



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

205 W. Jefferson Street, Phoenix and by GoToWebinar

MINUTES
June 8, 2023

CALL TO ORDER: Chairman Mitchell called the meeting to order at 9:34 a.m.

MEMBERS PRESENT: **In-person**
Mr. T.J. Mitchell, Vice Chairman
Mr. Greg Arnett
GoToWebinar
Mr. Erik Hernandez
Mr. Jimmy Lindblom
Ms. Kate McGee
Ms. Francisca Montoya
Mr. Jay Swart

MEMBERS ABSENT: Mr. Lucas Schlosser, Chairman
Mr. Kevin Danzeisen
Mr. Spike Lawrence

STAFF PRESENT: 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. Joel Landis, Planner
Mr. Nick Schlimm, Planner
Mr. Andrew Lorentzen, Planner
Mr. Joseph Mueller, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES: Mr. Wayne Peck, County Attorney
Mr. Martin Camacho, Technical Team
Ms. Katie Sanchez, Technical Team

CONTINUANCE: Z2022105

CONSENT: CPA2022003, Z2022091, CPA2023006, Z2022164, S2022008, S2022009, DMP2023002, Z2022176, Z2022203, Z2023035, Z2023040

REGULAR: TA2023002, Z2022221

Chairman Schlosser not in attendance, Vice Chairman Mitchell is acting Chairman.

Chairman Mitchell made the standard announcements and asked if there were any changes or comments to the April 6 and April 20 minutes. None.

COMMISSION ACTION: Chairman Mitchell approved the minutes from April 6 and April 20, 2023 as written.

CONTINUANCE AGENDA

Special Use Permit - Z2022105

District 1

Project name: I-10 & Loop 202 – Digital Billboards
Applicant: Garry Hays
Request: Special Use Permit to convert two legal non-conforming billboards on the same property to digital billboards in the IND-3 zoning district
Location: Approximately ¾ mile northwest of the northwest corner of 56th St. and Pecos Rd. in the Chandler area

Continued to the June 22, 2023 hearing, no action required by the Commission.

CONSENT AGENDA

Comprehensive Plan Amendment - CPA2022003

District 4

Project name: Meadows at Rocking Horse Ranch Residential Treatment Program
Applicant: Withey Morris Baugh, PLC
Request: General comprehensive plan amendment (CPA) to change the land use designation in the White Tank Grand Avenue Area Plan from Rural Densities (0-1 d.u./acre) to Office on approx. 20.42 acres and Community Service on approx. 101.83 acres.
Location: Generally located on the northeast side US-60 (Grand Ave.) at Rocking Horse Ln. in the Wickenburg area

Zoning - Z2022091

District 4

Project name: Meadows at Rocking Horse Ranch Residential Treatment Program
Applicant: Withey Morris Baugh, PLC
Request: Zone change with overlay from Rural-43 WHSC and C-2 WHSC to C-2 CUPD WHSC
Location: Generally located on the northeast side US-60 (Grand Ave.) at Rocking Horse Ln. in the Wickenburg area

Comprehensive Plan Amendment - CPA2023006

District 5

Project name: Mangat Group
Applicant: Brian Greathouse, Burch & Cracchiolo, P.A.
Request: General comprehensive plan amendment (CPA) to change the land use designation in the Vision 2030 Maricopa County Comprehensive Plan from Community Retail to Miscellaneous Retail
Location: Generally located at the NEC of Wintersburg Rd. & I-10 in the Tonopah area

Zoning - Z2022164

District 5

Project name: Mangat Group
Applicant: Brian Greathouse, Burch & Cracchiolo, P.A.
Request: Zone change with overlay from Rural-43 to C-3 CUPD
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Location: Generally located at the NEC of Wintersburg Rd. & I-10 in the Tonopah area

Preliminary Plat - S2022008

District 4

Project name: Ben Jordan Acres
Applicant: John Mireles, Huitt-Zollars INC
Request: Preliminary Plat for a subdivision with 45 residential lots and 7 tracts in the Rural-43 zoning district
Location: Generally located on the southwest corner of Pete Rd. and 518th Ave. in the Aguila area

Preliminary Plat - S2022009

District 1

Project name: Trueno Montana
Applicant: Gary Crosby, Regal Homes AZ
Request: Preliminary Plat containing 6-lots, 4 tracts in the R1-35 zoning district
Location: Approx. NWC of Palm Ln. and 89th St, in the east Mesa area

Development Master Plan - DMP2023002

District 4

Project name: Hidden Waters Ranch
Applicant: Brian Greathouse, Burch and Cracchiolo, PA
Request: Modification of stipulation to DMP2008006 and DMP2021004
Location: Generally located south of the I-10 between 339th Ave. and 351st Ave. and north of Buckeye Rd. in the Tonopah Area

Zoning - Z2022176

District 4

Project name: Moreland
Applicant: Jessica Sarkisian, Upfront Planning
Request: Zone change with overlay from Rural-43 to C-3 CUPD with a plan of development for a digital billboard
Location: Generally located at the NWC of 183rd Ave. and Moreland St. in the Goodyear area

Zoning - Z2022203

District 4

Project name: Hassayampa Highlands – Healthcare Career Management
Applicant: Kim Ptak, Hassayampa Highlands, LLC
Request: Zone Change from C-S to C-2 CUPD
Location: Generally located at all four corners of Grand Avenue and Castle Hot Springs Road in the Morristown area

Zoning - Z2023035

District 1

Project name: Chandler Airpark Rezone
Applicant: Adam Baugh, Withey Morris Baugh
Request: Rezone from Rural-43 to IND-2 IUPD
Location: Generally located south of the southwest corner of Ryan Rd. and McQueen Dr., in the Chandler area

Special Use Permit - Z2023040

District 2

Project name: Standage RV Storage
Applicant: Sean Lake, Pew & Lake PLC
Request: Modification of Conditions to a Special Use Permit (SUP) for RV storage in the Rural-43 zoning district to allow for time extension

Location: Generally located 1,400' west of the SWC of Recker Rd. and Baseline Rd. in the Gilbert area

Mr. Gérard presented the consent agenda.

Commissioner Montoya asked about the water with item #2 and #3 - CPA2022003/Z2022091. She said they are proposing to use well water and asked if the developer needs to submit some type of certification that they will have water for so many years. Mr. Cannon said since this is not a subdivision it is a commercial site; they would not be subject to a certificate of shared water supply. They submitted a water and sewer master plan as part of their zone change to assess if water was available to support the use intended. It was approved by Maricopa County Environmental Services, and it is one of the reasons staff is recommending approval.

Commissioner McGee said she had discussion with Mr. Gérard on how water fits into the work we do with Planning and Zoning. She asked if he could do a recap. Mr. Gérard said there is a state requirement and an ordinance requirement that subdivisions have an assured water supply certificate from the state, Arizona Department of Water Resources. It must be in place prior to a final plat approval, not a preliminary plat approval by this body but the related final plat by the Board of Supervisors. Statutorily that is for areas within active management areas, most of what Maricopa County deals with but not the far western extremes. Our subdivision regulations require a subdivision to have a certificate of water provider. You can get a waiver to the subdivision regulation, but it is something that has to be requested and discussed as part of the case before it is brought before the commission. Commercial and Industrial are not the same statutory requirements. Our comprehensive plan has policy that requires urban services for urban development. Urban services also mean public water and sewer. Industrial sites that are kind of remote and large for the power generating facilities, where you always see UPD overlays applied to limit the entitled uses. Planning & Development and Environmental Services determine those uses can be accommodated with the documented water that is provided to the site. Non-entitled uses would be more water uses, such as restaurants, and gas stations with car washes etc. There are statutory requirements and ordinance requirements for subdivisions and those requirements do not exist for unregulated land divisions or lot splits, which is a large percentage of what occurs in unincorporated Maricopa County and does not come before this body. There are not the same statutory requirements for non-residential development, but we do have planning policies either existing entitlement or it is new entitlement coming before this body with our recommendations based on what services are available to the site and if the site is appropriate for the zoning entitlement. Commissioner McGee said the most questions she gets as a Planning and Zoning commissioner is about water.

Chairman Mitchell asked if anyone from the public wished to speak on the consent agenda. None.

COMMISSION ACTION: Commissioner Arnett adopted a motion recommending the Board of Supervisors approve the consent agenda – CPA2022003, Z2022091 with conditions 'a'-q', CPA2023006, Z2022164 with conditions 'a'-o', S2022008 with conditions 'a'-m', S2022009 with conditions 'a'-p', DMP2023002 with conditions 'a'-o', Z2022176 with conditions 'a'-h', Z2022203 with conditions 'a'-k', Z2023035 with conditions 'a'-g', and Z2023040 with conditions 'a'-g'. Commissioner Swart second. Approved 7-0. Ayes: Arnett, Hernandez, Lindblom, McGee, Montoya, Swart, Mitchell.

Z2022091 conditions;

- a. Development of the site shall be in substantial conformance with the Hillside Site Plan entitled "Rocking Horse Ranch", consisting of 7 pages, dated May 26, 2023, and stamped received May 30, 2023, except as modified by the following conditions.

- b. Development of the site shall be in substantial conformance with the Landscape Architect's Companion Site Plan entitled "The Meadows – Rocking Horse Ranch", consisting of 20 pages, dated May 25, 2023, and stamped received May 30, 2023, except as modified by the following conditions.
- c. Development of the site shall be in substantial conformance with the Narrative Report entitled "Meadows at Rocking Horse Ranch", consisting of 11 pages, dated May 29, 2023, and stamped received May 30, 2023, except as modified by the following conditions.
- d. The following C-2 CUPD WHSC Zoning District standards shall apply:
 - 1. Min. Street-side Yard: 0'
 - 2. Parking Spaces Required: 175 spaces are required. Any future floor area associated with the administration/office use shall require parking under the office/commercial standard of 1 space per 250 sq. ft. of floor area. All required ADA spaces shall be required for future amendments.
 - 3. Pavement: Minimum 8 inch compacted ABC used for roadways, with rolled and compacted decomposed granite with Stalok stabilizer permitted subject to a dust control plan approved by Maricopa County Air Quality Control. All required ADA spaces and pathways shall be paved with a minimum of asphalt millings bound with a liquid binding emulsifier.
 - 4. Screening: No screening required
 - 5. Article 902.9.1: All uses associated with the group care facility component and office recreational uses are permitted outdoors. Special events unrelated to the permitted uses are prohibited.
 - 6. Access to site: Additional entry and exit from US-60 permitted with BOS and ADOT approval
 - 7. Min. ROW Setback to Section Line: 0' per MCDOT
 - 8. Min. ROW Setback to Local Road: 0' per MCDOT
 - 9. Min. ROW Setback to Highway: 0' with approval from ADOT
 - 10. Max. Hillside Lot Disturbance: 226,918 sq. ft.
 - 11. Max. Hillside Lot Disturbance Outside the Building Envelope: 9,404 sq. ft.
 - 12. Required Slope Stabilization and Restoration: Native desert vegetation, including native seed mixes, will be used to revegetate all exposed fill slopes, cut slopes, graded areas and otherwise disturbed areas.
 - 13. Access from Wickenburg Highway: Additional access points to the Wickenburg Highway permitted with BOS and ADOT approval
- e. Variances to maximum hillside lot disturbance and maximum hillside lot disturbance outside the building envelope may be sought separately through the Board of Adjustment through application for variance. Variations to all other development standards specified in the MCZO shall occur as an amendment to the zone change.
- f. 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. Detailed Grading and Site Infrastructure plans must be submitted with the application for building permits. All grading that has occurred onsite shall be reflected in the submitted grading and drainage plans.
 3. A final Drainage Report shall be submitted with the building permit application.
 4. MCDOT Traffic Department has conditionally approved the Traffic Impact Statement (TIS) pending ADOT approval of US-60 improvements and TIS. Please provide proof of ADOT approvals to PND and a final ADOT approved TIS with the building permit application.
 5. Historical flow patterns on the site shall be maintained.
 6. No structures shall be permitted in the floodway.
- g. The following Environmental Services conditions shall apply:
1. Construction and operation of the improvements approved in the wastewater master plan WWR-22-00720 shall not begin until Maricopa County Environmental Services Department issues an Approval to Construct.
 2. Construction and operation of improvements approved in the water master plan DWR-22-00928 shall not begin until Maricopa County Environmental Services Department issues an Approval to Construct.
- h. The CUPD overlay is applied to restrict the use of the site. The C-2 CUPD zoning district shall limit the use of the site to offices, group care facility and associated accessory uses.
- i. The developer shall address all requirements of ADOT prior to issuance of construction permits.
- j. The owner or developer shall address all recommendations of the Arizona Game and Fish Department (AZGFD) included in the letter dated July 1, 2022, prior to issuance of the initial construction permit.
- k. The developer shall conduct a Class I or Class III Cultural Resources Survey as per the comments from the Arizona State Historic Preservation Office (AZSHPO) included in the e-mail dated May 17, 2022 prior to issuance of construction permits unless otherwise coordinated with AZSHPO.
- l. 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.
- m. 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.

- n. Amendments to the zone change shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance requirements.
- o. 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.
- p. 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.
- q. 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.

Z2022164 conditions;

- a. Development of the site shall be in conformance with the Zoning Exhibit entitled “Zoning Exhibit Map”, consisting of 1 page, dated January 12, 2023, and stamped received February 3, 2023 except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled “Mangat Group”, consisting of 10 pages, dated 3rd Submittal May 18, 2023, and stamped received May 18, 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.
- d. The following planning engineering conditions shall apply:

- a. Without the submittal of a precise plan of development, no development approval is inferred by this review, including, but not limited to number of proposed building lots/units, drainage design, access and roadway alignments. These items will be addressed as development plans progress and are submitted to the county for further review and/or entitlement.
- b. MCDOTS's review comments of the TIS are attached hereto. The comments must be addressed as part of the Plan of Development application.

An updated traffic impact study must be submitted with future entitlement (POD) application(s).

- c. Right-of-Way dedication (100' along Wintersburg Ave. and 40' along Osborn Ave.) will be required as part of future entitlement(s) (i.e. Plan of Development).
 - d. If required, CLOMR approval by the Flood Control District of Maricopa County is required prior to issuance of permits for site development.
 - e. 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 following C-3 CUPD standards shall apply:
- a. Drought-tolerant landscaping shall be provided for screening to rural or residential zoning boundary located to the east, northern, and southern portion of the site.
 - b. Electronic message display permitted for freestanding monument or pole-type service station signs identifying current price(s) of fuel sold, car wash service prices, or any promotional material in connection with the service state use.
 - c. A freestanding monument sign height of 24' within 200' of a rural or residential zoning district.
 - d. A max. height of 65' of Freeway Pylon Sign permitted.
 - e. A max. gross area of 50% of a Freeway Pylon Sign structure permitted.
 - f. 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 electricity generated by the solar panels shall be used exclusively for the operations of the travel center.
- g. The developer/owner(s) shall address all requirements of ADOT as per the e-mail dated October 17, 2022 prior to issuance of construction permits.
- h. The developer/owner(s) shall address all recommendation of the Arizona Game and Fish Department (AZGFD) included in the letter dated October 13, 2022, prior to issuance of the initial construction permit.
- i. 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.
- j. 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.
- k. Amendments to the zone change shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance requirements.
- l. 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.
- m. 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.
- n. 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.

- o. 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.

S2022008 conditions;

- a. The Final Plat shall be in substantial conformance with the preliminary plat entitled "Ben Jordan Acres" consisting of 5 full-size sheets, dated Revised April 5, 2023, and stamped received April 6, 2023, except as modified by the following conditions.
- b. Development and use of the site shall in substantial conformance with the narrative report entitled "Ben Jordan Acres", consisting of 6 pages, dated April 4, 2023, and stamped received April 6, 2023, except as modified by the following conditions.
- c. Prior to final plat and infrastructure permit submittal, the applicant is required to attend a pre-application meeting in order to coordinate the permitting process for improvements, fees, and assurances associated with the subdivision. Intake of the final plat and infrastructure permit shall be by appointment only.
- d. Concurrent with submittal of final plat, improvement plans shall be submitted to the planning and development department.
- e. After final plat 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.
- f. Prior to final plat approval, water and wastewater plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- g. The following Drainage Review 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 an updated drainage report must be submitted with the application for building permits.
- h. Prior to final plat 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 appropriate fire department servicing Ben Jordan Acres. This information shall be included in the narrative report for the final plat and the associated public report for the subdivision. The final plat shall contain a note referencing the will-serve letter.
- i. Prior to final plat approval or issuance of building permits, the applicant/owner shall obtain a "will serve" letter from Aguila Water Services, INC. confirming water service will be provided to the subdivision.
- j. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- k. 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 expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.
- l. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to non-compliance with conditions.
- m. The final plat shall include a note that state that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Maricopa County Board of Supervisors.

S2022009 conditions;

- a. The Final Plat shall be in substantial conformance with the preliminary plat entitled "Preliminary Plat for Trueno Montana" consisting of 9 full-size sheets, dated revised February 19, 2023, and stamped received March 1, 2023, except as modified by the following conditions.
- b. Development and use of the site shall be in substantial conformance with the Narrative Report entitled "Trueno Montana Narrative Report for Preliminary Plat S2022009", consisting of 7 pages, dated revised February 19, 2023, and stamped received March 1, 2023, except as modified by the following conditions.
- c. Prior to approval of a final plat, the Trueno Montana HOA will record a 20' wide drainage and vehicular easement with the property owner of Parcel 219-33-001Q. The applicant will provide Planning and Development with a copy of the recordation and will reference the recordation number of the easement on the Trueno Montana Final Plat.
- d. Prior to any final plat / infrastructure permit submittal, the applicant is required to attend a pre-application meeting in order to coordinate the permitting process for improvements,

fees, and assurances associated with this project. Intake of the final plat and infrastructure permit shall be by appointment only.

- e. The Final Plat shall include Variance BA2012017 information listed.
- f. Concurrent with submittal of any final plat, improvement plans shall be submitted to the planning & development department.
- g. After final plat 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.
- h. Prior to final plat approval, water and wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- i. The following Drainage Review conditions shall apply:
 - 1. Prior to issuance of building permits for the subdivision infrastructure the drainage easement shown on the plans to the west of Tract A (N. 89th Street) must be procured and recorded.
 - 2. Development involving fill slopes in excess of 3:1 and cut slopes in excess of 2:1, will require geotechnical evaluation for stability prior to the issuance of building permits for the subdivision infrastructure.
 - 3. Final design of the subdivision roadways shall take into account safety precautions associated with steep embankments on either side of the roadway.
 - 4. Final drainage design of the subdivision infrastructure shall be based on current County design manuals. Manuals/methodology referenced in the preliminary plat documents (originally submitted in 2008) must be updated accordingly.
 - 5. Drainage review of preliminary plat applications 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.
 - 6. 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.
 - 7. Detailed grading and drainage plans showing the new site improvements/infrastructure must be submitted for the acquisition of building permits.
 - 8. The entire site and adjacent half-streets' runoff shall be retained onsite. If portions of adjacent right-of-way are controlled by other jurisdictions, the adjacent half-streets' runoff shall be retained unless separately addressed by the other jurisdictions.

9. Sufficient retention volume shall be provided onsite to retain the required first flush runoff from all contributing areas. Retention basins with stormwater depths exceeding one foot shall provide one foot of freeboard.
10. All retention basins shall drain within 36 hours per Maricopa County requirements.
- j. Specific roadway cross-sections and pavement sections are not approved as shown on the preliminary plat. Cross-sections are shown on the preliminary plat for informational purposes.
- k. Prior to final plat 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 appropriate fire department servicing Trueno Montana. This information shall be included in the narrative report for the final plat and the associated public report for the subdivision. The final plat shall contain a note referencing the will serve letter.
- l. Prior to final plat approval or issuance of building permits, the applicant/owner shall obtain a new "will serve" letter from the City of Mesa for confirming water and wastewater service will be provided to the subdivision.
- m. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- n. Preliminary plat approval shall expire two (2) years from the date of planning and zoning commission approval. Any request for an extension of time shall be submitted prior to expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.
- o. 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.
- p. The final plat shall include a note that states that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.

DMP2023002 conditions;

- a. Deletion of conditions 'f' of DMP2008006 and 'e' of DMP2021004.
- b. Changes to the Hidden Waters Ranch Development Master Plan with regard to use and intensity, or changes to any of the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation by the Maricopa County Planning and Zoning Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, subdivision regulations, and zoning ordinance in effect at the time of application(s) submission. The Maricopa County Planning and Development Department may approve minor changes administratively as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Hidden Waters Ranch Development

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Master Plan narrative report, maps, and exhibits, or the stipulations of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.

- c. All stipulations of approval shall remain in effect in the event of a change in name of the Hidden Waters Ranch Development Master Plan.
- d. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval of this Development Master Plan due to noncompliance with any of the approved stipulations.
- e. The master developer shall be responsible for the construction of all public and private on-site roads within the Hidden Waters Ranch Development Master Plan. Further, the Hidden Waters Ranch homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and public facilities, washes, parks, roadway median landscaping, landscaping within public rights-of-way, and all pedestrian, bicycle, and multi-use paths.
- f. Prior to approval of each final plat, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation/disposition for each of the selected native vegetation.
- g. Landscaping of all common areas and open spaces, except for identified recreational areas, within Hidden Waters Ranch shall consist of indigenous and near-native plant species of a xeriphytic nature.
- h. Until annexation of the entire development master plan takes place, the master developer shall notify all future Hidden Waters Ranch Development Master Plan 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. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8 ½ inch by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC & Rs).
- i. All park facilities shall be completed concurrently with residential development of the respective plat on which the park is shown.
- j. One (1) elementary school site dedication at a minimum of 14.3 acres. shall be reserved for the Saddle Mountain Unified School District at the location identified on the Hidden Waters Ranch land use plan. If at a future date State Land areas adjacent to the amended areas of the DMP are rezoned from residential to industrial use, SMUSD leadership may agree to reduce or eliminate the school reservation
- k. The following PND 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 building

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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 must be submitted with future entitlement (POD/Plat) application(s) contained within the DMP.
 3. Engineering review of planning entitlement 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.
- I. The following Maricopa County Department of Emergency Management stipulations shall apply:
1. Any areas not covered by the existing Outdoor Warning Siren System used to alert residents within the 10-mile Emergency Planning Zone of the Palo Verde Nuclear Generating Station in time of emergency shall be required to include additional sirens, at the developer's cost, in order to provide adequate warning for the residents of that development, using technical information concerning the siren system obtained from the Emergency Planning Department at the Palo Verde Nuclear Generating Station. In addition, adequate signage available from the Palo Verde Nuclear Generating Station Emergency Planning Department shall be required to be posted on the site to inform the public of the presence of a nuclear generating station in the vicinity and outlining actions to take upon receiving warning notification.
 2. The developer shall ensure that public safety information regarding nuclear emergencies is initially provided to any new residents or building occupants. The applicant shall obtain this information from the Palo Verde Nuclear Generating Station – Emergency Planning Department. All costs associated with the duplication and dissemination of the initial distribution shall be assumed by the applicant. Thereafter, the Palo Verde Nuclear Generating Station will provide this public safety information annually.
- m. The following Flood Control District of Maricopa County stipulations shall apply:
1. The owner or his representative shall submit a Conditional Letter of Map Revision prior to any preliminary plat approvals.
- n. The following Luke Air Force Base condition shall apply:
1. The master developer shall notify future occupants/tenants that they are located near a military airport with the following language:

"You are locating in a residential dwelling outside the "territory in the vicinity of a military airport," however aircraft flying in this area are authorized to fly as low as

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1,500 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes an average of approximately 165 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight areas.

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

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

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

Such notification shall be permanently posted on not less than a 3 foot by 5 foot sign in front of all leasing and home sales offices and be permanently posted on the front door of all leasing offices on not less than 8½ inch by 11 inch sign.

- o. At its discretion, the Maricopa County Planning and Development Department may administratively approve up to a 5% change in the gross area of any parcel that is subject to a planned area development zoning overlay. Such change, either individually or cumulatively, shall not result in a change of any land use category by 5% or greater. Changes greater than 5% either individually or cumulatively shall be processed as a revised application with approval by the Maricopa County Board of Supervisors upon recommendation by the Maricopa County Planning and Zoning Commission.

Z2022176 conditions;

- a. A plan of development is approved subject to site plan entitled "POD for Billboard" consisting of 2 full-size sheets, dated April 13, 2023, and stamped received April 13, 2023. The Plan of Development may be amended administratively under separate application as long as the amendment complies with the established CUPD 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.
- b. Development of the site shall be in substantial conformance with the narrative report entitled "Rezone with Overlay at Moreland RC Track", consisting of 8 pages, dated April 13, 2023, and stamped received April 13, 2023, except as modified by the following conditions.
- c. Application for an amendment to the plan of development to include the RC racetrack is required within six months of BOS approval.

- d. All unpermitted structures associated with the RC Racetrack must obtain construction permits.
- e. The following-3 CUPD standards shall apply:
 - 1. Sight Screening: Chain link fence east and north, 6' block wall west and south
 - 2. Digital Billboard setback to residential use: 39.7'
 - 3. Parking surface material: decomposed granite
 - 4. Allowed uses:
 - 1. Billboards
 - 2. Hobby shop
 - 3. Medical or dental laboratory
 - 4. Office
 - 5. Wireless communication facility
 - 6. Single family residential
 - 7. Outdoor amusement
- f. 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
- g. 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.
- 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.

Z2022203 conditions;

- a. Development of the site shall be in conformance with the Zoning Exhibit entitled "Zoning Exhibit Z2022203", consisting of one full-size sheet, dated February 5, 2023, and stamped received April 19, 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 "Hassayampa Highlands LLC / Healthcare Career Management LLC", consisting of six pages, dated April 19, 2023, and stamped received April 19, 2023, except as modified by the following conditions.
- c. 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.
 2. Any development must ensure that historic drainage patterns are maintained at the up and downstream limits of development.
 3. A traffic impact study must be submitted with any future entitlement application (i.e., plan of development).
 4. A portion of the site is encumbered by a regulatory floodplain (FEMA Zone A). Any development must be compliant with the Floodplain Regulations for Maricopa County.
 5. 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.
- d. All buildings subject to noise attenuation as per ARS § 28-8482(B).
- e. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years for the initial phase and an additional five (5) years for each subsequent phase, within which time the subdivision infrastructure permit or construction permit for each phase must be obtained.
- f. The CUPD overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.

- g. Prior to initial final plat approval or initial precise plan of development approval, the applicant shall submit to the Maricopa County Planning and Development Department confirmation of service by Morristown Water Co. and an approved Certificate of Convenience and Necessity (CC&N) issued by the State of Arizona.
- h. 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.
- i. 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.
- j. The property owners and their successors waive claim for diminution in value if the county takes action to rescind approval due to noncompliance with conditions.
- k. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowners. 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.

Z2023035 conditions;

- a. Development of the site shall be in substantial conformance with the Narrative Report entitled "Rezone Narrative", consisting of 11 pages, dated May 9, 2023 except as modified by the following conditions.
- b. IUPD overlay is applied to restrict the use of the site until the site is served by a public sewer system. Until such time, uses on the site are limited to those that can be accommodated by septic systems properly permitted by the Maricopa County Environmental Services Department.
- 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.

- d. Prior to approval of the initial final plat or precise plan of development approval, the applicant shall provide the Maricopa County Planning and Development Department with an executed pre-annexation service agreement with the City of Chandler that identifies the detail for when the proposed project will be annexed and the provision of water and sewer service. In lieu of pre-annexation service agreement the developer must provide a 'will serve' letter from the certificated water and sewer provider(s) or approval from MCESD.
- e. 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.
- f. 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.
- 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, 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.

Z2023040 conditions;

- a. Development of the site shall be in substantial conformance with the site plan entitled "5649 E Baseline Road", consisting of 1 full-size sheets, dated March 20, 2023, and stamped received May 5, 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 "Standage RV & Storage", consisting of 4 pages, dated May 5, 2023, and stamped received May 5, 2023, except as modified by the following conditions.
- c. Continued compliance of Z2012106 stipulations 'a' through 'o' with the deletion of 'h'.
- d. The Special Use Permit shall expire 15 years from the date of approval by the Board of Supervisors, or upon termination of the use for a period of 90 or more days, whichever occurs first.
- e. The applicant must record easements for SVTs over APN 304-07-030E within six months of BOS approval.
- f. The following planning engineering conditions shall apply:
 - 1. No new development can occur without submittal of a new PDN Planning Entitlement application.

2. All other conditions of Z2012106 shall remain in effect.
- 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.

REGULAR AGENDA

Text Amendment - TA2023002

All Districts

Project name: ADA Accommodation for Senior Citizen Overlay Zoning Districts
 Initiator: Staff
 Request: Amend Chapter 10, Section 1006 – Senior Citizen Overlay Zoning District to allow for an age-restriction exception specific to disabled individuals

Mr. Cannon presented TA2023002 and noted this is a text amendment to the zoning ordinance for an ADA Accommodation for Senior Citizen Overlay Zoning Districts. The purpose of this text amendment is to bring our zoning ordinance into compliance with federal law, the Americans for Disabilities Act (ADA) and the Fair Housing Act (FHA). Revised language shown in green.

ARTICLE 1006.6. ADDITIONAL REGULATIONS: **3

1. Each dwelling unit, if occupied, shall be occupied by at least **one person** not less than **55 years of age** and no person **18 years of age** or under shall reside in any dwelling unit for a period of time exceeding **90 days**. *2, *3
2. *Age restrictions listed in Article 1006.6.1 above shall not apply to any resident who is a qualified individual with disabilities per the definition of disability in Chapter 2.*
- ~~2.~~3. The following criteria shall be met and maintained for each planned residential development: *3, *4
 - a. At least **80%** of the dwelling units shall be occupied by at least **one person 55 years of age or older** per unit.
 - b. Policies and procedures which demonstrate an intent to provide housing for persons **55 years of age or older** shall be published and adhered to.
 - c. It is the responsibility of the residents and/or owners of properties to provide evidence that the above criteria are met and will be maintained.

(NOTE: The above criteria are based on the requirements contained in Section 100.304 of the Rules and Regulations for implementation of the Federal Fair Housing Amendment Act of 1988).

Mr. Cannon said we have several communities with a 55+ senior citizen overlay. Each dwelling unit in a senior overlay must be occupied by at least one individual who is 55 or older and that no person 18 or under can reside in a dwelling unit for a time period exceeding 90 days. Additionally, 80% of overall units within the senior citizen overlay must also be occupied by an individual who is 55 or older and the communities with this overlay are required to enforce the age restriction by publishing the policy and requiring verification through affidavits and surveys. The zoning ordinance allows for a Temporary Use Permit to allow an individual who is 18 or under to stay longer than the time period of 90 days permitted in the ordinance. County counsel informed us that this ordinance is not aligned with the ADA and the FHA as it pertains to individuals with disabilities. Under the ADA, the TUP process, although it allows the ability for a disabled individual to occupy a 55+ unit, is not considered a reasonable accommodation due to the potential for denial, public process, and associated fees. This amendment accommodates disabled underage individuals from the TUP process by fully exempting them from that process. The TUP process will remain in place for requests to have an under 18 occupant who is not disabled. This amendment will not prevent HOA's within a senior citizen community to review individual cases and make their own reasonable accommodation determination to their CC&Rs, which is how enforcement occurs in CC&Rs in age-restricted communities not subject to senior citizen zoning. We brought this amendment forward as an emergency amendment to bring our ordinance in compliance with federal law. This allows the Board to adopt emergency amendments under an abbreviated Enhanced Regulatory Outreach Program (EROP) process. Notification of this amendment was sent to our EROP registration list and to various agencies and HOAs. Our EROP registration list includes over 3,000 registrants. Staff did not receive any public comment on the amendment.

Mr. Gérard said it was mentioned there is still a TUP process in place to request underage occupancy below 19 years of age. In addition, some may make a request for not having at least one resident being 55 years or more. The ordinance has an allowance if the younger spouse is widowed, they can reside for a one-year time frame or until they turn 55.

Chairman Mitchell asked if it is an administrative process. Mr. Gérard said all Temporary Use Permits can be approved administratively, unless we receive opposition then it goes to the Board of Adjustment.

Chairman Mitchell asked what EROP stands for. Mr. Cannon said Enhanced Regulatory Outreach Program. There was a policy that was initiated by the Board of Supervisors when we bring text amendments forth there is a special process to consider whether a change to the zoning ordinance would increase the regulatory burden on development. This is a special outreach process where we hold stakeholder meetings and notify the EROP registrants list. With this text amendment we are going through the emergency procedures associated with that, it allows for the Board to adopt it without stakeholder meetings.

Mr. Gérard said EROP is not a Planning and Development process, it is a Maricopa County process with all of the county regulatory agencies. EROP was created by former County Manager, Joy Rich to make the regulatory process consistent with all regulatory agencies. There is a website for any interested party to go and find out what is going on in Maricopa County. Flood Control, Air Quality, and Planning and Development are under the EROP process. A person can subscribe to EROP, and they can be notified when items are placed in EROP. It is patterned after the regular Planning and Development process and the way we processed text amendments through the zoning ordinance historically. Now that same

process applies across all regulatory county agencies. It is flow charted and patterned so there is consistency, transparency, and outreach.

Commissioner McGee asked Temporary Use Permits do not come through us and we wouldn't hear a TUP case. Mr. Cannon said that is correct.

Commissioner McGee asked would the commission receive notifications from EROP when items are coming before us. Mr. Gérard said the EROP process is a public outreach process. The commission receives all text amendments, zoning ordinance and subdivision regulations through the Planning and Zoning's normal process. EROP was mentioned to document the public notification process, and because we are bringing the ordinance in alignment with federal rules we are implementing it through EROP emergency measure without an initial stakeholder meeting or a technical advisory meeting.

Chairman Mitchell asked if anyone from the public wished to speak on this text amendment. None.

COMMISSION ACTION: Commissioner Swart adopted a motion to initiate with recommending the Board of Supervisors approve TA2023002. Commissioner McGee second. Approved 7-0. Ayes: Arnett, Hernandez, Lindblom, McGee, Montoya, Swart, Mitchell.

Zoning - Z2022221

District 2

Project name: Shops at Rio Verde
Applicant: Wendy Riddell – Berry Riddell LLC
Request: Zone Change from Rural-43 to C-2 CUPD
Location: Southwest corner of 174th St. & Rio Verde Dr. in the Rio Verde Foothills area

Mr. Lorentzen presented Z2022221 and noted this is zone change request from Rural-43 to C-2 CUPD which will allow for a retail shopping center. The applicant has chosen to add limitations to the overlay to not allow certain uses such as billboards, adult uses and multi-family residential. Due to a large influx of recent residences and the buildout of previously approved master planned communities, the area has seen and continues to see rapid growth. Staff views a commercial node in this area to be appropriate. Many residents have reached out to share their opinion on the proposal. As of Tuesday, June 6, staff has received 113 letters of support and 80 letters in opposition of the proposal. Public comment continues to come in and any additional comments received will be included in a future report to the Board of Supervisors. Staff is recommending approval.

Ms. Wendy Riddell with Berry Riddell LLC on behalf of Park West said the site is on the southeast corner of Rio Verde Drive and 174th Street directly across from Trilogy on Rio Verde Drive, and approximately on 17 acres. Park West has been developing in the area since 1976 with extensive experience developing retail centers. The zone change request is for commercial with a CUPD to restrict some of the concerning uses to the community and to give us some flexibility to go up to 8 feet on a screen wall where it is appropriate. It will look like a very typical retail commercial center, and the proposal may include a grocery store, hardware/tack and feed store, drive-thru restaurants, full-service restaurants, a bank, coffee shop, convenience store, gas station, assorted retail services, medical and office uses. The proposal will not include adult-oriented uses, billboards, boarding houses, boat sales, detox facilities, dormitories, funeral homes/mortuaries, halfway houses, hotels, resorts, motels, liquor stores, medical marijuana facilities, mobile home parks, multiple-family residential, parking lots, public garages and recovery communities. EPCOR will provide water and sewer to the site and thru have received an intent to serve approval from them. The proposed design will be a modern rural style to complement the surrounding area, and will have a neutral, soft color palette and naturalistic material. The landscaping will be sensitive and complements the surround area, drought tolerant and a 25-foot landscaping buffer

to adjacent residential properties. In the Rio Verde Foothills Area Plan, it said by 2020, there may be some potential for limited small-scale neighborhood retail or service development on Rio Verde Drive. There is a tremendous need for this use in this area. They are consistent with the Rio Verde Foothills Area Plan, it's right on Rio Verde Drive and provides services to residents within their own community. This will not be a destination use, it is something that will serve the Rio Verde residents. To go grocery shopping the Rio Verde residents can be driving 14 to 20 miles for a carton of milk. It is 8-1/2 miles to get gas, and to go to a restaurant it is 9 miles. It is a significant distance to get any type of services from this community. What they are proposing is appropriate for the area. They are requesting the support of the commission and are in agreement with staff's proposed conditions.

Ms. Cynthia Dooley said they live on the property immediately west of the proposed site. This development will impact their values and their rural lifestyle. They don't want the city coming here and that is why they moved out there. She has concerns with safety, security and the negative impact that cities bring. They haul their own water and are okay with it. This development will affect their property taxes with the new infrastructure, roads and gutters. The people in Trilogy live in a gated community and she wants to know where their protection is.

Mr. Stephen Yasinovsky said he is a resident of Rio Verde Foothills. He isn't in complete opposition of development, but it has to be responsible and sustainable. Some of the presentation from the applicant was misleading, he believes there are amenities across the street in Trilogy, and there are also some of these amenities in Fountain Hills. This land was an acquired land exchange from the federal land agency intended for Rural/Residential development. Most people that live in this area like the rural nature and are prepared to live in this environment.

Mr. Vincent DePietro said has lived in Trilogy since 2019. This shopping center is in the best interest for this community especially for the senior citizens. Traffic can be a problem going to Fountain Hills or north Scottsdale and can be a problem for the senior citizens who may have a problem driving longer distances or navigating through heavy traffic. The proposed will be conveniently located making it easy for everyone to access. It will be built with the latest technology and environmentally friendly. These medical and retail services are much needed, since they have many senior citizens that live here. Having an urgent care facility within the shopping center can potentially be a life saver. It will also create jobs for the residents and increase tax revenue for the city. It will also help this city to grow and prosper, and he believes this proposal is in the best interest of this community and its senior citizens.

Ms. Carmela Lizzo said she has lived in the Rio Verde Foothills for 30 years, and she is the president of the Rio Verde Horsemen's Association. There is a shopping center at the corner of Alma School and Dynamite, 8 miles west from Trilogy. It has a pharmacy, gas station, several restaurants, and a tack store, but there are many empty shops in that development. How are they going to support this shopping center when this other one isn't being supported. There's been numerous restaurants in and out or others that have gone out of business. Rio Verde and Trilogy have a lot of winter residents, and if this other shopping center can't be supported how is this one going to be supported especially in the summer. They have a concern this retail center will open the doors for other commercial development. This is the last rural area that's left and is the jewel of this entire area where we have rescues, ranches, winter residents, and people that have lived here for 20 years that moved out here to get away from development. There is no commercial zoning in the Foothills and that was part of the area plan.

Mr. Robert Slusher wanted to speak online but he didn't unmute his line to speak.

Chairman Mitchell asked if there was anyone else from the public that wished to speak on this case. None.

Ms. Riddell said it is time to have commercial in Rio Verde, the area plan has anticipated it on Rio Verde Drive. They have over 100 e-mails in support recognizing there is a need. This is designed in a way to make it as sensitive as possible by restricting uses, design guidelines, landscaping, and lighting to ensure to be a compatible use.

Commissioner Swart asked if they know how many buildings are vacant at the other shopping center that was mentioned. Ms. Riddell said she cannot speak to the vacancy rate, and it is not a grocery anchored center. It has limited retail and office uses and it is a different kind of project than we are proposing.

Commissioner Swart asked about the safety concerns. Ms. Riddell said it's a general fear that commercial somehow brings crime. The people using the retail center will be those that live in this community since it is not a destination use.

Commissioner McGee asked the shopping center referenced that is 8 miles to the west did not include grocery services. Ms. Riddell said correct. Commissioner McGee asked about the services available at Trilogy. Ms. Riddell said any services at Trilogy would be restricted to the community members, and she is not aware of the specific services they have. In the community meetings those that lived in Trilogy were requesting a nail salon and hair salon and a list of other uses they would like to see.

Commissioner McGee said all we are being asked to do today is change the zoning from RU-43 to C-2 RUPD with restrictions on commercial uses, and according to the recommendations there are a lot of hurdles before it can be built. She asked if there is another process that will come back to the commission. Mr. Lorentzen said there will be a Plan of Development which is an administrative approval, and any sort of engineering requirements would be approved administratively. Today is only about the zone change on the property and it wouldn't come back to the commission unless it was continued or withdrawn.

Mr. Gérard said today's hearing is to make a recommendation to the Board of Supervisors, so there will be a public hearing before the Board on this zoning case. The subsequent Plan of Development and construction permitting are both administrative procedures.

Commissioner Arnett asked where the Dooley's property is located. Ms. Riddell said the Dooley's property is on the other side of 174th Street to our west. Commissioner Arnett asked there is nothing to the east and nothing on Rio Verde. Ms. Riddell said correct.

Commissioner Arnett asked there will be some sensitivity on how this project is laid out with deliveries, sound, and lighting with some kind of buffer, and not to have entrances close the Dooley's property. Ms. Riddell said this is a conceptual site plan and it will get refined through the process, and we will be sensitive to placing those uses on site that will have the least impact to the adjacent neighbors. The CUPD will give us the ability to allow for an 8-foot wall and add additional landscaping. We need to work out the access points with Maricopa County Department of Transportation (MCDOT), so they are not set or established, and it will go through a separate administrative process.

Chairman Mitchell asked will the 4-foot walls be near the entrances and the 8-foot walls would be around the rest of the exterior. Ms. Riddell said the lower screen walls will meet code and be along Rio Verde Drive. Then anywhere from the 6' to 8' walls anywhere necessary to screen as it is appropriate.

Chairman Mitchell said the area plan is dated, almost 20 years old and it did anticipate the need for some commercial. He reviewed some the historical aerial maps of the area and there has been a lot of change

out there. He read there is 3,200 additional units that have been approved to be built and believes there is some demand, and a unique area as well.

Commissioner Montoya said staff received 113 letters in support and 80 letters in opposition, and that is a lot of sentiment around this proposed rezoning. The letters in support were standard where somebody typed a letter and made copies of it and other people signed it, but the opposition letters were very personal and explicit of their reasons of being in opposition. This community is divided. Those that bought property in that area 20 to 30 years ago or even recently know they have to drive a distance to get groceries and gas. They were obviously okay with it since they bought property and want to preserve that rural character. She believes this project will open the door for future development in the area, and she is not sure it fits right now.

Commissioner Arnett said from a land use perspective does it help the neighborhood or not help the neighborhood. He is in support of this project, but we need to be sensitive to the properties that are adjacent to this. This will be in line with thoughtful design, and it will contribute to the area.

Commissioner Hernandez said he is in favor of this project, and this is needed in this area.

Commissioner McGee said the developer has history and is experienced in doing these types of developments and they do assume the risk. There is a need for this type of development and staff recommendations are conservative and are very extensive covering all the bases from lighting to approval processes, and no exceptions to the development standards requested by the applicant. Also, the 8-foot screen walls to exceed the development standards. She believes this a thoughtful development and prove to be a need for it. Some of these cases can be the hardest as we look at commercial and residential development coming into these rural areas where people have purchased with the expectations it will stay that way. When you're the fastest growing county in the United States, growth is overtaking use. She is in support of this development.

Commissioner Lindblom said he appreciates those that came downtown today and sent in letters to help us know more on how this project impacts them personally. He grew up in the once rural Town of Gilbert and he is very sensitive to the needs and desires to those that move out to rural areas to enjoy the peace and quiet. This project will not interfere with their way of life, but probably enhance it. It might impact those that live very close. In zoning we are trying to find the right balance and decide if this is the best use, and has the applicant done things to help mitigate the community's way of life. He believes with the stipulations and design his concerns have been satisfied. He is in support of this project.

Chairman Mitchell said he is also from Gilbert and when he moved there it was rural with farmland around them, but such is the nature of growth. He commends staff and the applicant with the thoughtful design and conditions minimizing the impacts to the neighbors. He is in support of this project.

COMMISSION ACTION: Commissioner Swart adopted a motion recommending the Board of Supervisors approve Z2022221. Commissioner Arnett second. Approved 6-1. Ayes: Arnett, Hernandez, Lindblom, McGee, Swart, Mitchell. Nays: Montoya.

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Zoning Map", consisting of 1 full-size sheet, and stamped "Received 5-1-2023", except as modified by the following conditions;

- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Shops At Rio Verde", consisting of 7 pages, dated April 24, 2023, except as modified by the following conditions;
- c. Development of the site shall include nighttime light mitigating measures which shall include but not limited to fully shielded, downward facing, side shielded under canopy fixtures facing downward at a minimum 20-degree angle below the horizontal plane of the bottom of the light fixture as well as prohibiting backlit commercial signage for outdoor use. Future site plan of developments shall include a site photometric lighting plan to ensure conformance to this condition;
- d. The following C-2 CUPD standard shall apply:
 - 1. Residential Screening Requirement: 8' solid wall
- e. The C-2 CUPD shall prohibit the following uses:
 - 1. Adult Orientated Facilities
 - 2. Billboards/Off-Site Signage
 - 3. Boarding Houses
 - 4. Boat Sales
 - 5. Detoxification Facilities
 - 6. Funeral Homes, Mortuaries & Chapels
 - 7. Halfway Houses
 - 8. Hotels, Resorts & Motels
 - 9. Liquor Stores
 - 10. Marijuana Facilities
 - 11. RV & Mobile Home Parks
 - 12. Multi-Family Residential
 - 13. Parking Lots & Public Garages
 - 14. Recovery Communities
 - 15. Dormitories;
- f. 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, 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. 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.

- g. 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;
- 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.

Chairman Mitchell adjourned the meeting of June 8, 2023 at 10:58 a.m.

Prepared by Rosalie Pinney
Recording Secretary

June 8, 2023