

**MINUTES OF THE REGULAR MEETING**  
**OF THE**  
**PLANNING AND ZONING COMMISSION**

April 21, 2022  
9:30 a.m.

Hybrid In-Person & Gotowebinar.com  
Phoenix, Arizona

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**MEMBERS PRESENT:**

**In-person**

Mr. Greg Arnett  
Mr. Erik Hernandez

**GoToWebinar**

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

**MEMBERS ABSENT:**

Ms. Francisca Montoya

**STAFF PRESENT:**

Mr. Darren Gérard, Planning Services Manager  
Mr. Matt Holm, Planning Supervisor  
Ms. Rachel Applegate, Senior Planner  
Mr. Joseph Mueller, 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

**CONTINUANCE:**

**Z2021118**

**CONSENT:**

**Z2021136**

**REGULAR:**

**Z2021038**

Commissioner Arnett attended in person and was acting Chairman.

Chairman Arnett made the standard announcements and asked if there were any changes or comments to the March 10 or March 24 minutes. None.

**COMMISSION ACTION: Chairman Arnett approved the minutes from March 10, 2022 and March 24, 2022 minutes as written.**

Mr. Gérard said the applicant for consent item #3 - Z2021118 has requested a continuance to the May 12, 2022 hearing.

## CONTINUANCE AGENDA

### Zoning - Z2021118

District 1

Project name: **Shappell Family Project**  
Applicant: Jessica Sarkissian, Upfront Planning & Entitlements, LLC  
Request: Zone Change with Overlay from Rural-43 to C-2 CUPD  
Location: Approximately 530' east of the SWC of German Rd. and Lindsay Rd. in the Gilbert area

No action required by the Commission.

## CONSENT AGENDA

### Plan of Development - Z2021136

District 4

Project name: **Marbella Well Site No. 2**  
Applicant: Teresa Valentine, Valentine Environmental Engineers  
Request: Plan of Development for a well site in the Rural-43 Military Airport and Ancillary Military Facility Overlay Zoning District  
Location: Approximately 2,900 feet west of El Mirage Rd. and 2,430 feet south of Northern Ave. in the Glendale area

Mr. Gérard presented Z2021136 on the consent agenda.

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

**COMMISSION ACTION: Commissioner Lawrence motioned to approve Z2021136 on the consent agenda with conditions 'a'-'f'. Commissioner Swart second. Approved 8-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Danzeisen, Schlosser, Lindblom.**

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Liberty Utilities Marvella Well Site No. 2", consisting of 7 full-size sheets, dated February 11, 2022, and stamped received February 11, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Liberty Utilities Marbella Well Site No. 2 Plan of Development Narrative Report - Revised", consisting of 7 pages, dated February, 2022, and stamped received February 11, 2022, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
  1. At the time of Building Permit, provide detailed Engineered Grading and Drainage Plans to show how the entire disturbed area will flow into the retention basin.

2. The building Permit for Marabella wellsite No 2 cannot have the Final Inspections until after the Building Permit B20200905 and its MCDOT Permits have been finalized.
  3. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
  4. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
  5. Any construction in MCDOT Right-of-Way of Northern Avenue must have a MCDOT Right-of-way Permit.
- d. 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.
  - e. 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 Plan of Development. The Plan of Development enhances the value of the property above its value as of the date the Plan of Development is granted and reverting to the prior zoning results in the same value of the property as if the Plan of Development had never been granted.

## REGULAR AGENDA

### Special Use Permit - Z2021038

District 1

Project name: **AZ01-114 Donut/PHO Khussa**  
Applicant: Eric Hurley, Pinnacle Consulting, Inc.  
Request: Special Use Permit (SUP) for a new Wireless Communication Facility (WCF) in the Rural-43 RUPD Zoning District  
Location: SEC of Lindsay Road and Appleby Road, in the Gilbert area

Mr. Gérard presented Z2021038 and noted the WCF will comprise a 65 ft. tall monopole designed as an elm tree with three carriers. The SUP is required because it does not meet the 2 ft. setback otherwise it would be permitted by right. There is support and opposition. The opposition includes six parties with concerns of views and health concerns. Staff recommends approval.

Mr. Eric Hurley with Pinnacle Consulting said this will be a 65 ft. wireless facility disguised as an elm tree and it is designed to support up to three carriers. They have other facilities in the area that have been approved for the modified setbacks, so it is not out of the ordinary for approval.

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

Commissioner Hernandez said he wants to clarify this is only before us because of the setbacks. Mr. Gérard said yes, if they met the setbacks with all lot lines, it would have gone straight to building permits.

**COMMISSION ACTION: Commissioner Hernandez motioned to approve Z2021038 with conditions 'a'-'i'. Commissioner Lawrence second. Approved 8-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Danzeisen, Schlosser, Lindblom.**

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "AZ01-114 Donut / PHO Khussa", consisting of 6 full-size sheets, dated January 4, 2022, and stamped received February 23, 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 "AZ01-114 Donut / PHO Khussa", consisting of 9 pages, dated February 7, 2022, and stamped received February 23, 2022, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
  1. If combined disturbance area is 1500-sf or greater, Engineered Grading and Drainage Plans with retention basins are required.

2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance, Drainage Policies and Standards and current engineering policies, standards and best practices at the time of application for construction.
  3. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and Drainage Policies and Standards.
  4. The applicant should be aware that Lindsay Road is MCDOT Operated and Maintained. Any work in the MCDOT Right-of-Way will require a MCDOT Right-of-Way Permit.
- d. The maximum height of the Wireless Communication Facility shall be limited to 65'.
  - e. This Special Use Permit allows for colocation of additional antenna, arrays and attachments but must maintain the integrity of the stealth design concealment elements and must maintain the setbacks (based on tower height) approved by this Special Use Permit.
  - f. The wireless communication tower shall retain the stealth properties as originally designed. Any damaged or missing fronds or branches shall be replaced within 60 days of such damage occurring.
  - g. This special use permit is valid for a period of 20 years and shall expire on May 18, 2042 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.
  - h. 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.
  - 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 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 of April 21, 2022 at 9:46 a.m.

Prepared by Rosalie Pinney  
Recording Secretary

April 21, 2022