

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

January 12, 2023
9:34 a.m.

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

MEMBERS PRESENT:

In-person

Mr. Lucas Schlosser, Chairman
Mr. Greg Arnett
Mr. Jimmy Lindblom

GoToWebinar

Mr. Kevin Danzeisen
Mr. Spike Lawrence
Ms. Kate McGee
Ms. Francisca Montoya
Mr. Jay Swart

MEMBERS ABSENT:

Mr. Erik Hernandez
Mr. T.J. Mitchell, Vice Chairman

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. Adam Cannon, Senior Planner
Ms. Paola Jaramillo, Planner
Mr. Joel Landis, Planner
Mr. Joseph Mueller, Planner
Mr. Andrew Lorentzen, Planner

COUNTY AGENCIES:

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

CONSENT:

Z2022079, Z2022126, Z2022151, Z2022169, Z2022188

REGULAR:

MCP2022007

ELECTION OF OFFICERS:

COMMISSION ACTION: Chairman Lindblom nominated Vice Chair Schlosser to serve as Chairman for 2023, second by Commissioner Arnett. Approved 8-0. Ayes: Lawrence, McGee, Swart, Arnett, Montoya, Danzeisen, Schlosser, Lindblom.

COMMISSION ACTION: Commissioner Lindblom nominated Commissioner Mitchell to serve as Vice Chair for 2023, second by Commissioner McGee. Approved 8-0. Ayes: Lawrence, McGee, Swart, Arnett, Montoya, Danzeisen, Schlosser, Lindblom.

Chairman Schlosser made the standard announcements and asked if there were any changes or comments to the November 3 minutes. None.

COMMISSION ACTION: Chairman Schlosser approved the minutes from November 3, 2022 as written.

Chairman Schlosser said item #1 – MCP2022007 is being pulled from the consent agenda to the regular agenda.

REGULAR AGENDA

Military Compatibility Permit - MCP2022007

District 4

Project name: **Luke Field Warehouse Complex**
Applicant: Jay Irvin, Butler Design Group
Request: Military Compatibility Permit (MCP) with a Plan of Development (POD) for a warehouse complex within the IND-2 MAAMF & AD-2 MAAMF zoning districts
Location: Generally located at the SEC of Litchfield Rd & Northern Ave.

Mr. Gérard presented MCP2022007 and noted the site is 134.8 acres and is for a warehouse complex with multiple buildings totaling 1.278 million sq. ft. with 0' setbacks and parking ratio of 0.4 per 1,000 square feet of floor area. There is no known opposition and staff is recommending approval.

Commissioner Swart asked why this case was moved to the regular agenda if there was no opposition. Mr. Gérard said counsel indicated Section 1010 of the Zoning Ordinance requires Military Compatibility Permits to have a public hearing and he did not want it in mass vote with the other consent agenda items.

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

COMMISSION ACTION: Commissioner Montoya motioned to approve MCP2022007 with conditions 'a'-'m'. Commissioner Lawrence second. Ayes: Lawrence, McGee, Swart, Arnett, Montoya, Danzeisen, Lindblom, Schlosser.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Luke Field", consisting of 1 full-size sheet, dated 10/10/22, 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 "Luke Field Project Narrative", consisting of 3 pages, received 11/10/22 except as modified by the following conditions.
- c. Major amendments to the site plan will require a new UCCD and MCP application to be filed prior to any permit approvals. The incorporation of any other parcels into this project will require a lot combination, new UCCD, and new MCP prior to any additional permit approvals.
- d. No permits can be approved until a lot combination of APN 501-52-005J and APN 501-52-005H is complete.
- e. A revised site plan addressing all outstanding Planning concerns shall be submitted within 30 calendar days of approval of the Maricopa County Board of Supervisors.
- f. The following Military Airport and Ancillary Military Facility Overlay Zoning District standards shall apply:
 - i. Max. Building Height: 55'
 - ii. Parking spaces required: 0.4 per 1,000 square feet of floor area for warehouse. Accessible spaces shall be provided in accordance with ordinance and ADA requirements.
 - iii. Front/Rear Setback between LDN 80-84 to LDN 75-79(minimum): 0'/0'
 - iv. Front/Rear Setback between LDN 75-79 to LDN 70-74 (minimum): 0'/0'
 - v. Front/Rear Setback between AD-2 and IND-2 zoning: 0'/0'
 - vi. 6' solid wall screening required for all outdoor industrial uses

All other development standards of the underlying zoning shall remain

- g. The following Planning Engineering condition(s) shall apply:
 - i. Engineering review of planning and/or zoning cases is for conceptual design only. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
 - ii. Based on the conceptual design nature of the information submitted, changes to the site layout may be necessitated by the final engineering design of the site's drainage infrastructure.
 - iii. Detailed Grading and Drainage (Site Infrastructure) Plans must be submitted with the application for Building Permits
 - iv. MCDOT ROW permits to be obtained during building permit phase.

- v. Upon TIS approval from the City of Glendale (COG) and Luke Air Force Base (LAFB), provide a copy of the authorization to MCDOT.
 - vi. It is the developer's responsibility to ensure annexation and right of way dedication to COG on Litchfield Road.
 - vii. The future classification of Northern Avenue along the site frontage is recorded as Principal Arterial. MCDOT reduced the classification upon the first TIS review to the Urban Minor Arterial with no sidewalk. Half-street improvements shall be as per RDM Figure 5.9
- h. The following Maricopa County Environmental Services Department (MCESD) condition(s) shall apply:
- i. ATC for water and sewer improvements must be obtained prior to construction permit approval.
 - i. 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.
 - j. 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.
 - k. All new buildings are subject to noise attenuation as per ARS § 28-8482(B).
 - l. 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.
 - 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, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the MCP. The MCP enhances the value of the property above its value as of the date the MCP is granted and reverting to the prior zoning results in the same value of the property as if the MCP had never been granted.

CONSENT AGENDA

Zoning - Z2022079

District 2

Project name: **Arizona RV Specialist L.L.C. Zone Change**
Applicant: Shane Buntrock, Buntrock, Harrison, & Gardner, PLLC
Request: Zone Change with Overlay C-3 and R-5 to C-3 CUPD
Location: Generally located approx. 165' west of the SWC of Apache Trl. And Glenmar Rd.

Zoning - Z2022126

District 5

Project name: **All Trucks Auto Parts**
Applicant: Kurt Waldier, AICP - Beus Gilbert MacGroder PLLC
Request: Zone Change from Rural-43 to IND-3 IUPD with a Plan of Development (POD) for large truck repair and part sales business
Location: Generally located approx. 2,654' west of the southwest corner of 35th Ave. and Broadway Rd. in the south Phoenix area

Zoning - Z2022151

District 4

Project name: **SWC 115th & Happy Valley Commercial**
Applicant: Chris Webb, Rose Law Group pc
Request: Zone Change with Overlay Rural – 43 to C-2 CUPD
Location: Approximately 310' south of the SWC of Happy Valley Rd. and 115th Ave.

Special Use Permit - Z2022169 (Cont. from 12/8/22)

District 5

Project name: **Butterfield Station Landfill**
Applicant: Jessica Sarkissian, Upfront Planning & Entitlements
Request: Modification of Condition to an approved Special Use Permit (Z2001127) in the Rural-190 zoning district
Location: Generally located at the northwest corner of Butterfield Stage Rd. & 99th Ave in the Goodyear area

Zoning - Z2022188

District 4

Project name: **Villages at Pleasant River**
Applicant: Brian Greathouse, Burch & Cracchiolo, P.A.
Request: Modification of Condition (Case Z2021067, condition 'f') of the R-5 RUPD zoning district
Location: East of the SEC of Happy Valley Rd & 115th Ave in the Peoria Area

Mr. Gérard presented the consent agenda.

Commissioner Montoya said she has a question with consent item #3 - Z2022126. She asked if there are any stipulations for the traffic patterns in that area. She is concerned with Broadway Road and speed. The speed limit is 50 mph, but people travel 60 and 70 mph. Mr. Gérard said Broadway Road is in the City of Phoenix jurisdiction. The applicant will be required to correspond with the City of Phoenix; however, the city has indicated they have no concerns with the traffic report and no concerns with Broadway Road at this time. Commissioner McGee said she couldn't find the City of Phoenix comments in

the staff report. Mr. Gérard said the city has indicated there are no objections to the driveway use change, and access permission remains valid and no concerns with Broadway Road at this time. At the time of any construction permitting, the applicant will be required to provide comments and correspondence with the City of Phoenix.

Commissioner McGee asked about the speaker box distance to residential for item #4 – Z2022151. Mr. Gérard said the speaker boxes to be no closer than 50 feet to residential boundary lines. The ordinance normally allows for 200 feet. In some cases, it is appropriate to have lesser setbacks specific to speaker boxes like in Anthem and South Phoenix, and not this site which is a Peoria county island. Most of the residential zoning in that area is vacant and subject to the Aqua Fria River and some mining operations. Commissioner McGee said she has concerns with this being a nuisance down the road. Mr. Gérard said the land has rural zoning and is the Aqua Fria River to the west side of the property. There is land on the north side that is vacant and it's adjacent to Happy Valley Road, and likely to be developed non-residential in the future.

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

COMMISSION ACTION: Commissioner Lindblom motioned to approve the consent agenda – Z2022079 with conditions 'a'-'f', Z2022126 with conditions 'a'-'l', Z2022151 with conditions 'a'-'f', Z2022169 with conditions 'a'-'p', and Z2022188 with conditions 'a'-'k'. Commissioner Arnett second. Approved 8-0. Ayes: Lawrence, McGee, Swart, Arnett, Montoya, Danzeisen, Lindblom, Schlosser.

Z2022079 conditions;

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Site Plan", consisting of 1 full-size sheet, dated January 15, 2022 and stamped received April 13, 2022, 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 "Proposed Zoning Change for APM: 218-42-003A Narrative Report (2nd) with Commercial Plan of Development (CUPD))", consisting of 3 pages, dated December 12, 2022, and stamped received December 12, 2022, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - i. Without the submittal of a precise plan of development, No development approval is implied by this 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.

- ii. Any development must ensure that historic drainage patterns are maintained at the up and downstream limits of development.
 - iii. A traffic impact study must be submitted with any future entitlement application (i.e. plan of development)
 - iv. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards, and best practices at the time of application for construction.
- d. The following C-3 CUPD standards shall apply:
- i. Side setback adjacent to residential: 5'
- e. 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.
- f. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.

Z2022126 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled, "Site Plan" consisting of two full-size sheets dated December 27, 2022, and stamped received December 27, 2022, 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 "All Trucks Auto Parts Expansion", consisting of 4 pages, dated revised December 12, 2022 except as modified by the following conditions.
- c. Prior to final approval of construction permits, the Owner or Developer shall process a lot combination or record a cross-access agreement between APN 105-69-007P and APN 105-69-007M.

- d. The following Planning Engineering conditions shall apply:
1. At the time of application for construction permits, the following comments shall be addressed within the Grading and Drainage Plan and Drainage Report:
 - i. Include the analysis of offsite flows that could impact the project and describe where the water will run and how it impacts adjacent lots.
 - ii. Complete the analysis of onsite runoff for APNs 105-69-007P and 105-69-007M. The Rational runoff coefficients are 0.95 for the entire lot, except that the area below the retention basin high water can use 0.50.
 - iii. Complete the layout and design of the retention basins for APN 105-69-007P and 105-69-007M.
 - iv. Soils testing and drywell selection for infiltration of the runoff in 36 hours shall be completed.
 - v. The drainage report shall be completed for APN 105-69-007P and 105-69-007M and within this drainage report, drainage blocks are required for all new CMU walls, and hydrologic, hydraulic and retention calculations shall be included.
 - vi. Add the finished floor elevation for the new 10' x 32' building which is the unlabeled building with the septic system connection and the existing house.
 2. Broadway Road is in the jurisdiction of the City of Phoenix. At the time of acquisition of construction permits, the owner or developer shall submit correspondence from the City of Phoenix indicating that there are no objections to the driveway use change and access permission remains valid.
 3. Engineering review of planning and/or zoning cases is for conceptual design only. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
 4. Based upon 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.

5. Detailed Grading and Drainage (Site Infrastructure) Plans must be submitted with the application for Building Permits.
- e. The following IND-3 IUPD Zoning District development standards and use regulations shall apply:
 1. Uses Permitted – The only permitted uses shall be the following uses: heavy vehicle, truck, semi-truck, and automobile repair; on-site storage and sale of vehicle, truck, semi-truck and automobile parts; contractor yard, industrial storage, and; accessory buildings and uses customarily incidental to the above listed uses including a single caretaker residence. All other uses shall be prohibited.
 2. Sight Visibility Triangles (SVTs) - Two SVTs waived at the access point off of the easement leading to the residence. All other SVTs are required. Driveways, Parking and Obstructions greater than 2' in height are not permitted within required SVTs.
 3. Screening – Min. 8' solid masonry wall adjacent to or abutting any rural or residential zone boundary
 - f. A will serve letter for fire shall be required prior to receiving approval of construction permits.
 - g. Any lighting shall be placed so as to reflect the light away from adjacent residential districts. All outdoor light fixtures shall be fully shielded and directed downward.
 - h. No noise, odor or vibration shall be emitted so that it exceeds the general level of noise, odor or vibration emitted by uses outside of the site.
 - i. Open storage shall be no higher than 6' plus one-foot in height for each additional 3' of setback from a property line.
 - 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. 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.
 - 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 Zone Change, 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 Zone Change, 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 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.

Z2022151 conditions;

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Overall site Plan", consisting of 1 full-size sheets, dated December 12, 2022 and stamped received December 12, 2022, 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 "SWC 115th Ave and Happy Valley Road", consisting of 17 pages, dated December 12, 2022 and stamped received December 12, 2022, except as modified by the following conditions.
- c. The following Planning Engineering Conditions shall apply:
 1. Without the submittal of a precise plan of development, no development approval is inferred by this review, including, but not limited to number of proposed site layout, drainage design, access, and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.
 2. An updated traffic impact study addressing MCDOT's comments must be submitted with future entitlement (POD) application(s).
 3. Engineering review of re-zone cases is conceptual in nature. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards, and best practices at the time of application for construction.
- d. The following CUPD standards shall apply:
 1. Uses Permitted:
 - a. Uses allowed in C-1

- b. Automobile laundry
 - c. Drive-in restaurants & refreshment stands
 - d. Restaurants & cafes including patios, cocktail lounges, and outside dining and drinking areas
 - e. Retail stores
 - f. Self-storage facilities
 - g. Accessory uses incidental to the above
2. Min. setback of speaker box to rural or residential zoning districts: 50'
 3. Min. site screening: 3' parking screen wall
- e. 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.
 - f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, 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.

Z2022169 conditions;

- a. Development of the site shall be in substantial conformance with the site plan entitled "2014 Plan of Development – Butterfield Station Facility – Mobile, Arizona" consisting of three sheets prepared by Stantec, dated July 7, 2014, and stamped approved July 16, 2014, except as modified by the following stipulations.

- b. Development of the site shall be in substantial conformance with the narrative report entitled " Special Use Permit Narrative for Stipulation Modification – Butterfield Station Landfill" consisting of-5 pages prepared by Upfront Planning & Entitlements, dated revised October 2022 and stamped received November 2, 2022, except as modified by the following stipulations.
- c. Unless condition 'p' below has been addressed, the Special Use Permit shall expire on January 3, 2052. However, if condition 'p' has been fully addressed there shall be no expiration date or validity period and the Special Use Permit shall expire only upon closure of the landfill and completion of all monitoring requirements associated with the closure.
- d. Major changes to this Special Use Permit with regard to use and intensity must be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Minor changes to the Special Use Permit may be administratively approved by the Planning and Development Department.
- e. There shall be a one-foot non-vehicular access easement on the entire perimeter of the buffer except at the entrance identified on the site plan referenced in stipulation 'a'. However, a Minor [administrative] Amendment will be allowed to approve secondary access onto perimeter roadways at the discretion of the Department of Transportation.
- f. The applicant shall remain in compliance with all rules and regulations of the Arizona Department of Environmental Quality, and shall submit copies of all approved changes to the Arizona Department of Environmental Quality Solid Waste Facility Plan for Butterfield Station (No. 07032700) to the Planning and Development Department.
- g. All drinking water must meet the Safe Drinking Water Act Standards.
- h. The applicant shall be in compliance with the executed agreement between Waste Management of Arizona Inc., and Maricopa County, entered as of May 22, 2006 (No. 0718527). The agreement shall remain in place until expiration of the Special Use Permit to hold the County harmless of any environmental damage occurrences caused by the operator or operations at the landfill facility.
- i. All heavy equipment used in the landfill operation shall be stored inside the bermed area.
- j. The operator shall obtain either a post-closure bond or a letter of credit if a bond is not available in accordance with State and/or federal requirements.

- k. A security fence shall be placed on the outside of the berm surrounding the entire site.
- l. The maximum overall height of the landfill shall be 250' above grade.
- m. The maximum depth of the landfill shall be 80' below grade.
- n. The maximum finished, external slope of the landfill shall be 3:1. The Planning & Development Department may, in review of the revegetation plan required under stipulation 'o', determine that less of a slope is required to support adequate revegetation efforts.
- o. As each disposal cell is closed it shall be covered with hardscape or live landscaping such as native desert grasses and wildflowers to the greatest extent possible, in an effort to mitigate soil loss and dust due to water and air erosion and to mitigate the visual impact of the facility's mass and height. The site shall be in conformance with the revegetation plan entitled "Butterfield Station Landfill Revegetation Plan" prepared by Logan Simpson Design Inc. dated May 2003 and stamped approved September 9, 2003.
- p. The applicant shall execute a revision to the agreement dated December 14, 1994 between Waste Management of Arizona Inc. and Maricopa County to financially mitigate impacts to the local community of Mobile and the communities of Maricopa County based upon current and proposed conditions of the property and current and proposed operations of the facility. The agreement once executed shall remain in place until expiration of the Special Use Permit. If the agreement has not been fully executed within 180 days of Board approval of Z2022169, then Z2022169 shall be invalid and the Special Use Permit in existence before Z2022169 shall remain in full force and effect.

Z2022188 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Villages at Pleasant River", consisting of five full-size sheets, dated September 27, 2021, and stamped received September 30, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Villages at Pleasant River", consisting of ten pages, dated September 10, 2021, and stamped received September 13, 2021, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - 1. Engineering review of planning and/or zoning cases is for conceptual design only. All development and engineering

design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.

2. Based on the conceptual design nature of the information submitted, changes to the site layout and/or a reduction in the number of building lots may be necessitated by the final engineering design of the drainage infrastructure.
 3. Detailed Grading and Drainage (Infrastructure) Plans with a Final Drainage Report must be submitted with the application for Building Permits.
- d. The access easement inside of the roadway easement along the east boundary of the site shall be surfaced with decomposed granite from the paved driveway to the north to the site's southern boundary to minimize dust pollution.
- e. The existing five parcels of the site shall be combined into one parcel prior to submission of any building permits.
- f. The proposed development is located in a Federal Patent Easement Area. Applicant will be required to go through Federal Patent Easement Abandonment Process prior to building permit approval. No encroachments allowed within the patent easements unless abandoned or otherwise approved by MCDOT Planning.
- g. The following R-5 RUPD development standards shall apply:
1. Minimum front yard of three feet.
 2. Minimum rear yard of three feet.
 3. Minimum interior side yard of three feet.
 4. Minimum street side yard of three feet.
 5. Required guest parking of zero percent.
 6. Maximum height for residential perimeter wall signs of eight feet.
- h. A Plan of Development is approved subject to site plan entitled "Villages at Pleasant Village" consisting of five full-size sheets, dated September 27, 2021, and stamped received September 30, 2021. The Plan of Development may be amended administratively under separate application as long as the amendment complies with the established RUPD development standards as approved by the Board of Supervisors.

- i. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this zone change as set forth in the Maricopa County Zoning Ordinance.
- j. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- k. The granting of this change in use of the property has been at the request of the applicant, with the consent of the 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 Schlosser adjourned the meeting of January 12, 2023 at 10:02 a.m.

Prepared by Rosalie Pinney
Recording Secretary

January 12, 2023