

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

August 4, 2022
9:31 a.m.

205 W. Jefferson Street, Phoenix, Arizona
and by GoToWebinar

MEMBERS PRESENT:

In-person

Mr. Jimmy Lindblom, Chairman
Mr. Greg Arnett
Ms. Francisca Montoya

GoToWebinar

Mr. Lucas Schlosser, Vice Chairman
Mr. Kevin Danzeisen
Mr. Erik Hernandez
Mr. Spike Lawrence
Ms. Kate McGee
Mr. Jay Swart

STAFF PRESENT:

Mr. Tom Ellsworth, Planning and Development Director
Mr. Darren Gérard, Planning Services Manager
Mr. Matt Holm, Planning Supervisor
Ms. Rachel Applegate, Senior Planner
Mr. Daniel Johnson, Planner
Mr. Martin Martell, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Mr. David Anderson, Business Engagement Manager, OET
Ms. Pearl Duran, Technical Team
Ms. Alisha Bach, Technical Team
Mr. Martin Camacho, Technical Team

CONTINUANCE:

Z2021162, Z2021163

CONSENT:

MCP2021001, Z2021139

REGULAR:

DMP2021001, Z2021050

Chairman Lindblom made the standard announcements and asked if there were any changes or comments to the July 7 minutes. None.

COMMISSION ACTION: Chairman Lindblom approved the minutes from July 7, 2022 minutes as written.

CONTINUANCE AGENDA

Zoning - Z2021162 (Cont. from 6/16/22)

District 1

Project name: **Brown Family Project**
Applicant: Jessica Sarkissian, Upfront Planning & Entitlements, LLC
Request: Zone Change with Overlay Rural – 43 to C-2 CUPD
Location: Approx. 1,640’ east of the NEC of 144th St. and Willis Rd.

The applicant has requested a continuance to the September 22, 2022 Commission hearing. No action required by the Commission.

Special Use Permit - Z2021163

District 2

Project name: **SR 24 RV-Boat Storage**
Applicant: Ralph Pew, Pew & Lake, PLC
Request: Special Use Permit (SUP) for RV & Boat storage in the Rural-43 district
Location: Generally located approx. ½ mile to the southeast of the intersection of 222nd St. & Williams Field Rd. and directly north of the future State Route 24 (SR 24) – Gateway Freeway in the Mesa area

The applicant has requested a continuance to the September 22, 2022 Commission hearing. No action required by the Commission.

CONSENT AGENDA

Military Compatibility Permit - MCP2021001

District 4

Project name: **Arrow Concrete**
Applicant: Jack Gilmore, Gilmore Planning & Landscape Architecture
Request: Military Compatibility Permit (MCP) with Plan of Development (POD) for a contractor’s yard for storage of construction material, equipment and on-site storage and delivery of granular material
Location: Generally located at the northeast corner of Sarival Ave. and Ocotillo Rd. (APN#501-60-040 & 501-60-039)

Special Use Permit - Z2021139

District 4

Project name: **Lot 14 & Tract A of Buckeye Ranch**
Applicant: David Hughes, EPS Group, Inc.
Request: Special Use Permit (SUP) Major Amendment to expand well site and arsenic treatment facility of Tract A to Lot 14 of Buckeye Ranch Phase 1
Location: Generally located at the SWC of Buckeye Rd & 355th Ave. in the Tonopah area

Mr. Gérard presented the consent agenda.

Commissioner Montoya asked what the arsenic levels are for the treatment facility. Mr. Gérard said he does not know what the arsenic levels are, but this is common to add the arsenic removal components because the federal government strengthened the standards a few years ago.

Mr. David Hughes from the EPS Group said this is an older facility and the increased demand of the water is the reason for expanding the facility. He does not know the exact arsenic levels in that area. He can reach out to his client Global Water for further information.

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

COMMISSION ACTION: Commissioner Arnett motioned to approve the consent agenda – MCP2021001 with conditions ‘a’-‘i’ and Z2021139 with conditions ‘a’-‘n’, Commissioner Montoya second. Approved 9-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Montoya, Danzeisen, Schlosser, Lindblom.

MCP2021001 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled, “Arrow Concrete & Rock 4 Less” consisting of one full-size sheet with engineer’s seal dated May 12, 2022, and stamped received May 17, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled, “Application Military Compatibility Permit Arrow Concrete MCP 2021001”, consisting of twenty-three pages, dated May 13, 2022, and stamped received May 17, 2022, except as modified by the following conditions.
- c. The Military Compatibility Permit shall be limited to the following uses:
 1. Storage of construction material, equipment and on-site storage and delivery of granular material
- d. The Planning Engineering comments as outlined in the memo dated 6/24/22 shall apply at the time of the first building permit for the grading/drainage plans.
- e. All new buildings are subject to noise attenuation as per ARS § 28-8482(B).
- f. The following Military Airport and Ancillary Military Facility Overlay Zoning District standards shall apply:
 1. Min. Lot Size – 43,480 sq. ft.
 2. Min. Lot Width – 115’
 3. Min. Front Yard Setback – 20’
 4. Min Side Yard – 10’
 5. Min. Street-side Setback – 15’
 6. Min. Rear Yard – 30’
 7. Pavement – Pavement may consist of asphalt or rolled and compacted decomposed granite with a dust control plan approved by Maricopa County Air Quality Control.

All other development standards of the underlying zoning shall remain.

- g. 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.
- 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, 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.

Z2021139 conditions;

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "Site Plan of Lot 14 & Tract A of Buckeye Ranch" consisting of one (1) full-size sheet dated June 20, 2022, and stamped received June 28, 2022, except as modified by the following conditions.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Lot 14 & Tract A of Buckeye Ranch Special Use Permit Major Amendment" consisting of twenty-three (23) pages, dated revised June 20, 2022, and stamped received June 28, 2022, except as modified by the following conditions.
- c. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- d. Prior to commencing construction of the arsenic treatment system, the applicant shall obtain an Approval to Construct from Maricopa County Environmental Services Department (MCESD).

- e. Prior to the issuance of construction permits, the applicant shall submit a Grading and Drainage plan and Drainage Report that have been signed and sealed by an Arizona Registered Civil Engineer. Said plan and report shall include the following:
 - 1. Retention basin needs to provide for a maximum side slope of 4:1.
 - 2. 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.
 - 3. 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.
 - 4. Any development in the floodplain will require a floodplain use permit issued concurrent with building permit(s) required for site development.
 - 5. Driveway access to Papago Street must be paved and will require a permit from MCDOT issued concurrent with building permit(s) required for site development. Drainage flow along the roadway must be maintained.
 - 6. All retention basins shall drain within 36 hours per County requirements.
- f. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- g. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. Prior to zoning clearance, 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 the site.

- j. In the event the use of this site is terminated for a period exceeding 180 days, the SUP shall expire and all related equipment shall be removed within 180 days.
- k. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance).
- m. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- n. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

REGULAR AGENDA

Development Master Plan - DMP2021001 (Remanded from 6/8/22 BOS) District 4

Project name: **White Tank Foothills Phase 3**
 Applicant: Brennan Ray, Burch & Cracchiolo, P.A.
 Request: Major Amendment of White Tank Foothills Development Master Plan (DMP) to change the land use designations from Small Lot Residential (2 – 5 du/ac) and Rural (0-1 du/ac) to Small Lot Residential (5 – 8 du/ac) and Transitional Lot (3 -5 du/ac) for a single-family residential subdivision
 Location: Generally located at the NWC of Citrus Rd. and Northern Ave. in the Glendale area

Mr. Martell presented DMP2021001 and Z2021050 and noted the first request is a major amendment of the White Tank Foothills Development Master Plan (DMP) to change the land-use designation from Small Lot Residential and Rural to Small Lot Residential and Transitional Lot. The request will modify the existing land use designations approved in the White Tank Foothills DMP to land-use designations more aligned with the current County Comprehensive Plan for residential land-uses. These requests will enable the developer to complete the third and final phase of the DMP. The second request is for zone change

with overlay from R1-6 RUPD PAD, R1-7 RUPD PAD, R1-8 RUPD PAD, R1-18 RUPD PAD, and Rural-43 PAD to R1-6 RUPD, R1-7 RUPD, R1-8 RUPD, and R1-10 RUPD. This will accommodate a proposed 645-lot residential subdivision in Phase 3 with a density of 2.63 du/ac. This will increase the overall DMP to 1,621 lots at an overall density of 2.53 du/ac. The DMP is entitled to a maximum yield of 1,381 lots with an overall density of 2.16 du/ac. This zone change specifically will increase the number of lots from the entitled 387 to 645 for Phase 3. The proposed zoning districts for this site will create additional housing options in the area with a transition of densities between the developed phases of White Tank Foothills and the adjacent residences in Waddell south of Northern Avenue. On November 4, 2021, this case was heard by the Commission who recommended approval. The applicant had these cases continued from four different Board hearings. The Board had instructed the applicant to work with the neighborhood opposition on a modified project with lower density. On June 8, 2022, the Board voted to remand these cases back to the Commission for consideration of the modified project. The applicant made considerable changes to the proposed development in response to community feedback. These modifications have been incorporated into the conditions of approval for these cases. The zone change request proposes to rezone the site from five different zoning districts to four zoning districts with modifications to the approved/base development standards. In exchange for the proposed development standards modification, the developer will provide 50.7 acres of open space, which is 20.7% of the entire site. The open space will be a mix of active and passive recreational areas with access to the adjacent off-site park to the north. By incorporating this open space in Phase 3 it will add an overall amount of open space for the entire White Tank Foothills community of 103 acres, which is 16% of the entire community. The applicant completed the requirement for notification to all the property owners within 300-feet of the subject site and area stakeholders. The applicant held a neighborhood meeting with residents and stakeholders to discuss this planned development. Prior to the November 4, 2021 Commission hearing, staff received 43 letters of opposition and an opposition petition with 206 signatures. After the Commission hearing staff received an additional 94 opposition letters, 14 appeals, and four support letters. The opposition is largely concern with loss of community character due to increased density, and associated access concerns with increased traffic. Due to the opposition the applicant held a second neighborhood meeting and worked with staff to modify the proposal prior to a scheduled June 8, 2022 Board of Supervisors hearing. Based on outreach to the neighboring property owners the applicant reduced the number of proposed lots from 770 to 645 lots and made several modifications to the layout of the site to address the numerous concerns. The support letters received were from neighbors pleased with the project modifications. Staff supports this request to change the land-use designations outlined in the current DMP for this phase of White Tank Foothills. Modifying the land use designation of Small Lot Residential and changing the Rural designation to Transitional Lot designation will be in alignment with the densities found in the County's Comprehensive Plan. The original DMP approval and previous DMP amendment that designed Phase 3 was developed over 18 years ago and has sat undeveloped, ever since. Since that time, completion of the nearby Loop 303 Freeway and intergovernmental agreements with the City of Surprise to provide public sewer to the community makes the increased density of Phase 3 realistic. Homebuyer preferences over the past 18 years have changed from larger lots with larger homes to a desire for smaller lots with smaller homes. Simultaneously, the RUPD zoning designations would be amended in accordance with the amended DMP for Phase 3. By placing the R1-6 RUPD and R1-7 RUPD zoning district closer to Phase 1 to the

north and having the R1-8 RUPD and R1-10 RUPD closer to the existing rural residential area of Waddell to the south, it will allow for a natural transition. The design and theme of Phase 3 will match the overall design of White Tank Foothills, completing the master-planned community. During the public participation process staff received a large amount of opposition concerning this request. The applicant has worked with the community opposition and made concessions to the original proposal that was presented to the Commission last year. The modifications have addressed many of the concerns and will help ensure Phase 3 is fully integrated into the rest of White Tank Foothills community. Staff is recommending the Commission approve DMP2021001 subject to conditions 'a' - 'c' and recommending the Commission approve Z2021050 subject to conditions 'a' - 'aa'.

Mr. Brennan Ray the applicant said they were here not quite a year ago with a plan with more lots, and over the past year they have worked closely with many of the residents to make a lot of changes. We were directed by Supervisor Hickman to work with the neighbors to make this development more compatible with the surrounding area. Several changes have been made including reducing the total number of lots by 125 lots bringing the total number of Phase 3 lots to 645. There has been extensive neighborhood outreach with phone calls, emails, text messages and neighborhood meetings, even a meeting last week to discuss the changes. A reduction of lots, reduction of density from 3.15 du/ac down to 2.68 du/ac and we are less dense than Phase 1. We had a lot of concerns about views, so we are limiting a certain number of homes along the wash to one-story. There were concerns about RV garages and we now have a stipulation they must be architecturally integrated with the home and the height of that garage can't be any taller than the home itself. We eliminated 45-foot wide lots and matched up lot sizes and implemented some one-story restrictions. We are pleased with the changes. There are some neighbors that still have some concerns, but we have worked hard and in good faith to address those concerns. He asks the Commission to recommend approval to the Board of Supervisors.

Commissioner Arnett asked how the changes in the different placement and different size lots affects traffic. Mr. Ray said they created a new road coming out to Citrus and the intersection on 181st has changed. We also created another access point so the residents on the west side can go directly out on the northwest side. We worked closely with MCDOT and had to provide a traffic impact study which they approved with the 770 lots, and they were good with our access points. We've worked hard to improve access and circulation throughout the development.

Mr. Dennis Earnhardt said he is in real estate and this is his area of expertise. He was involved in the meetings and the conversations then somebody in the group decided to take over and chose who they wanted to communicate with. He has been pushed out of the communication. He is all for progress but believes 500 homes should be the maximum. The CC&R's were created by the owner/developer, and they said they have the right to develop and we have no say in the matter. It does say they cannot increase the number of homes that were approved more than 10 percent. This is a lot more than 10 percent. Those in the 300-foot area along Royal Palm Road will have a lot of noise and traffic right behind our street. The amount of lots is an improvement but we are concerned with the number of vehicles each resident has, which can now be up to three or four cars per residence. There is concerns for the children that ride their bikes and play

in the streets and the amount of traffic accidents. People don't want smaller lots based on his surveys, but a lot of people are forced to because the price of the homes. In the past several months the demand has dropped because of the increase of interest rates. These homes won't be that affordable for the airmen at Luke Air Force Base. He also has concerns with the depth of the homes, where vehicles can't fit in the driveway and that will have more people parking on the streets, and the width of the streets could cause potential problems.

Mr. Steven Boles said he purchased his home based on the community plan that was presented in 2009 with the expectation that the agreement would be maintained and kept. Then he finds out it isn't going to be kept because they were to remove that section from our CC&R's. The board should protect our long-term investment. The other 900 homeowner's have a huge potential for loss if the housing prices in this neighborhood drop.

Chairman Lindblom said CC&R's are beyond our purview, we look at the zoning and planning of communities and look at the land use and how it impacts the surrounding area. When he looks at the current plan it almost mirrors Phase 1 where they look and feel harmonious as a community.

Chairman Lindblom asked if the current plan is significantly different from where you currently live. Mr. Boles said he purchased his place based on a 30-year mortgage and he was planning on staying here because this community was everything he was looking for. It has changed drastically when you start changing the density of houses. He prefers they honor the original agreement.

Mr. Dean Schwab said he has a nice view property in White Tanks Foothills and doesn't want it affected. He has concerns with the total number of homes that can be built in Phase 3. They never intended to build 770 homes but drew up the plans and fell back to the 645 when they got resistance. There has been no sincere attempt for an acceptable amount of homes to be built. He always thought 500 was a reasonable number and nobody ever discussed that amount. There's been an attempt to change the CC&R's, and the homeowners expect an acceptable compromise on the number of homes that can be built. There is still opposition to this plan. He asks the Commission to deny this request.

Mr. Frank Scaglione said he lives in the White Tanks Foothills community. At the June 8 Board of Supervisors meeting which was continued to September 28 the plan was for 645 homes, and they may have widened a few lots to 65 feet which is more to accommodate the attached RV garages. There are more than a few homeowners in opposition. We had 77.4% of the homeowners that live within 300 feet sign a petition in opposition, and for the June 8 meeting that was continued he received 105 opposition e-mails. Many who bought homes here understood that Phase 3 was going to be 390 homes plus the possibility of 10 percent. One of the conditions to approval should be to add this legal challenge for arbitration completed before you give final approval. We believe the amendment they put through to increase the homes was fraudulent. They put in a higher amount of homes and say they reduced the number which is the number they really wanted to begin with. There wasn't much of a compromise with the three-month continuance.

Commissioner Arnett said we are here looking at the zoning and there might be a legal battle somewhere else, but it is not our purview. Mr. Gérard said that is correct.

Mr. Ray said our office doesn't represent the HOA or the HOA Board and have nothing to do with the CC&R's. We are strictly representing the developer in context of this zoning case and the DMP amendment. They wanted 770 lots every step of the way and there was no other plan. We needed to find a better way to become more compatible. He has had a number of discussions and conversations with Mr. Scaglione. As far as neighborhood involvement, Mr. Earnhardt said he was pushed out and that was not by us. We have welcomed any and all communication along the way. We were directed to communicate with a group of community representatives who decided to include or not include, but it's their purview. He has sat down with Mr. Earnhardt and have had a lot of discussions with him and will continue to do so. As for the traffic, street size and width, the streets they are proposing in Phase 3 are the same streets that are in Phase 1 and the same streets in Phase 2. They comply with Maricopa County standards for collector type roads and local streets. What we have done is to try and make this more compatible and a mirror image in terms of lot sizes and widths. We added additional restrictions that didn't exist before in Phase 1 or Phase 2. We request the commission's recommendation for approval.

Vice Chair Schlosser said he commends the applicant for the many meetings they have had and the many concessions. Shedding an additional 125 lots, doing away with 45-foot lots, and the density from 3.15 to 2.63 du/ac which is literally unheard of these days. With all the industrial growth there's going to be a huge number of new residents that'll need a place to live, and there's been so much growth along the 303. When this case was before us before the zoning case was approved 5-1. The comment made to reduce the lots down from 645 to 500 completely contradicts the facts. To get more affordable housing you need to increase density, you don't decrease it. The larger the lot the more expensive the homes will be.

Commissioner McGee said she went back to the minutes and back to the November meeting because she was the lone no vote on this issue. She believes this revised plan is much better. She can't speak to motive, intent or tactics of the developer and will not take it into consideration. The points raised by those in opposition with street widths and CC&R's are outside of our purview. She is comfortable going forward with the project as proposed. She asked for further clarification from staff.

Mr. Peck said you do get to have input on the streets but not now. The only thing before you is whether the property should be rezoned with the density that the applicant has proposed. You are not approving a number of lots; you are approving zoning. You are going to be asked to approve the lots and streets when they come back with their subdivision then you will look at those kinds of things. CC&R's are private contracts between a developer and the people who buy the homes. It doesn't impact you at all. If something was done to violate the CC&R's that is with the HOA or individual homeowners to bring a civil action against the developer or association and to be dealt with at the courts if somebody brings litigation.

Commissioner Montoya said as a community advocate, she appreciates the neighborhood raised some concerns while at the same time the proposed project has made many changes to support some of the concerns of the community. They were able to decrease the number of lots and the green space is very important for families. She is in support of this project.

Commissioner Hernandez said the developer has made great concessions and he is in support of this project.

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

COMMISSION ACTION: Commissioner Hernandez motioned to approve DMP2021001 with conditions 'a'-'c'. Vice Chair Schlosser second. Approved 9-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Montoya, Danzeisen, Schlosser, Lindblom.

- a. Development shall be in substantial conformance with the Development Master Plan Narrative Report entitled "White Tank Foothills", dated May 10, 2022, and stamped received May 16, 2022, including all exhibits, maps, and appendices, except as modified by the following conditions.
- b. Changes regarding use and intensity, or changes to any of the approved conditions 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 as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the narrative report, maps, and exhibits, or the conditions of approval will be treated as a violation in accordance with Maricopa County Procedures.
- c. The Development Master Plan shall be developed sequentially as depicted on the phasing diagram contained in the narrative report

Zoning - Z2021050 (Remanded from 6/8/22 BOS)

District 4

Project name: **White Tank Foothills Phase 3**
Applicant: Brennan Ray, Burch & Cracchiolo, P.A.
Request: Zone Change from R1-6 RUPD PAD, R1-7 RUPD PAD, R1-8 RUPD PAD, R1-18 RUPD PAD and Rural-43 PAD to R1-6 RUPD, R1-7 RUPD, R1-8 RUPD, and R1-10 RUPD accommodating a single-family residential subdivision
Location: Generally located at the NWC of Citrus Rd. and Northern Ave. in the Glendale area

COMMISSION ACTION: Vice Chair Schlosser motioned to approve Z2021050 with conditions 'a'-'aa'. Commissioner Hernandez second. Approved 9-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Montoya, Danzeisen, Schlosser, Lindblom.

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "White Tank Foothills", consisting of four full-size sheets, dated May 10, 2022, and stamped received May 16, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "White Tank Foothills", consisting of 19 pages, dated May 10, 2022, and stamped received May 16, 2021, except as modified by the following conditions.
- c. The following Planning Engineering condition shall apply:
 1. 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 polices, standards and best practices at the time of application for construction.
 2. Engineering review of these application is limited to the rezoning of the site and does not include any aspects of future entitlement application(s) that will be required for site development. No development approval is inferred by this review, including, but not limited to drainage design, access, roadway alignments and right-of-way dedication(s). These items will be addressed as development plans progress and are submitted to the County for additional entitlement (i.e. preliminary plat).
- d. All buildings subject to noise attenuation as per ARS § 28-8482(B).
- e. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

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

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be

apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

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

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

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 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.

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- f. The following R1-6 RUPD development standards shall apply:
 - 1. Minimum rear yards of 15-feet.
 - 2. Maximum lot coverage of 60 percent.

- g. The following R1-7 RUPD development standards shall apply:
 - 1. Minimum rear yards of 15-feet.
 - 2. Maximum lot coverage of 60 percent.
 - 3. All lots in Parcel 3.17 and 3.19 zoned R1-7 RUPD shall have minimum lot widths of 65-feet, all of which must be noted on each plat.

- h. The following R1-8 RUPD development standards shall apply:
 - 1. Minimum rear yard of 15-feet.
 - 2. Maximum lot coverage of 60 percent.

- i. The following R1-10 development standards shall apply:
 - 1. Minimum front yards of ten feet.
 - 2. Minimum side yards of five feet.
 - 3. Minimum street side yards of five feet.
 - 4. Minimum rear yards of 15 feet.

5. Minimum lot width of 75 feet.
 6. Maximum lot coverage of 50 percent.
 7. Maximum height of 24-feet.
 8. Lots identified in the zoning exhibit in the R1-10 RUPD zoning district shall have a minimum lot width of 90 feet.
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- j. There shall be at minimum three-foot-high shielded bollard lighting in pocket parks, trails, and amenity areas to minimize light pollution and maintain safety in these areas of the subdivision.
 - k. Those lots identified on the second page of the zoning exhibit entitled "Zoning Exhibit" and fourth page of the zoning exhibit entitled "Single Story Restricted Lots" shall be restricted to a single-story with a maximum height of 24-feet and the developer shall ensure these restrictions match this exhibit and are identified on each plat.
 - l. Any RV garages, if constructed, shall be architecturally integrated into the design of the home, and not exceed the height of the residence itself.
 - m. Those lots identified on the zoning exhibits with typical lot widths and lot depths shall be identified on each plat and shall match exactly as shown on the zoning exhibits.
 - n. Irregular 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. The minimum front yard setback line for all irregular or non-rectangular shaped lots must be illustrated on each plat.
 - o. The master developer shall be responsible for the construction of all public and private on-site roads within the Development Master Plan. Further, the applicable homeowner's association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and facilities, washes, parks, roadway median landscaping, landscaping within public rights-of-way, and all pedestrian, bicycle, and multi-use paths.
 - p. The total number of residential dwelling units of White Tank Foothills Phase 3 shall not exceed 645 dwelling units. Overall, the total number of residential dwelling units for the entire White Tank Foothills master community shall not exceed 1,621 dwelling units. To help ensure compliance, the cumulative number of dwelling units completed to date, in relation to the identified limit, shall be identified on all plats.

- q. All park facilities shown on plats shall be completed concurrently with residential development. Park facilities and amenities shall be identified on all applicable plats.
- r. Not less than 50 acres shall be reserved for active and passive open space. Further, the project shall have not less than five pocket parks and one off-site park as depicted on the parks plan exhibit in the narrative. At the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative open space acreage and park numbers with respect to the requirements of this condition.
- s. Unless otherwise agreed to in writing by the applicable school districts, not less than 15-acre school site and a minimum of 15 acres shall be reserved within the area of the overall planned community. Said school shall not front on to arterial streets.
- t. Development phasing shall assure two access points are provided.
- u. Bike lanes shall be required on all arterial and collector streets as specified in the Maricopa County Bicycle Transportation System Plan.
- v. Prior to approval of the final plat, a total half-width 65-foot right-of-way shall be dedicated for Citrus Rd. and Northern Ave.
- w. There shall be a ten-foot-wide multi-use trail along Northern Ave. outside of the ultimate right-of-way and public utility easement.
- x. Landscaping of all common areas and open spaces, except for identified recreational areas shall consist of indigenous and or low water use species.
- y. 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.
- z. 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.
- aa. 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 Lindblom adjourned the meeting of August 4, 2022 at 10:54 a.m.

Prepared by Rosalie Pinney
Recording Secretary

August 4, 2022