon recommendation by the Planning and Zoning Commission to change the zoning back to that which existed on the date of 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 value of the property from the value it held on the date of application due to revocation 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.

Z2023019 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "11321 W. Bell Road Billboard SUP Site Plan", consisting of 2 full-size sheets, dated March 23, 2023, 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 "Bell Road & 114th Avenue – Outfront Billboard Relocation", consisting of 9 pages, dated March 24, 2023, except as modified by the following conditions.
- c. The following standards shall apply:
 - 1. Minimum billboard separation distance: 899'
 - 2. Maximum sign height: 49' (45' to the top of the sign face)
 - 3. Maximum size of sign face: 672 sq. ft.
- d. The following engineering conditions shall apply:
 - 1. Applicant shall be responsible for coordinating any requirements that may be imposed by the City of Surprise due to ROW on Bell Road.
 - 2. 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. 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.

Z2023022 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Site Plan", consisting of 1 full-size sheet, dated March 30, 2023, 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 "SUP Application for Digital Conversion of an Existing Billboard", consisting of 8 pages, dated March 31, 2023, except as modified by the following conditions.
- c. The following standard shall apply:
 - i. Minimum billboard separation distance: 505'
- d. The following engineering conditions shall apply:
 - i. 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.
- 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.

Z2023043 condition;

- a. Subject to all conditions of case Z2005006, including the following Rural-43 RUPD development standards:
 - 1. Average lot area per dwelling unit: 43,560 sq. ft.
 - 2. Minimum lot area: 35,000 sq. ft.
 - 3. Minimum lot width: 120'
 - 4. Maximum lot coverage: 20%
 - 5. Minimum Distance between buildings: 15'
 - 6. Minimum Front setback: 20'
 - 7. Minimum Rear setback: 25'
 - 8. Minimum Side setback: 5'
 - 9. Minimum Street-side setback: 10'
 - 10. Maximum building height: 30'

11. Accessory Dwelling Units: One (1) secondary dwelling unit allowed with MCESD approval of liquid waste disposal system.

Z2022211 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Conceptual Site Plan – Northern 54", consisting of 1 full-size sheets, dated March 2, 2023, and stamped received April 11, 2023 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 "Marbella West – Plan of Development", consisting of 5 pages, dated November 15, 2022, and stamped received November 27, 2022 except as modified by the following conditions.
- c. 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.
- d. The following Planning Engineering conditions shall apply:
 - a. In accordance with DPSM 6.10.6.3 provide a minimum top width of 8' for the existing channel berm that fronts your parcel
 - b. Please submit plans to the Marvella HOA. Following approval provide copy of authorization of the plans to County
 - c. Due to proximity submit a TIS for review and APPROVAL from City of El Mirage. Following the agency's approval provide a copy of authorization.
 - d. A MCDOT Right of Way Permit will be needed during the building permit phase. All work within the ROW will require permit fees along with an Assurance Bond in the amount of the work being performed in the ROW (roadway improvements, utilities, storm drain, signing and striping, landscaping ext)
 - e. As part of half street improvements, maintain/provide ROW dedication to MCDOT along site frontage of Northern Parkway Eastbound Frontage.
 - i. Identification of utilities or underground facilities within or adjacent to the required right-of-way that may have prior rights and/or require relocation.
 - f. Signal timing Modification shall be completed by the developer at opening year with coordination from MCDOT Traffic Design.
 - i. MCDOT has a current TIP project (TT0347 Northern Parkway) adjacent to this site. Coordination of potential impact to this project must be

communicated to Ben Markert, Project Manager. Please contact him via email at Ben.Markert@maricopa.gov or by phone at 602-506-8651.

- g. 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.
 - h. 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.
 - i. Detailed Grading and Drainage (site Infrastructure) Plans and Drainage report must be submitted with the application for Building Permits.
- 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 Plan of Development. The Plan of Development enhances the value of the property above its value as of the date the Plan of Development is granted and reverting to the prior zoning results in the same value of the property as if the Plan of Development had never been granted.

Mr. Gérard said the May 25, 2023 ZIPPOR meeting has been cancelled.

Chairman Schlosser adjourned the meeting of May 11, 2023 at 9:42 a.m.

Prepared by Rosalie Pinney
Recording Secretary

May 11, 2023