



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

205 W. Jefferson Street, Phoenix and by GoToWebinar

MINUTES
July 27, 2023

CALL TO ORDER: Chairman Schlosser called the meeting to order at 9:35 a.m.

MEMBERS PRESENT: **In-person**
Mr. Lucas Schlosser, Chairman
Mr. T.J. Mitchell, Vice Chairman
GoToWebinar
Mr. Greg Arnett
Mr. Kevin Danzeisen
Mr. Erik Hernandez
Mr. Jay Swart

MEMBERS ABSENT: Mr. Spike Lawrence
Mr. Jimmy Lindblom
Ms. Francisca Montoya

STAFF PRESENT: Mr. Darren Gérard, Planning Division Manager
Mr. Matt Holm, Planning Supervisor
Ms. Rachel Applegate, Senior Planner
Mr. Joel Landis, Planner
Ms. Paola Jaramillo, Planner
Mr. Martin Martell, Planner
Mr. Joseph Mueller, Planner

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

CONSENT: **CPA2023007, Z2023029, MCP2023003, S2021015, Z2021104**

REGULAR: **Z2022099, Z2019105**

Chairman Schlosser lead the Pledge of Allegiance and made the standard announcements and asked if there were any changes or comments to the June 8 or June 22 minutes. None.

COMMISSION ACTION: Chairman Schlosser approved the minutes from June 8, 2023 and June 22, 2023 as written.

CONSENT AGENDA

Comprehensive Plan Amendment - CPA2023007

District 4

Project name: Sandie Farm
Applicants: Bill Lally and Kurt Jones, Tiffany & Bosco
Request: Comprehensive Plan Amendment (CPA) to change the land use designation from Rural Densities (0 – 1 d.u./ac) to Industrial Park
Location: Generally located at the intersection of 362nd Ave. and Roeser Rd. in the Tonopah area

Zoning - Z2023029

District 4

Project name: Sandie Farm
Applicants: Bill Lally and Kurt Jones, Tiffany & Bosco
Request: Zone change with overlay from Rural-43 to IND-2 IUPD
Location: Generally located at the intersection of 362nd Ave. and Roeser Rd. in the Tonopah area

Military Compatibility Permit - MCP2023003

District 4

Project name: Marbella West Billboards and Cell Tower Facility
Applicant: Bill Lally, Tiffany & Bosco, P.A.
Request: Amendment to military compatibility permit MCP2020002 and plan of development (POD) Z2022211 in the Rural-43 Military Airport and Ancillary Military Facility Overlay MAAMF Zoning District
Location: Generally Located 1,200' east of the SEC of Northern Pkwy. And Dysart Rd. in the Glendale area

Preliminary Plat - S2021015

District 4

Project name: White Tank Foothills Phase 3
Applicant: Joel Saurey, PE, EPS Group, Inc.
Request: Preliminary Plat for a residential subdivision with 645 lots and 66 tracts
Location: Generally located on the NWC of Northern Ave. and Citrus Rd. in the Glendale area

Special Use Permit - Z2021104

District 1

Project name: Trapeze Training Facility
Applicants: Dylan and Kati Philips
Request: Special Use Permit (SUP) for recreational open-air facilities to facilitate a flying trapeze and circus training facility
Location: Generally located approx. 960' north of the NWC of Chandler Heights Rd. and 182nd St. in the Queen Creek area

Mr. Gérard presented the consent agenda.

Chairman Schlosser asked if anyone from the public wished to speak on the consent agenda.

Mr. Daniel Romero said he wished to speak in opposition of case Z2022099 – Potteryland.

Mr. Gérard said due to the opposition, this case should be moved to the regular agenda.

COMMISSION ACTION: Vice Chair Mitchell adopted a motion recommending the Board of Supervisors approve the consent agenda – CPA2023007, Z2023029 with conditions 'a'-i', MCP2023003 with

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conditions 'a'-'j', S2021015 with conditions 'a'-'u', and Z2021104 with conditions 'a'-'l'. Commissioner Swart second. Approved 6-0. Ayes: Arnett, Danzeisen, Hernandez, Swart, Mitchell, Schlosser.

Z2023029 conditions;

- a. Development of the site shall be in substantial conformance with the Narrative Report entitled "Project Narrative", consisting of 8 pages, dated February 15, 2023, and stamped received February 15, 2023, except as modified by the following conditions.
- b. 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.
- c. The following IND-2 IUPD standards shall apply:
 1. MCZO Article 902.5.3 Max. Lot Coverage: 60%; solar panels do not count towards lot coverage
 2. MCZO Article 1102.1. Parking Regulations: Does not apply to solar panels for utility scale solar developments; applies normally to all other structures
 3. MCZO Article 902.9.: All uses shall be conducted within a completely enclosed building except parking loading, unloading, or storage, except outdoor solar panels.
 4. MCZO Articles 902.9.3.B & 902.9.3.C: Minimum chain link fencing at min. 6' (h) including 1' barbed wire topping. Gates shall be allowed on the perimeter of the project. Areas adjacent to existing or future residential development, slats will be added to the perimeter fence to provide visual screening.
 5. The following uses shall be prohibited:
 - i. Single-family and multi-family residential
 - ii. Adult oriented facilities
 - iii. Medical marijuana dispensary facilities and/or marijuana establishments
 - iv. Hospitals
 - v. Hotels, resorts, motels
 - vi. Halfway Houses
 - vii. Boarding Houses
 - viii. Amusement enterprises and parks
 - ix. Circus, carnival, rodeos, and other related permanent facilities
 - x. Zoos
- d. The IUPD 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.

- e. The following Planning Engineering conditions shall apply:
1. Any new site improvements will require a plan of development and traffic impact study.
 2. Broadway Road is classified as a principal arterial, and 65-foot dedication in fee is required from the section line.
 - i. At this time only preservation is needed for this requirement and can be requested as a design waiver through the narrative of the next submittal.
 3. A section line (363rd alignment) coincides with the eastern portion of the parcel. At a minimum, Maricopa County Zoning Ordinance Section 1105 requires building setbacks to start from a future half-street right-of-way of 55 feet.
 4. A midsection line (Roeser Road alignment) coincides with the northern boundary of APN 506-42-2021, and per Maricopa County Zoning Ordinance Section 1105 requires building setbacks to start from a future half street right-of-way of 40 feet.
 - i. Based on geographic constraints, this alignment is not needed for a public roadway and can be requested as a design waiver through the narrative of the next submittal.
 5. Any additional dedication and offsite improvements needed will be determined by MCDOT Traffic and MCDOT Permits based on submittal of a TIA/TIS.
 6. Without the submittal of a plan of development, no development approval will be inferred by the engineering review, including, but not limited to 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.
 7. 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.
- f. 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.
- g. 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.

- h. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for six (6) years within which time the initial plan of development and initial construction permit must be obtained.
- i. 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.
- j. 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.
- k. 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
- l. 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.

MCP2023003 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled “Marbella Ranch Billboards”, consisting of 3 full-size sheets, dated May 5, 2023, and stamped received June 8, 2023, except as modified by the following conditions
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled “Marbella West”, consisting of 14 pages, dated June 5, 2023, and stamped received June 8, 2023, except as modified by the following conditions.
- c. The Military Compatibility Permit shall be limited to the following uses as per UC2019006, UC2022015, and UC2022024:
 - 1. Motor Vehicle Parking
 - 2. Communications (noise sensitive)
 - 3. Utilities
 - 4. Other transportation, communications, and utilities
 - 5. Wholesale trade
 - 6. Building materials-retail

7. Food-retail
8. Automotive and marine
9. Apparel and accessories-retail
10. Eating and drinking places
11. Furniture and home furnishings-retail
12. Other retail trade
13. Offsite Advertising (billboards) – digital or static
14. Self-Storage facilities
15. Equipment rentals and sales, but not including equipment customarily used for heavy construction
16. Wholesale landscape and nursery materials sales
17. Finance, insurance, real estate
18. Personal services
19. Business services
20. Repair services
21. Contract construction services
22. Indoor recreation services
23. Other services
24. Food and kindred products
25. Textile mill products
26. Apparel
27. Lumber and wood products
28. Furniture and fixtures
29. Paper and allied products
30. Printing and publishing
31. Chemicals and allied products
32. Petroleum refining, and related industries
33. Rubber and miscellaneous plastic
34. Stone, clay and glass products
35. Primary metal industries
36. Fabricated metal products
37. Professional, scientific, and controlling instruments
38. Miscellaneous manufacturing
39. Government services
40. Cultural activities, including churches
41. Medical and other health services
42. Nonprofit organizations
43. Correctional facilities
44. Other public and quasi-public services
45. Wireless Communication Facilities

d. 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. If grading is performed for the installation of the billboards a detailed grading and drainage (site infrastructure) plan must be submitted with the application for building permits.
 3. Northern Parkway frontage road is a MCDOT ROW. Any work within the ROW will require a TC permit. This shall include grading, installation of utilities and/or cutting of asphalt. A traffic control plan will be required if Northern frontage road traffic will be impacted due to the installation of the billboards.
 4. MCDOT has a current TIP project (TT0347 Northern Parkway) adjacent to this site. Coordination of potential impacts must be communicated to Ben Markert. Please contact him via email at Ben.Markert@Maricopa.gov or by phone at 602-506-8651.
- e. All occupied buildings are subject to noise attenuation as per ARS § 28-8482(B).
- f. The following standards shall apply to the Military Compatibility Permit:
1. Max. Height – 60’
 2. Min. Front Yard – 20’
 3. Min. Side Yard – 0’
 4. Min. Street-side Yard – 5’
 5. Min. Rear Yard – 15’
 6. Min. Lot Area – 6000 sq. ft.
 7. Min. Lot Width – 60’
 8. Max. Lot Coverage – 60%
 9. On-Site Signs – Section 1403 Commercial Regulations or 1404 Industrial Zoning Regulations May Apply
 10. Off-Site Signs – Section 1403 Commercial Regulations or 1404 Industrial Zoning Regulations May Apply, except as modified below
 11. Off-Site Sign Max. Height – 65’ (top down light fixtures for static billboards may extend up to 5’ above the maximum height)
 12. Off-Site Sign Maximum Size – 672 sq. ft.
 13. Min. Separation Distance – 1,000’ / Maximum of 4 Off-site signs along Northern Parkway at min. 600’ separation distance
 14. Off-Site Sign Min. Side Yard Setback – 0’
 15. Off-Site Sign Min. Front Yard Setback – 0’

16. Off-Site Sign Min. Street-side Yard Setback – 0’
17. Off-Site Sign Min. Setback to Rural or Residential zoning district– 0’
18. Off-Site Sign Min. Setback to Rural or Residential zoning district for Illuminated Sign – 0’
19. Off-Site Sign Min. Separation from Rural or Residential zoning district – 100’/ 0’ along the perimeter of Northern Parkway only
20. The following requirements for the eastern face of the eastern most billboard shall apply:
 1. Static billboard illumination shall be shutoff by 11:00 p.m.
 2. A Minimum 3’ light shroud shall be installed
21. Screening – Loading docks, outdoor storage and commercial parking within 100’ of a residential zoned district or rural zoned subdivision must be screened from view by a 6’ wall or fence, landscape such as hedges or trees or other screening of 80% opacity or more. Remainder perimeter screening may be chain-link.
22. The following WCF standards shall apply:
 1. Maximum Height: 120’
 2. Maximum Diameter of Antenna Arrays: 24’
 3. Maximum Diameter of structure: 14’
 4. Minimum setback to northern lot line: 80’
 5. Minimum setback to western lot line: 25’
 6. Screening: 6’ chain-link fence with privacy slates
 7. The WCF shall be painted natural desert colors
 8. Maximum of one WCF on site

g. The following Luke Air Force Base condition shall apply:

Marbella Ranch Limited Partnership shall notify future occupants/tenants as applicable that they are located near a military airport with the following language:

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 at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department.”

- h. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Military Compatibility Permit as set forth in the Maricopa County Zoning Ordinance.
- i. 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.
- 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, and at the time of expiration of the Military Compatibility 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 Military Compatibility 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 Military Compatibility Permit. The Military Compatibility Permit enhances the value of the property above its value as of the date the Military Compatibility Permit is granted and reverting to the prior zoning results in the same value of the property as if the Military Compatibility Permit had never been granted.

S2021015 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled “White Tank Foothills Phase 3” consisting of nine full-size sheets, dated May 15, 2023, and stamped received May 24, 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 “White Tank Foothills Phase 3 Preliminary Plat Narrative”, consisting of eight pages, dated May 15, 2023, and stamped received May 24, 2023, except as modified by the following conditions.
- c. Development of the site shall be generally consistent with the Landscape Plan entitled “White Tank Foothills Phase 3”, consisting of eleven pages, dated May 12, 2023, and stamped received May 15, 2023, except as modified by the following conditions.
- d. The conditions of approval of DMP2021001 and Z2021050 shall apply to all future final plats.
- e. The following Planning Engineering conditions shall apply:
 - 1. 181st Ave. secondary access point (to White Tank Mountain Blvd.) Northern Channel Box Culvert will be built as part of the first phase of Phase 3.
 - 2. Engineering review of planning and/or zoning cases is for conceptual design only. All development and engineering design shall be in conformance with Section Maricopa County Planning and Zoning Commission Minutes Meeting of July 27, 2023

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.

3. Based on the conceptual design nature of the information submitted, changes to 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. Detailed grading and drainage (infrastructure) plans must be submitted with the application for final plat approval and building permits.
5. The subdivision infrastructure plan submittal shall illustrate and provide pool-barrier-compliant fencing around any basin that has a storage depth greater than three (3) feet.
6. In the subdivision infrastructure plan submittal, provide dewatering calculations showing that retention basins will drain within 36 hours; show drywells in retention basins.
7. The final plat shall include the following statement on the cover sheet:

All streets identified on this plat are hereby dedicated to Maricopa County so that upon recordation of this plat, the fee of the streets reserved to the use of the public vests in trust to Maricopa County for the uses and to the extent depicted on the plat. Approval of a plat shall not be deemed to constitute or effect an acceptance by the County for the designation of any street into the County maintenance system. However, at the time the streets are fully completed in accordance with the approved plat and written specifications made by the Maricopa County Board of Supervisors, the County shall accept the streets into the County maintenance system within one (1) year of completion

8. Citrus Rd. and Northern Ave. half-width street improvements must be in accordance with the Urban Principal Arterial section (Figure 5.8 of the MCDOT Roadway Design Manual).
9. The Developer shall agree to share 25% of the cost of traffic signals at the intersections of Citrus Rd. & Northern Ave. and Citrus Rd. & Sheldon Ln.
10. Developer must agree to provide turn lanes in the future roadway improvements as noted in the review comments (right turn lanes at entrances and left turn lanes at Citrus Rd. and new connector street, Citrus Rd. & Northern Ave. along limits of the project improvements).
11. The Traffic Impact Study has been approved by MCDOT on July 28, 2022.
12. The Developer shall agree to dedicate through plat or dedication mapping the right-of-way of all frontage streets at any time. The County is willing to allow for phased construction of the offsite streets in accordance with the phased development plan of the preliminary plat, provided the frontage of the streets is installed with

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appropriate tapering. In the case of Northern Ave., its construction continues to be observed with an in-lieu arrangement in accordance with the 2014 stipulations.

13. The subject premise is located within the County's Urbanized Area and will disturb more than one acre. A Storm Water Pollution Prevention Permit (SWPPP), issued by the County (PND), will be required prior to the issuance of any building permits required for site development.

f. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over-flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft are 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 of 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 three-foot by five-foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½-inch by 11-inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

g. All buildings are subject to noise attenuation as per ARS § 28-8482(B).

h. Development phasing shall assure that two (2) access points are provided.

i. Concurrent with the submittal of the initial final plat, improvement plans shall be submitted to and approved by the Planning and Development Department.

j. 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.

k. Prior to initial 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.

- l. Specific roadway cross-sections and pavement sections are not approved as shown on the preliminary plat. The number and width of lanes, including turn and auxiliary lanes, as well as pavement thickness, will be approved on construction improvement plans in conjunction with the final plat, in compliance with the traffic impact statement (TIS) approved by the Maricopa County Department of Transportation (MCDOT).
- m. 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 the 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 and the associated public report for the subdivision. The final plat shall contain a note referencing the will-serve letter.
- n. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- o. This 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 the expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.
- p. The final plat 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.
- q. All final plats must have the following note:

There shall be at minimum a three-foot tall, shielded bollard in pocket parks, trails, and amenity areas to minimize light pollution and maintain safety in these areas of the subdivision.
- r. The final plat shall include a note stating the following:

Irregularly shaped lots may be located at cul-de-sacs, street knuckles, and eyebrows. The minimum front yard setback line for irregular or non-rectangular shaped lots shall be established at the distance between the front property line and a line parallel to the street chord at the point where said lot achieved the minimum lot width. But, in no case shall be less than the minimum prescribed front yard for each zoning district, and in no instance shall this measurement line be greater than 60 feet from the street cord.
- s. The minimum front yard setback line for all irregular or non-rectangular-shaped lots must be illustrated on the final plat.
- t. All park facilities shown on plats shall be completed concurrently with residential development. Park facilities and amenities shall be identified on the final plat.
- u. Prior to approval of a final plat that is adjacent to Citrus Rd. and prior to approval of a final plat that is adjacent to Northern Ave. a total half-width right-of-way of 65 feet shall be dedicated for each street concurrent with that street's adjacent final plat.

Z2021104 conditions;

- a. Development of the site shall be in substantial conformance with the plan of development entitled "Phillips Residence Parking" consisting of 1 full-size sheet, dated March 16, 2023, and stamped received May 25, 2023. The Plan of Development may be amended administratively under separate application as long as the amendment complies with the established SUP 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 "Trapeze Training Facility", consisting of 5 pages, dated May 25, 2023 and stamped received May 25, 2023, except as modified by the following conditions.
- c. Building permits for all existing structures shall be obtained within six months of BOS approval.
- d. Required permanent bathroom facilities are to meet all ADA, building code, and environmental service requirements.
- e. This special use permit is valid for a period of ten years and shall expire on August 23, 2033, 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.
- f. The site shall not open to the public prior to 8:00 am and shall not remain open past 9:00 pm.
- g. Lighting shall be extinguished by 9:00 pm daily.
- h. No amplified music or sound shall emanate from the site prior to 8:00 am or later than 9:00 pm.
- i. Group events shall have a maximum of 20 participants.
- j. The following SUP standard shall apply:
 1. Height of trapeze structure: 34'
- k. The following Planning Engineering conditions shall apply:
 1. Prior to the building permit approval, update the Engineered Grading and Drainage Plans to show the extents of the SUP area (parking, trapeze area, overflow area?, etc.). Provide the outline (top of slope perimeter) of the retention basin.
 2. Prior to the building permit approval, update the Engineered Grading and Drainage Plans with proposed contours and spot elevations to show how the SUP area will drain into the retention basin.

3. 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.
4. 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.

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

Special Use Permit - Z2022099 (Cont. from 7/13/23)

District 1

Project name:	Potteryland
Applicant:	Kathleen Brakefield, KHB Architecture Studios, PLLC
Request:	Special Use Permit (SUP) for interim industrial storage and sales of outdoor landscaping décor in the Rural-43 zoning district
Location:	Generally located 921 feet south of the southeast corner of Cooper Rd. and Chandler Heights Blvd. in the Chandler area

Mr. Arnold Castillo, the property owner said they have been here for 20 years with no problems. They had to move some pottery temporarily on the north to clear out the space for the City of Chandler street expansion. The neighbor wanted them to build a wall because he didn't want to see the pottery. He was told this is just temporary, and he believes this is retaliation against them for not building a wall.

Mr. Daniel Romero said he has a problem with the parking, it is a one-lane street, and when people come to purchase pottery they park along the road. He has concerns with access for emergency vehicles to get by. He brought it to their attention, but it was dismissed. Mr. Castillo was operating without getting approval and putting the pottery on other lots without getting permission. Also, trash would blow into his yard, and you could see all their stuff and he is surrounded with all of this. Mr. Castillo was the one that knocked down the block wall to create access on the other lot. They said they would put up a fence, but it was just tarps and it looked even worse than before. He also has a few signatures from other neighbors in opposition.

Mr. Martell said the proposed Special Use Permit has a precise plan to have nine parking spaces on the southern part of the property utilizing that southern driveway along Cooper Road which would alleviate some of the parking issues going on. The site will be screened with a 6-foot wall with conditions that

nothing could be stacked higher than that on the property. This property does have a violation. Customers are parking along the street and there really isn't much order. This SUP will have a precise site plan and it will be a benefit for parking, and it will help clean the place up to look more like a business than how it currently looks today.

Chairman Schlosser noted with the applicant going through the SUP process, this will rectify a lot of the concerns. Mr. Martell said correct.

Vice Chair Mitchell asked with the new site plan, the egress/ingress will be on Cooper Road. Mr. Martell said yes. There will be a driveway on the north that also links to Cooper Road intended for deliveries only.

Mr. Romero said there is not much access for parking, and it pushes people to park on Via De Palmas, and all their stuff is over six feet, above the wall height. Mr. Martell said once this goes through the building / permitting stage there will be parking on the southern part of the property and no access on Via De Palmas.

Mr. Castillo said we were working with the city when we moved to that other lot, and it was City of Chandler's property. Nothing is flying around to the neighbor's property, and the only part of the wall that was knocked out was a small area to move our stuff into the north lot and it was facing north, not even facing Mr. Romero's property. Since the City of Chandler finished their road work, we have had plenty of parking on Cooper Road. He has never seen a car parked on Via De Palmas.

Commissioner Swart asked to clarify if the Special Use Permit is a county case, and not the City of Chandler. Chairman Schlosser said yes. Commissioner Swart asked has the applicant received citations for these violations. Mr. Gérard said the property owner was working with the City of Chandler because of the right-of-way issues. There is a zoning violation, and the approval of this Special Use Permit will help remedy the violation.

Chairman Schlosser asked if anyone else from the public wished to speak on this case. None.

Vice Chair Mitchell said there is a site plan that will require parking spaces to be delineated, that can allow parking to be facilitated much better. He will be voting for approval.

Chairman Schlosser said with the applicant going through this process he'll have to follow the rules, and those concerns brought up by the opposition should be rectified. He is voting in favor of this SUP.

COMMISSION ACTION: Commissioner Hernandez adopted a motion recommending the Board of Supervisors approve Z2022099 with conditions 'a'-'m'. Chairman Schlosser second. Approved 6-0. Ayes: Arnett, Danzeisen, Hernandez, Swart, Mitchell, Schlosser.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Potteryland – Special Use Permit", consisting of two full-size sheets, dated May 17, 2023, and stamped received June 7, 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 "Potteryland", consisting of five pages, dated May 17, 2023, and stamped received May 19, 2023, except as modified by the following conditions.

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- c. The following Planning Engineering conditions shall apply:
1. Engineering review of planning and/or zoning cases is for conceptual design only. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards, and best practices at the time of application for construction.
 2. Based on the conceptual design nature of the information submitted, changes to the site layout may be necessitated by the final engineering design of the site's drainage infrastructure.
 3. Detailed grading and drainage (site infrastructure) plans must be submitted with the application for Building Permits.
 4. At the time of application for the building permits, the grading and drainage plans must indicate that all on-site areas flow to a retention basin including the "uncapturable" area at the southwest driveway.
 5. Cooper Road will be annexed to be within the jurisdiction of the City of Chandler. The applicant will be responsible for coordinating with the City to review any traffic impact, right-of-way dedication, permitting, or roadway improvement requirements.
 6. Prior to the Drainage Review approval on the Building Permit, a Storm Water Pollution Prevention Permit (SWPPP) from the County will be required prior to the issuance of any construction permits.
 7. Prior to the Drainage Review approval on the building permit, a reduction factor for the material stored in Retention Basin A must be applied to the volume-provided calculations.
 8. Maximum side slopes for the retention basins shall be 4:1.
- d. This special use permit is valid for a period of ten (10) years and shall expire on August 9, 2033, or upon the 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 occupying the existing residence or any portion thereof for any use associated with the special use permit, the applicant shall obtain a building permit to retrofit the existing residence to meet current commercial building code requirements as applicable and shall obtain a certificate of occupancy for the retrofitted building prior to occupancy.
- f. Any outdoor storage shall not exceed the height of the perimeter fencing.
- g. Parking areas and driveways shall be surfaced with decomposed granite to minimize dust pollution, excluding ADA-accessible parking area(s) which shall be paved. Any surfacing shall meet Maricopa County Air Quality regulations.

- h. There shall be a minimum street side yard of nine (9) feet measured from Cooper Road's ultimate 65-foot half-width right-of-way.
- i. The north sight-visibility triangle of the north driveway shall have a dimension of 13 feet by 25 feet and shall not occupy any area of an adjacent property.
- j. Solid fences more than two (2) feet in height shall be allowed in a sight-visibility triangle but must be spaced a minimum of 11 feet away from a vehicular travel lane of Cooper Rd.
- k. Any outdoor lighting shall be in conformance with the provisions of Section 1112 of the Zoning Ordinance and shall be placed so as to reflect light away from any adjoining rural or residential zoning district.
- l. Noncompliance with any Maricopa County regulation shall be grounds for initiating revocation of this special use permit as set forth in the Maricopa County Zoning Ordinance.
- m. 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.

Special Use Permit - Z2019105 (Cont. from 1/16/20)

District 3

Project name: Saving Paws Rescue
 Applicant: Michelle Santoro, Gammage & Burnham, PLC
 Request: Special Use Permit (SUP) for Dog Rescue Facility and Kennel in Rural-43 zoning district
 Location: Generally located 300' west of the northwest corner of 15th Ave. and Irvine Rd. in the Phoenix area

Ms. Jaramillo presented Z2019105 and noted the proposed development will consist of a 3,000 square foot single-family residential home that will be connected to two-kennel wings that will each consist of ten individual, air-conditioned kennels for each individual dog; with direct access to an individual shaded exterior yard that will be separated by a 6 to 8 foot tall solid wall that will serve as a visual barrier and provide sound control. To reduce noise and minimize interaction with other dogs and humans, the applicant is proposing a solid screening wall around the outdoor kennel yards and to the adjacent properties. A rotational potty break will be set for 1-3 dogs at a time to be taken outside during both the morning and evening. The site is currently under use by Saving Paws Rescue, and this Special Use Permit would rectify a zoning violation for running a business on the site. A compliance agreement was executed, where the applicant has agreed to bring the site into compliance no later than October 31,

2023. Construction of the single-family residence is currently in progress under an active building permit. Once the single-family residence is finished and has received final inspection, the use will fall under a home occupation, which is allowed in the subject zoning district as long as the home is occupied. Staff has received three letters in opposition, and 58 letters in support. Staff supports this SUP request for a cottage industry with a 10-year time limit to allow the opportunity to measure the land use impact on the surrounding area and provide sufficient time to finalize the single-family residence to be occupied.

Ms. Ashley Marsh with Gammage & Burnham representing the applicant said Saving Paws Rescue is a 501(c)(3) charitable organization and has been operating for over 10 years. They provide needed care for German Shepherds and other dogs and rescue more than 200 dogs every year. They partner with Maricopa County Animal Care and Control, New Hope and other partners and sponsors and plan on a new facility. This is located on five acres in a rural setting with horse boarding and other rescues in the area. The land was donated to Saving Paws Rescue in 2018 when it started operating in this location. In 2019, a SUP was initiated to allow for the dog rescue, but the SUP wasn't needed since there was a home on the property and the Home Occupation was established. In 2020, plans were submitted for a new permanent single-family residence and the home on the property was a modular home. In 2022, the manufactured home was relocated to an adjacent parcel. This led to a violation since there wasn't a home on the property for a Home Occupation. The Special Use Permit is needed to allow for a dog rescue/rehabilitation facility and kennel. The SUP will allow this rescue to continue while the new home is being constructed. The facility, the residence and the workout area are strategically placed close to Irvin Road. There is large setback on the northside of the property and is only six percent lot coverage of the entire five-acre site. The entrance will be a gated off Irvine Road. The kennels will be on the side of the residence, and there will be a new 6-foot CMU wall, so each of the kennels have enclosed spaces and the workout area will have additional CMU fencing; it is a much more improved condition. Many of the site operations are stipulated in the SUP, and more regulated for the safety of the dogs and integrity of the operations. There will be three part-time employees and several volunteers, customers and adopters can only come by appointment, the site lighting is to comply with the county lighting ordinances, and the kennels must be fully enclosed. There is a rotation and order in the morning and afternoon on how the dogs are let out for potty breaks with only 1-3 dogs let out at a time. Then at 8 p.m. all the dogs are put into their kennels for the night. This is a compatible rural setting, it has important community service and partnerships with large community support, and the applicant agrees with staff's stipulations. She requests the commission recommend approval.

Vice Chair Mitchell asked once the single-family home is completed would it then be considered a home occupation. Ms. Marsh said it could be considered as a home occupation by right, this is a \$2 million investment into this property, and she believes the SUP is appropriate for the longevity of the property and it protects any interim condition. Vice Chair Mitchell asked if the kennels will be air conditioned. Ms. Marsh said yes they will be air-conditioned kennels.

Commissioner Hernandez asked who will be living in the home. Ms. Marsh said there is an employee that lives in the modular trailer next door. There will be someone living on site. Mr. Gérard said a home-based business requires the entrepreneur of the business to reside on the property, and with the Special Use Permit it can be volunteers or employees.

Ms. Sandra Luedke said she lives within 300 feet of the Saving Paws Rescue. This is a neighborhood where she has lived for 15 years. Her opposition has nothing to do with their mission to provide a safe harbor for these dogs, she has dogs of her own that are all rescues. Her objections have to do with location and many ordinances that have been violated. It has been operation at this location for at least three years without an approved SUP and under the guidelines of a home occupation business, and no

one lives there. Her concerns have grown with some of their business practices. Housing dogs and running a business without anyone residing on the property should be a safety concern. There is no one in the home to mitigate unplanned disasters such as a fire. There are 3 letters in opposition and 58 letters in support, but no one that is in support live within 300 feet of the property. Her opposition letter was not included in the 300 feet on the map shown by staff. She can clearly hear the dogs on a regular basis, and according to the site plan they have room to house 20 dogs which is two to three times more than what is there now, and the German Shepherd is ranked second with the loudest bark. It is easy to write a letter of support when you are not in ear shot of this facility. This use negatively impacts the surrounding neighbors, and it makes a mockery of our system and weakens our ability to enforce the ordinances. There was a violation regarding the operation of this rescue, and she attended the hearing where they were found responsible and ordered to cease and desist immediately back in January 2023, but they continued to operate. This is a residential neighborhood zoned RU-43, and the decisions you make impact families that live in a residential zoned area.

Mr. Mark Wright said he has lived adjacent to this property since 2019. He is opposed to this Special Use Permit. Over the last 3-4 years his quality of life has been severely impacted by this rescue. There are barking dogs all hours of the day and night and whining puppies. If they were truly interested in the longevity of the property then why didn't they obtain the SUP in 2019. They were found guilty in the civil hearing and were to cease and desist, and now they want to reinstate their SUP. No volunteer lives on the five-acre parcel, and their statement isn't true, nobody lives there. How would you like to hear German Shepherds barking from 6 a.m. to 8 p.m. Many of the letters of support are the volunteers and only one is within 2,000 feet and they just own the lot and do not live there. The block walls don't stop the noise of a barking dog. Currently the dogs are boarded in the two large buildings 500 feet from his property. The new kennels that'll be outside are 30-feet from his property, and this problem is going to be severely worse since they will be closer to his property. He tried to contact the owner with his barking dogs' concerns, at first she replied to his texts that she would speak to the volunteers about the dogs and the things they were doing outside of their protocols, but now doesn't return his texts. Over the course of three years, he has sent hundreds of e-mails and videos to the county demonstrating Saving Paws lack of compliance of county ordinances, and it took two years for a summons to be sent to Saving Paws. At the civil hearing there was a cease and desist and fines issued. The county didn't issue this summons in a timely manner and have already recommended approval for the SUP even though they have not been operating in compliance for over three years. Why would you reward somebody for bad behavior and lack of compliance. He has concerns of the integrity of how Saving Paws Rescue operates their business.

Mr. Steven Mirka said he lives 700 feet west of the site and he can hear these dogs barking. There are multiple visitors and multiple vehicles at this property, it's more than just three people there. This isn't the right location for this, they need to be where there are not residential homes around. This is just going to get worse, and they haven't followed the rules to begin with.

Ms. Connie Topliff said she has worked with Saving Paws Rescue on a volunteer basis since 2015 and all her dogs are all from Saving Paws. The rescue is very clean, and their waste is picked up immediately and the dogs are well cared for. She's not aware of any noise complaints.

Ms. Charis Williams said she is an adopter and volunteer since 2014. Dogs bark from time to time, and they limit the number of dogs out to two, and the only time they let out more at once if there is a litter of puppies. They hear other dogs in the neighborhood, kids playing, horses, donkeys, chickens, and cows. We work tirelessly at the rescue and keep what we do from intruding on the surrounding neighbors. They keep the property clean and limit the number of dogs outside. Our community is in crisis with staggering numbers of unwanted dogs and puppies. The shelter system is only able to adopt a fraction of them. Places like Savings Paws is needed because the alternative isn't good. Saving Paws Rescue has been

awarded and recognized in this community for our efforts in success helping the most vulnerable dogs. It is a place for healing for the forgotten and abused to have the care they need. They are committed to being a great neighbor because what we do is special. We can operate in a way that provides care for the dogs and to enhance the community. This is a fitting use for a Special Use Permit for the special people and special dogs of Saving Paws.

Ms. Georgeta Mihailovici said she has volunteered for this rescue since 2019. She has worked with sick and injured dogs that nobody believed they would live and be adopted. She adopted a dog that was hit by a car and left to die. A lot of their dogs are adopted by police officers and used to service the state of Arizona, and some have become therapy dogs for disabled veterans and hospitals to provide comfort and support. Saving Paws has picked up dogs from the county, police and other facilities with dogs on the euthanasia list. She is very familiar with the area where Saving Paws is building the new home for the dogs, and it fits well into the community, and it will be gated with plenty of parking. There is somebody on the property all the time. There are many other noises in the area with the bikers and ATV's running around the area. The dogs are for this community, and she supports Saving Paws Rescue.

Ms. Hannah Zurita said she has volunteered for three years at this location and watched hundreds of dogs and puppies come in and out. She has seen the positive impact these dogs have on families. During her time at the rescue there was a fire in the Desert Hills area, and she saw hundreds of people flee from their homes with hardly any possessions, but they took the time to make sure their pets weren't left behind. The rescue's new home is an area where the community cares deeply for animals. She has gotten to know a lot of the neighbors, and some were surprised of the rescue because they didn't hear the dogs. There are seven dogs that live directly south of the property that live outside 24/7, and they bark at everything that goes by. The barking complaints might be those dogs. She asked that Saving Paws be allowed to continue to not only change dogs' lives but the lives of this community.

Ms. Valerie Cimarossa said Saving Paws has 967 members on their Facebook group and you cannot be a member unless you have adopted or fostered a dog and have done active work for the rescue. Everyday 70 animals enter Maricopa County shelters and German Shepherds are amongst the top five breeds surrendered to shelters. Saving Paws is equipped, knowledgeable and willing to care for these dogs and to help families when considering these types of high energy breeds. Saving Paws helps elevate the strain on public resources.

Ms. Marsh said the only violation on the property is the home occupation with the modular trailer being moved from the parcel to another parcel. There are no use violations on the property. It is no longer a use by right because there is no home on the property.

Chairman Schlosser asked if anyone else from the public wished to speak on this case. None.

Vice Chair Mitchell said he is supportive of this Special Use Permit which contains several regulations that the rescue would have to follow with the sound proofing and rotational walks. This ultimately leads to a better shelter and better neighbors. If it is denied, they would continue to build the home and would operate as a home occupation and the use would be allowed there either way. The SUP is a beneficial step in protecting the neighborhood with the additional regulations. He thanked those that came out and spoke in opposition, and the volunteers that came out and spoke on behalf of this worthy endeavor.

Commissioner Arnett said those in support have a lot of passion, but this is a zoning case, it is kind of like a hospital which is needed but where is the best place to put it. The comments from the opposition heard is nobody wants to hear a massive number of dogs next to them. A Special Use Permit gives more

teeth to police this versus a home-based business. It will have regulations and they would need to keep the noise down.

Mr. Gérard said a Special Use Permit will have conditions that will add stricter regulation. It is arguable as whether or not the different parties would agree, but the proposed Special Use Permit and site plan is an improvement to the existing conditions. Commissioner Arnett said he understands the opposition and those that live close by, he doesn't know with or without the SUP that it changes anything, because by-right they can have dogs. In terms of the zoning case, the applicant has done a good job to make sure they meet a lot of the concerns.

COMMISSION ACTION: Vice Chair Mitchell adopted a motion recommending the Board of Supervisors approve Z2019105 with conditions 'a'-'l'. Commissioner Hernandez second. Approved 6-0. Ayes: Arnett, Danzeisen, Hernandez, Swart, Mitchell, Schlosser.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Special Use Permit for Saving Paws Rescue", consisting of one full-size sheet, dated August 21, 2019, and stamped received April 13, 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 "Saving Paws Rescue Arizona", consisting of five pages, dated April 12, 2023, and stamped received April 13, 2023, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. Final grading design shall ensure that the developed portion of the site drains to the retention basin.
 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.
- d. This special use permit is valid for a period of ten (10) years and shall expire on August 23, 2033, or upon the 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. Training and exercise area may not exceed 25% of the total parcel and the outdoor area must be visually screened by a solid wall or buildings adjacent to any residential or rural zoning district.
- f. The number of customers/adopters shall not exceed five at any time, and shall only occur between the hours of 8 a.m. to 5:00 p.m.
- g. All dogs shall be placed indoor, within the designated kennels, and only allowed outdoors on a rotational routine between the hours of 6 a.m. and 8 p.m.

- h. This SUP allows the property owner to host up to a maximum of four (4) fundraiser or non-profit events per calendar year that exceed the three (3) volunteer person limit. The Property owner shall notify Maricopa County at least two weeks in advance of such events, including the date and hours of the event, which shall not exceed three (3) hours in length per event.
- i. Volunteers are considered employees. Therefore, the total number of non-resident person who volunteer and/or employed in connection with the business and are not an immediate family member as defined by ARS § 11-820, shall not exceed three (3); except for special fundraiser or non-project events.
- j. Any outdoor lighting shall be in conformance with the provisions of Section 1112 of the Zoning Ordinance and shall be placed so as to reflect light away from any adjoining rural or residential zoning district.
- k. Noncompliance with any Maricopa County Regulation shall be grounds for initiating revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- l. 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.

Mr. Gérard said the August 17, 2023 commission hearing has been cancelled.

Chairman Schlosser adjourned the meeting of July 27, 2023 at 10:59 a.m.

Prepared by Rosalie Pinney
Recording Secretary

July 27, 2023