

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

April 8, 2021
9:32 a.m.

Gotowebinar.com
Phoenix, Arizona

MEMBERS PRESENT:

Mr. Greg Arnett, Chairman
Mr. Jay Swart, Vice Chairman
Mr. Nathan Andersen
Mr. Kevin Danzeisen
Mr. Matt Gress (left at 10:28 a.m.)
Mr. Erik Hernandez
Mr. Jimmy Lindblom
Ms. Kate McGee
Ms. Francisca Montoya
Mr. Lucas Schlosser

STAFF PRESENT:

Mr. Darren Gerard, Planning Services Manager
Ms. Rachel Applegate, Senior Planner
Mr. Adam Cannon, Planner
Mr. Jose Castañeda, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Mr. David Anderson, Business Engagement Manager, OET
Ms. Rebecca Quince, Senior Project Manager, OET

REGULAR:

CPA2020005, Z2020102, Z2020057

Chairman Arnett made the standard announcements, and asked if there were any changes or comments to the minutes for February 11. None.

COMMISSION ACTION: Chairman Arnett approved the February 11, 2021 minutes as written.

Mr. Gerard said item #1 – CPA2020005 and item #2 - Z2020102 are moving to the regular agenda due to opposition received.

REGULAR AGENDA

Comprehensive Plan Amendment - CPA2020005

District 4

Project name: **Richmond American Homes**
Applicant: Tiffany and Bosco, PA
Location: Generally located approx. 277' southwest of the SWC of Reems Rd. and Peoria Ave. in the Glendale area.

Request: General Comprehensive Plan Amendment (CPA) to change the land use designation in the White Tank/Grand Avenue Area Plan from Agriculture to Single-Family Transitional Lot (3-5 d.u./acre) on approx. 105 acres and Industrial Park on approx. 75 acres.

Mr. Cannon presented CPA2020005 / Z2020102 and noted this is a residential development with 359 single-family lots and industrial park. The total site is 180 acres, currently in RU-43 and R1-35 zoning districts. For the CPA case, the applicant is requesting to change the land use designation in the White Tank/Grand Avenue Area Plan from Agriculture to Single-Family Transitional Lot (3.5 d.u./acre) on approximately 105 acres. The other land use designation change request is for an Industrial Park on approximately 75 acres. The request is for a zone change from Rural-43 and R1-35 to R1-6 RUPD on approximately 105 acres, and to IND-2 IUPD on approximately 75 acres. These cases were originally on the consent agenda and moved to the regular agenda because the applicant provided an updated narrative and requested to alter the conditions of approval after the publishing of the staff report. The commission has received a revised handout with the revised conditions, to address buffering for lighting and storage. Staff also received an opposition letter yesterday from a resident of Twelve Oaks with concerns of higher density residential, and the impacts of industrial buildings, and the graduated density concept of Luke Air Force Base is not being adhered to, concerns with property values, traffic and noise. Staff believes the applicant conducted a robust public participation program including two neighborhood meetings. The first meeting had 20 participants, and the second meeting three participants. As a result of the feedback received, the applicant modified the site to incorporate a green space buffer, special landscaping along the west zoning boundary abutting Twelve Oaks. The applicant restricted the height to 30 feet and one-story on the western zoning district boundary line. No structures within 100 feet of the southern zoning boundary of both Twelve Oaks and the Richmond homes community. The northern part of this site is the residential area, and in between the industrial zoning is a 100-foot buffer and no structures permitted. They have requested to limit lighting along the west boundary of the residential community, and lighting within 100-feet of the southern boundary of Twelve Oaks. On the residential portion of the site, there is 19 acres of open space proposed. Luke AFB commented this will not have a negative impact on flight operations, and the site is in accordance with the graduated density guideline. The City of Surprise commented as the right-of-way for Peoria Avenue is largely within their jurisdiction and made recommendations to be addressed at the time of preliminary platting for residential. The City of Glendale did not comment on this proposal. Staff is in support of this CPA and zone change. The applicant has demonstrated the request is an overall improvement of the comprehensive plan. There are several benefits including continued growth of the west valley, additional future revenue, and the potential creation of 1,000 jobs. The industrial land use request has a potential for creation of job opportunities for 500 to 1,200 employees. An operable railway located along Olive Avenue makes the site highly appropriate for industrial uses. The applicant designed the residential and industrial portions of the site in accordance with Luke AFB graduated density concept. They incorporated a great deal of the feedback from neighboring residents into their conceptual plan in conditions including the provision of structural lighting buffers and landscaping and open space.

Commissioner McGee asked about the graduated density with Luke AFB. Mr. Cannon said the purpose of the graduated density concept is to limit density near Luke AFB flight operations. As you move further away from Luke AFB that density can increase because of sound attenuation needs and increase in density as you move further away from the base. In this particular area, the density under the graduated density concept is two dwelling units per acre. Staff contacts Luke AFB for proposals that are in their vicinity, and we ask them for any comments they may have on a proposal. Their comments for this site, it does not have an impact on flight operations in the area.

Mr. Peck said back in the late 1980's the United States Air Force conducted a series of examinations of the impact of development in and around all of the Air Force bases in the United States and they came up with different zones, not only on noise, but also the level of potential for accidents impacting those areas. The closer you are for instance to a landing strip the greater the possibly in the event of crash there could be serious casualties to residents. A Military Compatibility Permit (MCP) is the same as a Special Use Permit (SUP), but the difference there is a state statute that mandates every jurisdiction in and around Air Force bases and Auxiliary bases that take into account these high noise and accident potential zones. They have a 65 Ldn up to 80 Ldn, and those identify the noise decibel levels the planes will cause to people living there. Counties are required by statute to impose noise attenuation standards and they vary depending how close you are to the actual operation. If you are within a 65 Ldn or greater you cannot develop your property unless both the jurisdiction and the Air Force certify it is consistent and compatible with the high noise or accident potential zone in which the property is located. Both the statute and our ordinance mirrors a chart created in the statute that give people the right to do certain things in each of those district. One thing you cannot do in those districts is build a single-family residence. The underlining zoning for most of these areas are RU-43, if you are in a 65 Ldn or higher you cannot develop residential. If you need to get a permit to do something in the accident potential zone that is not specifically listed, you have to get an MCP. As you get lower than 65 Ldn, the Air Force not the statute has created certain densities, so the further away you are the denser you can be because it reduces the accident potential. Maricopa County has always tried to honor the Air Force requirements. Noise attenuation is required for anything within the vicinity and the densities are based on accident potential. The goal of a zoning ordinance is to protect the health, safety and welfare of the public. We do ask applicants to show us they are consistent with those things.

Commissioner McGee said the proposed does meet the statutory requirements and meets the Air Force regulations. Mr. Peck said the Air Force said they are okay with it.

Mr. Gerard said here is a residential portion and an industrial portion, and the residential portion only is proposed for 3.43 dwelling units per acre.

Chairman Arnett said we still look at each case individually within those parameters to make sure from a planning perspective what is best for the neighborhood. There are other things to look at even though they fall within Luke Air Force Base regulations.

Commissioner Schlosser said this application is entirely outside of the noise contour.

Mr. Kurt Jones with Tiffany & Bosco said he is representing Richmond American and the property owner Virgin Farms V LLC. This is outside the 65 Ldn line, and with the change in the density we are concentrating the residential development on the north side of the property where residential is in the area off of Peoria Avenue. We have the industrial portion on the south part of the parcel. We had an open house prior to submitting anything to the county. Instead of just notifying people just 300 feet away from the property, we notified every property owner within the Twelve Oaks Subdivision to the west. The opposition letter was from a Mr. Heeley who lives along Sarival Avenue, and lives 2,300 feet away from the subject property. In the initial open house, they had 21 participants and Mr. Heeley did not participate. In the second open house, we only had three participants. The participants in the first meeting did not want the lots adjacent to their property and wanted more open space and single-story adjacent to their property. We modified our application with an Evergreen type tree that will grow tall on the western property, and single-story for all the lots on the west side with a significant open space buffer along the lots of Twelve Oaks with lighting and buffer stipulations for both the residential, and the industrial portion of the property. We meet many of their concerns.

Commissioner Schlosser asked if the applicant is fine with the revised conditions they received from staff. Mr. Jones said we asked staff to modify the stipulations in regards to the residential buffer for the single-story. The lots that fall closest to Twelve Oaks will be required to be single-story homes. We agreed we would not put any industrial building in the 100-foot buffer between the residential and industrial portion. We added some lighting for any industrial with the 100-foot buffer with a maximum of 12 feet, and the lighting has to be shielded, and would not put any streetlights in the residential area within 100 feet of the Twelve Oaks Subdivision. We are fine with the way the new stipulations are written.

Chairman Arnett asked if anyone else from the public wished to speak. None.

Commissioner Lindblom asked is the parcels owned by a separate property owner. Mr. Jones said this is one ownership, Virgin Farms Five LLC. Richmond American Homes will be purchasing the northern half for their residential subdivision. The southern industrial portion will be separated and sold off as industrial users come in.

Commissioner McGee asked the difference between the 100 and 150 foot buffer. Mr. Cannon said staff worked with the applicant to change that because the 150 foot buffer included a lot of uses that were limited and unenforceable. The condition that was proposed with the 100 foot regarding industrial structures is far more effective than the previous conditions that were proposed regarding uses. In that 100-foot buffer, there is lighting controls, and no structures permitted, and landscaping on the side of the residential portion. It is more appropriate to have that buffer limiting structures as to why we changed it from 150 feet to 100 feet.

Commissioner Andersen asked what is the landscape buffer on the industrial parcel within that 100-foot. Mr. Cannon said this is a conceptual plan, and the conditions are designed to prepare for when they do submit a preliminary plat, and their plan of development for the industrial portion of the site. With the 100-foot buffer, it is up to the applicant to whether that will be green space.

Commissioner Andersen asked does the county have landscape setback requirements along that boundary line or will it just be left to the applicant. Chairman Arnett said we are talking about the zoning case, not how it will be designed. Mr. Gerard said Industrial-2 zoning does require a 20-foot open setback along the front of all lots and to whatever they decide will be the front, will have a 20-foot setback where landscaping can be and walls behind that. He cannot say if landscaping will be in that 100-foot area.

Commissioner Andersen said he would like to see some landscaping to provide vertical relief and buffering to the residential portion from the future industrial portion with an additional condition to require some sort of landscape buffer. Possibly the same concept as the landscape buffering from the Thousand Oaks Subdivision would be appropriate for the residential from the industrial.

Mr. Jones said right now, the Industrial-2 requirements for the side yard adjacent to residential is only 5 feet, and the rear yard is 25 feet. We could commit to 25 feet across the entire north side of the industrial to provide an area for a landscaping buffer. Commissioner Andersen said he is comfortable with that with an additional stipulation.

Mr. Gerard said we could add condition 'd.4' to read, there shall be a minimum 25' landscape buffer along the length of the northern boundary of the IND-2 IUPD zoning district. Commissioner Andersen said that would be appropriate.

Commissioner Andersen said it does not refer to provide vertical relief. Shrubs and ground cover would not be consistent to address his entire concern. He asked if there is a way to add some additional language to find appropriate trees for vertical relief from the industrial buildings.

Chairman Arnett said he is comfortable as is, and trees are hard to enforce. The main thing is separating those buildings.

COMMISSION ACTION: Commissioner Schlosser motioned to approve CPA2020005 with conditions 'a'-'d'. Commissioner Montoya second. Approved 10-0.

- a. Development and use of the site shall be in substantial conformance with the Narrative Report entitled "Richmond American", consisting of 26 pages, dated March 10, 2021, and stamped received March 10, 2021, except as modified by the following conditions.
- b. Development and use the site shall be in general conformance with the land use exhibit entitled "Reems & Peoria" dated March 9, 2021 and stamped received March 10, 2021, except as modified by the following conditions.
- c. The following Luke Air Force Base condition shall apply:

Richmond American Homes and successive owners shall notify future owners/tenants that they are located near a military airport with the following language:

“You are locating in a residential dwelling inside the State Statute defined “territory in the vicinity of a military airport,” which means that aircraft flying in this area are authorized to fly as low as 1,500 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base 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.”

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

- d. 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 owner to enjoy uses in excess of those permitted by the land use existing on the date of the application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of the application. It is, therefore, stipulated and agreed that revocation due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in the value of the property from the value it held on the date of application due to such revocation. The Comprehensive Plan Amendment enhances the value of the property above its value as of the date the Comprehensive Plan Amendment is granted and changing to the prior land use designation results in the same value of the property as if the Comprehensive Plan Amendment had never been granted.

Zoning - Z2020102

District 4

Project name: **Richmond American Homes**
Applicant: Tiffany and Bosco, PA
Location: Generally located approx. 277' southwest of the SWC of Reems Rd. and Peoria Ave. in the Glendale area.
Request: Zone Change with Overlay from Rural-43 and R1-35 to R1-6 RUPD on approx. 105 acres and IND-2 IUPD on approx. 75 acres.

COMMISSION ACTION: Commissioner Schlosser motioned to approve Z2020102 with conditions 'a'-'n' with inclusion of condition 'd.4'. Commissioner Montoya second. Approved 10-0.

- a. Development of the site shall comply with the Zoning Exhibit entitled "Legal Description for Reems and Peoria", consisting of 6 pages, dated revised March 2, 2021, and stamped received March 10, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Narrative for Richmond American Homes", consisting of 34 pages, dated March 10, 2021, and stamped received March 10, 2021, except as modified by the following conditions.
- c. The following R1-6 RUPD Zoning District standards shall apply:
 1. Max. Height: 30' and two stories, except that all lots that fall within 150' of the western zoning district boundary line shall be restricted to 30' and one story
 2. Min. Front Yard: 10'
 3. Min. Rear Yard: 15'
 4. Min. Lot Area: 5,175 sq. ft.
 5. Min. Lot Width: 45'
 6. Min. Lot Area Per Dwelling Unit: 5,175 sq. ft.
 7. Average Lot Area per Dwelling Unit: 12,497 sq. ft.
 8. Max. Lot Coverage: 55%
 9. Max. Height of Monument Sign: 12' for primary monument sign, 8' for secondary monument sign
 10. Max. Subdivision Sign Area: 40 sq. ft. for primary monument sign, 32 sq. ft. for primary secondary sign
 11. Max. Dwelling Units: 359 dwelling units
 12. Lighting: No street light poles shall be permitted within 100' of the western boundary line of the R1-6 RUPD zoning district except at the discretion of any future Street Lighting District
 13. Landscaping: In addition to required landscaping, the landscape buffer along the western boundary line of the R1-6 RUPD zoning district shall include an evergreen tree species that typically grows taller than native desert trees. The applicant or developer shall propose the type and number of evergreen trees within the western landscape buffer upon the submission of a preliminary plat to the County for approval by the staff of Planning and Development.
 14. Min. Open Space: Not less than 19 acres of the R1-6 RUPD zoning district shall be developed as recreational open space. At the time of each preliminary plat submission, the developer shall include a description of the status, cumulative acreage and proposed amenities as identified with this condition.

- d. The following IND-2 IUPD Zoning District standards shall apply:
1. Min. Side Yard: 25' adjacent to rural or residential zoning
 2. Prohibited Uses: Adult oriented businesses, medical marijuana and residential (single-family, two-family or multi-family)
 3. Buffering: All structures shall be prohibited within 100' of the R1-6 RUPD zoning boundary to the north
 4. **There shall be a minimum 25' landscape buffer along the length of the northern boundary of the IND-2 IUPD zoning district.**
- e. The following Planning Engineering conditions shall apply:
1. Access to the industrial portion as depicted is dependent upon a separate access agreement that would be required from the Flood Control District of Maricopa County. Any approval of this zone change does not imply approval of any access agreement.
 2. Without the submittal of a precise plan of development, no development approval is inferred by this review, including, but not limited to number of proposed building lots/units, drainage design, access and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.
 3. A traffic impact study (TIS) must be submitted with future entitlement (preliminary plat or POD) application(s). This TIS must also be submitted to the City of Surprise since Peoria Avenue is under their jurisdiction. Approval from the City will be required prior to approval of any building plans. If the Industrial portion is to be accessed from Olive Avenue approval from MCDOT for the TIS will also be required.
 4. A Drainage Report discussing the offsite flow from the Twelve Oaks development channel must be submitted with future entitlement (preliminary plat or POD) application(s).
 5. 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.
- f. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- g. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.

- h. Prior to zoning clearance or Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the applicable fire service provider.
- i. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- j. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
- k. 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 Chapter 3 (Conditional Zoning).
- l. 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.
- m. The granting of this Zone Change has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of the application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of the application. It is, therefore, stipulated and agreed that revocation due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in the value of the property from the value it held on the date of application due to such revocation. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and changing to the prior land use designation results in the same value of the property as if the Zone Change had never been granted.
- n. The following Luke Air Force Base condition shall apply:

Richmond American Homes and successive owners shall notify future owners/tenants that they are located near a military airport with the following language:

“You are locating in a residential dwelling inside the State Statute defined “territory in the vicinity of a military airport,” which means that aircraft flying in this area are authorized to fly as low as 1,500 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base 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.”

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

Commissioner Gress left the hearing.

Special Use Permits - Z2020057

District 4

Project name:	Abbott Cottage Industry SUP
Applicant:	Ricardo Toris, Earl & Curley
Location:	Generally located approx. 700' west of the NWC of Orangewood Ave and 75 th Ave. in the Glendale area.
Request:	Special Use Permit to allow operation of a sign installation company in the R1-6 Zoning District

Mr. Castañeda presented Z2020057 and noted the applicant is proposing a Special Use Permit for a Cottage Industry to facilitate the operation of AbbcO, a family-owned and operated company on five parcels. The proposed use is truck parking and indoor/outdoor storage of signs for the purpose of storing and installing highway signs for the State of Arizona. There is an open violation case on the property currently in Administrative Remedy status. Staff received one letter of support and four letters of opposition from residents within 300 feet of the subject site. Since publishing of the staff report, the applicant presented a petition in support of the SUP and a map showing the location of the support signatures. Staff determined the proposed use meets the standards of a Cottage Industry, and the request is reasonable given the history of the use. The Cottage Industry has been in use for at least 17 years, and the commercial activity existed for 10 years before a complaint was submitted. The applicant has worked with staff to create conditions to bring the site into compliance with development standards. Staff recommends approval.

Commissioner McGee said the letters in support are dated back in August 2020, and asked if there is a reason for the delay.

Mr. Rod Jarvis with Earl & Curley said this case has taken awhile to process and be ready to come forward. They didn't think it was necessary to refresh the signatures as they were gathered early on. This business has been operating since 1999 without the Special Use Permit (SUP), and now recently have a complaint. There are other businesses in the area all in very close proximity to their property. The property is well screened from the road and it is difficult to tell the business is there. The traffic impact is minimal; they receive two deliveries of signs from Arizona Department of Transportation (ADOT) per month. On average, one team will go out once a week on a Monday and come back on Thursday installing signs for ADOT. Another team goes out in the morning and comes back in the afternoon. We are proposing to raise the existing walls from 5 feet to 8 feet. The screening will be with oleanders or bamboo rather than building 10-foot walls. We stipulated to a 5-year SUP because they are looking to move to another location in the future. Investing the capital to build 10-foot block walls where they currently don't have walls is an expense they are trying to avoid if all possible. They are proposing the language of 'g' to read - Any outdoor storage shall be completely fenced with a solid masonry wall or view obscuring materials/landscaping to obstruct the view to a height equal to the elevation of the tallest materials to be stored not to exceed 10 feet in height.

Vice Chair Swart asked, would they put in the obscuring materials or landscaping immediately? Mr. Jarvis said yes, he would make sure it is fast growing and large enough for screening.

Chairman Arnett said he agrees with the added language. The SUP will revert in 5 years to its original zoning, and they may not want a 10-foot block wall there. He is in support doing something of a more residential feel.

Commissioner Schlosser said to build a 10-foot wall for only 5 years would be a burden. As long as they agree to immediately planting fast-growing vegetation is fine with him.

COMMISSION ACTION: Vice Chair Swart motioned to approve Z2020057 with conditions 'a'-'j' with amended language for condition 'g'. Commissioner Hernandez second. Approved 9-0.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Abbott Cottage Industry", consisting of 1 full-size sheet, dated December 10, 2020, and stamped received January 19, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Abbc0 Glendale", consisting of 8 pages, dated January 14, 2021, and stamped received January 19, 2021, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:

1. At the time of the Building Permit, the plans must be updated to show the freeboard for all retention basins with a depth more than 1.0-ft.
 2. At the time of the Building Permit, use $C=0.95$ for Commercial Use. $C=0.50$ can be used for the retention basins, but the perimeter must be the top of slope of the retention basins. The runoff coefficient for the entire property cannot be used for the individual contributing areas.
 3. Building permits for structures, including block wall fence, on all 5 parcels could not be located. At the time of the Building Permit, provide permit numbers for all current structures on the entitlement properties. If no permit was obtained for this construction, building permits will be required as a condition of this entitlement.
 4. At the time of the Building Permit, identify all drainage openings in the block wall fence. If there are no drainage openings in the block wall fence, show how the water will be travel around the block wall fence.
 5. 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.
 6. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
 7. Carole Lane and the north half of Orangewood Avenue are Operated and Maintained by Maricopa County Department of Transportation (MCDOT). At the time of the Building Permit, a MCDOT permit for the paved driveways for APNs 142-24-018H and 142-24-009A could not be located. Please identify the driveways as paved per MCDOT requirements and provide the permit numbers for the driveways. If no permit was obtained for this construction, a MCDOT permit will be required as a condition of this entitlement.
- d. Property owner shall apply for all required building permits within 1 year from the date of Board of Supervisors approval, and complete all necessary construction within 2 years from the date of Board of Supervisors approval.
- e. This special use permit shall expire on May 5, 2026, 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. No non-resident employees, customers, clients, shall be permitted on the premises for business purposes between the hours of 6:00 p.m. and 6:00 a.m. for all except truck drivers, who may arrive from 5:00 a.m. Monday through Saturday.
- g. Any outdoor storage shall be completely fenced with a solid masonry wall **or view obscuring materials/landscaping** to obstruct the view to a height equal to the elevation of the tallest materials to be stored not to exceed 10 feet in height.
- h. Deliveries to and from commercial suppliers (vehicle weight greater than 10,000 lbs.) shall not restrict traffic circulation and shall only occur between 6:00 a.m. and 6:00 p.m., Monday through Saturday.
- i. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- j. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, 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.

Chairman Arnett adjourned the meeting at 10:52 a.m.

Prepared by Rosalie Pinney
Recording Secretary
April 8, 2021