

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

June 13, 2019  
9:30 a.m.

Board of Supervisors Auditorium  
301 W. Jefferson Street  
Phoenix, Arizona

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**MEMBERS PRESENT:**

Ms. Francisca Montoya, Vice Chair  
Mr. Nathan Andersen  
Mr. Greg Arnett (arrived 9:33 a.m.)  
Mr. Bruce Burrows  
Mr. Michael Cowley  
Mr. Broc Hiatt  
Ms. Jennifer Ruby  
Mr. Lucas Schlosser (telephonically)

**MEMBERS ABSENT:**

Mr. Jimmy Lindblom, Chairman  
Mr. Robert Zamora

**STAFF PRESENT:**

Mr. Darren Gerard, Planning Services Manager  
Ms. Rachel Applegate, Senior Planner  
Mr. Glenn Bak, Planner  
Mr. Ray Banker, Planner  
Mr. Martin Martell, Planner  
Ms. Rosalie Pinney, Recording Secretary

**COUNTY AGENCIES:**

Mr. Wayne Peck, County Attorney

**CONTINUANCE:**

**Z2019001**

**CONSENT:**

**S2017003, S2018026**

**REGULAR:**

**CPA2018007, Z2018100, Z2019005**

Chair Montoya called the meeting to order at 9:30 a.m.

Chair Montoya asked if there were any changes or comments to the March 28 and April 25 minutes, none.

**COMMISSION ACTION: Chair Montoya approved the March 28, 2019 and April 25, 2019 minutes as written.**

Chair Montoya noted case #5 - Z2019001 moved to the continuance agenda to be continued to the July 25, 2019 hearing, and case # 2 - Z2018100 has been moved to the regular agenda.

## CONTINUANCE AGENDA

### Special Use Permit - Z2019001

**District 4**

Applicant: Dennis Newcombe / Beus Gilbert, PLLC  
Location: Generally located approximately 840' west of the southwest corner of Happy Valley Rd. and Vistancia Blvd. in the Peoria area  
Request: Special Use Permit (SUP) for an RV Storage facility in the C-2 zoning district - Happy Valley RV Storage

**No action by the Commission. Continued to July 25, 2019 hearing due to legal ad error.**

## CONSENT AGENDA

### Preliminary Plat - S2017003

**District 2**

Applicant: Coe and Van Loo Consultants, Inc.  
Location: Generally located at the southeast corner of Verde River Way West and Cindercone Way in the Rio Verde area  
Request: Preliminary Plat containing 52 residential lots and 6 tracts in the R-3 Residential Unit Plan of Development (RUPD) Planned Area of Development (PAD) zoning district – Trilogy at Verde River Unit 4B

### Preliminary Plat - S2018026

**District 4**

Applicant: Matthew J. Mancini PE, 3engineering, LLC  
Location: Generally located 1,000' west of the northwest corner of Happy Valley Rd. and El Granada Blvd. in the Peoria area  
Request: Preliminary Plat containing 110 residential lots and 10 tracts in the R1-7 RUPD PAD, Rural-43 RUPD PAD, and R1-6 RUPD PAD zoning districts - Rancho Cabrillo Parcels I & V

Mr. Gerard presented the consent agenda.

**COMMISSION ACTION: Commissioner Burrows motioned to approve S2017003 with conditions 'a'-'o', and S2018026 with conditions 'a'-'q'. Commissioner Cowley second. Approved 7-0.**

### **S2017003 conditions;**

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Preliminary Plat of Verde River – Unit 4B" consisting of 3 full-size sheets, dated April 9, 2019, and stamped received April 11, 2019, except as modified by the following conditions.
- b. Development and use of the site shall comply with the Narrative Report entitled "Verde River Unit 4B Preliminary Plat Narrative", consisting of 27 pages, dated May 20, 2019, and stamped received May 21, 2019, except as modified by the following conditions.
- c. The Following Planning Engineering conditions shall apply:

1. An easement is needed for the basin R1 outside of the parcel boundaries. Show the easement boundaries and recordation data on the Final Plat.
  2. Show the effective floodplain delineation on the Final Plat.
  3. Note 16 on the Preliminary Plat does not need to be on the Final Plat. The LOMR is effective as of February 9, 2018.
- d. Prior to Final Plat and Infrastructure Permit submittal, the applicant is required to attend a pre-submittal meeting in order to coordinate the permitting process for improvements, fees, and assurances associated with the subdivision. Intake of the Final Plat and Infrastructure permit shall be by appointment only.
  - e. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.
  - f. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
  - g. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
  - h. Specific roadway cross-sections and pavement sections are not approved as shown on the Preliminary Plat. The number and width of lanes, including turn and auxiliary lanes, as well as pavement thickness, will be approved on construction improvement plans in conjunction with the Final Plat, in compliance with the Traffic Impact Statement (TIS) approved by the Maricopa County Department of Transportation (MCDOT).
  - i. Prior to Final Plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from Rio Verde Fire District. This information shall be included in the narrative report for the Final Plat and the associated public report for the subdivision. The Final Plat shall contain a note referencing the will serve letter.
  - j. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
  - k. The applicant/property owner shall submit a 'will serve' letter from Rio Verde Utilities for water services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.

- l. The applicant/property owner shall submit a 'will serve' letter from Rio Verde Utilities for wastewater services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- m. Preliminary Plat approval shall expire two (2) years from the date of Commission approval. Any request for an extension of time shall be submitted prior to the expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.
- n. 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.
- o. The Final Plat shall include a note that states that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.

**S2018026 conditions;**

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Preliminary Plat for Rancho Cabrillo Parcel I & V" consisting of 7 full-size sheets, dated stamped received May 8, 2019, except as modified by the following conditions.
- b. Development and use of the site shall comply with the Narrative Report entitled "Rancho Cabrillo Parcel I & V Preliminary Plat Narrative", consisting of 8 pages, dated stamped received February 13, 2019, except as modified by the following conditions.
- c. The following Engineering conditions shall apply:
  - 1. Happy Valley Road must be constructed to MCDOT ultimate half-width improvement standards prior to the subdivision infrastructure permit being finalized. The roadway must meet County Standards in effect at the time they are constructed.
  - 2. If houses are constructed prior to the floodplain being removed from the property, Floodplain Use Permits will be required with the houses meeting floodplain use requirements with individual elevation certificates.
- d. Prior to final plat and infrastructure permit submittal, the applicant is required to attend a pre-submittal meeting in order to coordinate the permitting process for improvements, fees, and assurances associated with the subdivision. Intake of the Final Plat and Infrastructure permit shall be by appointment only.

- e. Concurrent with submittal of final plat, improvement plans shall be submitted to the Planning and Development Department.
- f. After final plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final grading and drainage and infrastructure permit from Maricopa County.
- g. Prior to final plat approval, water and wastewater plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- h. Specific roadway cross-sections and pavement sections are not approved as shown on the preliminary plat. The number and width of lanes, including turn and auxiliary lanes, as well as pavement thickness, will be approved on construction improvement plans in conjunction with the final plat, in compliance with the traffic impact statement (TIS) approved by the Maricopa County Department of Transportation (MCDOT).
- i. Prior to final plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the North County Fire and Medical District servicing the project. This information shall be included in the narrative report for the final plat and the associated public report for the subdivision. The final plat shall contain a note referencing the will serve letter.
- j. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- k. The applicant/owner shall submit a 'will serve' letter from EPCOR for water & wastewater services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- l. 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 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.

For further information, please check the Luke Air Force Base website or contact the Maricopa County Planning and Development Department."

- m. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- n. Preliminary plat approval shall expire two (2) years from the date of commission approval. Any request for an extension of time shall be submitted prior to the expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.
- o. The property owner/s and their successors waive claim to diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- p. The final plat shall include a note that states that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.
- q. Compliance with DMP2006009 & Z2018077 conditions/stipulations of approval.

### **REGULAR AGENDA**

#### **Comprehensive Plan Amendment - CPA2018007 (Cont. from 5/16/19)**

**District 5**

Applicant: William E. Lally, Tiffany & Bosco, PA  
Location: Generally located at the southwest corner and southeast corner of Broadway Rd. and 83<sup>rd</sup> Ave. in the Phoenix area

Request: Comprehensive Plan Amendment (CPA) to change the Estrella Area Plan land use designation from Rural Densities (0-1 d.u./ac.) to Multiple Family Low (8 – 12 d.u./ac.) and Community Retail - 83<sup>rd</sup> Ave. & Broadway Rd.

Commissioner Schlosser recused himself from CPA2018007 and Z2018100.

Mr. Banker presented CPA2018007 and Z2018100 and noted staff is in support of approval and there's no known opposition. These cases were placed on the regular agenda because the applicant recommended a new condition to Z2018100 after the staff report was written. The proposed condition 'j' is in a hand out given to the Commission. *Developer shall construct a 10-foot non-vehicular multi-use trail within an open space tract along the north perimeter of the R-5 RUPD and C-2 zoned properties abutting Broadway Road.* It is staff's understanding this condition was created after the applicant, Commissioner Montoya, and community members met. Staff is in agreement with the proposed condition as this would provide a benefit to the future of the site by adding pedestrian access, and walkability, and open space along the Broadway Road portion of the property. Staff recommends approval with conditions 'a'-'d' as presented in the staff report, and approval of Z2018100 with conditions 'a'-'i' as presented in the staff report with condition 'j' as read.

Mr. Bill Lally with Tiffany and Bosco said he is representing the family that owns the property. The City of Phoenix General Plan has a much higher dense housing option, and they are anticipating a freeway coming into this area. The reason for the density that's proposed is they are conforming to the City of Phoenix General Plan. The stipulation mirrors what the City of Phoenix likes to see along Broadway Road in terms of having a sidewalk and an additional 10 foot multi-use trail. They are in support of the additional stipulation and think it will make it a better project especially given the density of the corner, and it'll be compatible with the other surrounding projects in the area.

Commissioner Ruby asked if the City of Phoenix does extra territorial water and sewer service. Mr. Lally said yes. They've already met with the City of Phoenix and they do extend services where service lines are provided and there's subdivisions in the area.

**COMMISSION ACTION: Commissioner Ruby motioned to approve CPA2018007 with conditions 'a'-'d'. Commissioner Burrows second. Approved 7-0-1 (Schlosser).**

- a. Development of the site shall be in general conformance with the Narrative Report entitled "Van Hofwegen General Comprehensive Plan Amendment," consisting of 16 pages, dated and stamped received on March 19, 2019, except as modified by the following conditions.
- b. 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 uses 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 land use designation 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 change of the land use. The land use enhances the value of the property above its value as of the date the land use change is granted and reverting to the prior land use designation results in the same value of the property as if the land use change had never been granted.

- c. The total number of residential units shall not exceed 1,100 dwelling units.
- d. The following Planning Engineering conditions shall apply:
  - 1. No development approval is inferred 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.
  - 2. Right-of-way dedication and perimeter road improvements will be required as part of future entitlements. This includes Broadway Road and 83rd Avenue, which will be required to be realigned through the site to remove the offset at Broadway Road.

**Zoning - Z2018100 (Cont. from 5/16/19)**

**District 5**

Applicant: William E. Lally, Tiffany & Bosco, PA  
Location: Generally located at the southwest corner and southeast corner of Broadway Rd. and 83rd Ave. in the Phoenix area  
Request: Zone Change with Overlay from Rural-43 to R-5 RUPD and C-2 – 83rd Ave. & Broadway Rd.

**COMMISSION ACTION: Commissioner Ruby motioned to approve Z2018100 with conditions 'a'-'i' with inclusion of condition 'j'. Commissioner Cowley second. Approved 7-0-1 (Schlosser).**

- a. Development of the site shall be in general conformance with the Zoning Exhibit entitled "83rd & Broadway", consisting of one full-size sheet, dated and stamped received on May 7, 2019, except as modified by the following conditions.
- b. Development of the site shall be in general conformance with the Narrative Report entitled "Van Hofwegen Rezoning", consisting of 19 pages, dated and stamped received on May 7, 2019, 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 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. A traffic impact study must be submitted with the preliminary plat or plan of development application.
3. Dedication of right-of-way along the following roadway alignments will be required prior to any development on the site:
  1. Broadway Road: 65 feet (ultimate half-width)
  2. 83<sup>rd</sup> Avenue: 65 feet (ultimate half-width) and/or 130 feet (ultimate full width)

Note that the above widths are considered minimum widths. Additional dedication may be required pending improvements that may be required by the MCDOT approved Traffic Impact Study.

4. The preliminary plat application must indicate the realignment of 83<sup>rd</sup> Avenue to its section line alignment to remove the offset at Broadway Road. Any associated right-of-way abandonment must be performed in accordance with MCDOT requirements.

d. The following R-5 RUPD standards shall apply:

For Neo-Traditional (Detached SFR or Attached Townhomes):

1. Front Yard: 5' (13' for side loaded garage or livable area of dwelling unit if 8' PUE is required)
2. Side Yard: 5' or 2' for side-turn garage (for SFR)
3. Street Side Yard: 5'
4. Rear Yard: 5'
5. Lot Width: 40' - Detached SFR/30' - Attached SFR
6. Lot Area per Dwelling Unit: 2,500 sq. ft.
7. Lot Coverage: 60% - Detached SFR/65% - Attached SFR Townhome

For Single-Family Traditional (Detached SFR or Attached Townhomes):

1. Height: 30' / 2 stories - Detached SFR and 40' / 3 stories - Attached SFR Townhome
2. Front Yard: 18' (with a front loaded garage) /10' for side loaded garage or livable area of dwelling unit
3. Rear Yard: 25' - Detached SFR/12' - Attached SFR Townhome
4. Lot Area: 4,000 sq. ft.
5. Lot Width: 40' - Detached SFR/30' - Attached SFR Townhome

For Apartments or Condominiums:

These would meet the R-5 zoning district base standards.

- e. No three-story residential homes shall be permitted along the north perimeter of the property abutting Broadway Rd.
- f. Prior to approval of the initial final plat or precise plan of development approval, the applicant shall provide the Maricopa County Planning and Development Department with an executed pre-annexation service agreement with the City Phoenix that identifies the detail for when the proposed project will be annexed and the provision of water and sewer service. In lieu of pre-annexation service agreement the developer must provide a 'will serve' letter from the certificated water and sewer provider(s).
- g. 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.
- h. 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.
- 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, 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.
- j. **Development shall include a 10-foot non-vehicular multi-use trail within an open space tract along the north perimeter of the R-5 RUPD and C-2 zoned properties abutting Broadway Road.**

**Zoning - Z2019005**

**District 4**

Applicant: Tiffany & Bosco, P.A.  
Location: Generally located 320' northeast of Latham St. and 182<sup>nd</sup> Dr. in the Goodyear area  
Request: Zone Change from Rural-43 to IND-2 Industrial Unit Plan of Development (IUPD) - I-10 & Citrus IUPD

Mr. Bak presented Z2019005 and noted there was no opposition before the printing of the packet. Opposition was received just a couple of days ago which is included in a hand-out memo for the Commission. Staff's recommendation is denial based on staff's opinion - a Special Use Permit with a 10 year time period would be more appropriate based on the violation history of the property. Staff has some concerns with the commercial storage of RV's and automobiles without proper entitlement as well as the traffic within the cul-de-sac.

Mr. Bill Lally with Tiffany Bosco said if you look at the area it's along I-10. It is a very old residential subdivision that was built prior to the I-10. Over time, this area has become residential with a mixture of non-residential uses on the property. The current landowner is not their client, they are representing the buyer of the property. The current landowner has been operating an outdoor storage illegally for 12 years, and the County has been trying to work with him to remedy the situation and have been assessed many hundreds of thousands of dollars in fines. Their client stepped in to purchase the property and immediately went to the County to negotiate a compliance agreement to comply and bring the fines current. It was a settlement agreement and they paid some fees to enter into the compliance agreement which allows them to go through this process. If successful our client will purchase the property and clean it up, and make some of these problems go away. The surrounding properties all have multiple buildings, multiple businesses and multiple things happening on the property with a lot of traffic on 182<sup>nd</sup>. The property is Rural-43 and they want to rezone it to an industrial category that allows the storage that exists there today to potentially remain and to allow for a billboard. The only way to really purchase the property and spend the money to clean up the property is to have the revenue from the billboard. The City of Goodyear didn't respond, and they did get a letter two days ago from a lady that lives a couple of parcels away. The e-mail references existing traffic. He agrees there's a lot of existing traffic with all of the businesses in the area including the current business. There are a few stipulations that will limit all of the uses to two, a billboard and an outdoor storage under certain conditions resulting in a zoning case and a development of the property that's in better condition than what it is today. They are proposing three stipulations to be added to the case. If a Plan of Development was ever proposed for outdoor storage they would have to get access somewhere else from the U-Haul site from the east or to the vacant properties to the west. Not to have any access into the neighborhood which needs a lot of buffering. The likely scenario is that business goes away, and it's cleaned up into a condition that's acceptable to the County with the addition of a billboard. Then the only traffic to the site would be allowed for single family, and maintenance of the billboard with one or two traffic stops a month. These conditions should mitigate the concerns the neighbor was expressing in her e-mail. As far as compatibility with the billboard you have a large U-Haul industrial site to the east. These stipulations should mitigate staffs concerns by limiting it to two uses.

Commissioner Schlosser asked why staff was recommending denial. Mr. Gerard said the chief concerns were this is a platted subdivision and it's expected to build out residential, and it's at the end of a cul-de-sac. It would have the potential for heavy industrial traffic and heavy industrial uses to drive through these local residential streets past these residences. There's no other access to this site. Staff looks more favorably to a larger

area being rezoned rather than a single lot at the end of a cul-de-sac. He encouraged the applicant to move forward for the potential of resolving the zoning violations. Commissioner Schlosser asked if the traffic is not a concern with the County since they're going mitigate with a billboard. Mr. Gerard said he believes it's a sincere attempt to mitigate concerns, and staff's standpoint is less than optimal. The matter can be addressed through a Special Use Permit (SUP) but that wouldn't entitle the billboard. To resolve the violation by having a billboard site will provide a revenue stream. If this subdivision is to develop out residential we believe industrial rezone is less than optimal.

Commissioner Schlosser said he lives a few miles from this area and he has driven by this site thousands of times even before I-10 was built. The new Loop 303 stack with I-10 is a mile to the east and they're proposing some regional commercial on the southwest corner of that. On the north side there's two sections of ground which is the Perryville Prison and an outdoor auction, and there's a trailer park, and to the west is Waste Management's Transfer Station. He served on the City of Goodyear's Planning Commission for eight years and it concerns him that they didn't respond back. The whole area on the south side from Citrus to Perryville deserves to be properly planned into an industrial use and he believes that's what the County's General Plan shows there anyway. He is inclined to move for approval of this because of the applicant mitigating everything, and because of the area that it's in.

Commissioner Hiatt asked if they can explain the second proposed condition in more detail. Mr. Lally said a Plan of Development (POD) shall be applied for a billboard, so we identify that as a use that is allowed to be submitted for a POD, or a single-family residence. Once it's industrial he doesn't think you can apply for single-family residential. We are trying to show what is there today.

Mr. Gerard said if they want to add these three items into a motion we suggest that item #1 be a new stipulation 'j' with the language proposed. Item #2 can be added to the end of condition 'e'. Item #3 would be added as new stipulation 'k' and we would change it to read 182<sup>nd</sup> Drive.

Commissioner Hiatt asked what the IUPD overlay is. Mr. Gerard said it has two purposes - it can deviate the development standards of IND-2 zoning district such as required screening, required paving, or setbacks. It can limit the laundry list of entitled uses. It can't change uses but it can limit uses. We have often done this in places where there's not sewer to limit the types of uses that can be there, to uses that can be accommodated via septic.

Commissioner Hiatt asked would this lot be the only lot in this area with the IUPD overlay. Mr. Gerard said that's correct. It would be a single parcel zoning district which is almost always the case with IUPD or CUPD overlays. Residential PODs tend to cover entire subdivision plats, but the IUPD and CUPD tend to be nodal particularly the CUPD's. Sometimes the IUPD may cover an entire business park.

Commissioner Hiatt said he has concerns with the traffic, and asked would item #3 limit the traffic, and if there was a commercial development that was allowed under the IUPD overlay would they not be able to access it on 182<sup>nd</sup> for that purpose. Mr. Gerard said

yes, that's the intent of the condition to require some type of easement across the U-Haul site to the east or across the north end of parcels to the west to the mid-section alignment.

Commissioner Hiatt asked with interpretation of all of these new conditions under no circumstances there would be any commercial traffic on 182<sup>nd</sup> Drive. Mr. Gerard said no, except for the maintenance for the billboard.

Commissioner Ruby asked if this gets approved with the IUPD with the restrictions on use, and in the future at some point someone wants to do some use that isn't covered by these two things what would the process be - a rezoning to change the conditions of the IUPD? Mr. Gerard said that would require a modification to a condition application, and it's a legislative process through this body and to the Board of Supervisors. Potentially it's just like a rezoning.

Commissioner Andersen asked if there's any lots on 182<sup>nd</sup> Drive that are currently used as single-family residential. Mr. Gerard said he believes every parcel on 182<sup>nd</sup> Drive except for this one.

Commissioner Burrows asked if we need a motion to add these new stipulations to the conditions. Mr. Gerard said yes, if you're going to make a motion for approval you would add these stipulations to those that are suggested in the packet.

Commissioner Andersen asked why a Special Use Permit couldn't allow a billboard. Mr. Gerard said there's Special Use Permit category for a billboard other than the one exception for re-location of an existing billboard for a highway widening project. For instance, if they had a billboard being removed due to the construction of the Loop 202 or the widening of I-10 they could place one here in the RU-43 zoning district with an SUP. Other than that billboards are required to be in C-2, C-3, IND-2, and IND-3 zoning districts.

Commissioner Arnett said when you have a bad site it's always nice when somebody wants to clean it up. You have to be careful with those homes around there and they should be able to have a quiet residential street, and not have an industrial building next to them. He asked is there any other better cards that are out there or are we saying denial here because it doesn't fit the test. It seems like this is a better solution, and have we used all the options before us to improve this lot? Mr. Bak said we are pretty limited with the SUP not being an option. The placement of the billboard would be 150 feet from the residents to the west, and an illuminated billboard needs to be 150 feet exact from residential, and because of the limited lot width they did come up with 96 feet to the east, but that's the SUP category for the U-Haul storage. There's no other option other than rezoning to accommodate the billboard.

Mr. Gerard said it would be more optimal if other property owners be brought in for a larger piece for the rezoning. It's difficult when each parcel is under separate ownership and nobody is considering redevelopment at this time. If a larger section could have been designated for potential IND-2 IUPD uses with redevelopment of each parcel. Staff believes that would be more optimal because the idea is it would transition to industrial. The County Area Plan does designate this area for future industrial land uses.

Commissioner Arnett said it screams industrial and he's concerned about the house, but it's always nice when an applicant wants to come and clean things up and make it better. Otherwise without this process he doesn't know that it'll happen, and it'll just get worse. His inclination is to go with common sense and support this.

Commissioner Andersen asked about the attempts to outreach the neighbors on 182<sup>nd</sup> and specifically if there were attempts to help them understand what was going on. Mr. Lally said we did the standard letters and sign posting. We did drive the area which is very sporadic for a single-family neighborhood where you would expect to find folks there at all times. It did pose some challenges to try and figure out the best way to outreach. When we received the opposition e-mail two days ago from the County, we called her to explain these additional stipulations. Once she heard the additional stipulations would eliminate and/or reduce the amount of traffic going to the site, she did say she was supportive and she was going to send an e-mail stating that. It is hard to tell which home is a business and what home is approachable.

Commissioner Andersen asked where her home is located. Mr. Lally said she is two doors down on 182<sup>nd</sup> Drive.

Commissioner Arnett asked is the U-Haul facility vacant or built up? Mr. Lally said they entitled the entire process and have begun the construction of the first phase, and it might be completed. They have an expansion plan to expand west with the remaining portion of the property.

Commissioner Arnett asked if there's been discussions with them about access. Mr. Lally said yes, they reached out to them. The ultimate situation is our client would buy the property to the west and then buy the next property to be able to have a loop road for the U-Haul and for ourselves all the way down. This is a very old non-compliance issue 12 years in the making. There's some interest in remedying this property's problems today and then trying to evaluate how we make it better for the entire area. It makes sense to continue that U-Haul type business further west and not have access on 182<sup>nd</sup> Drive. Conversations will continue to be had by our client who's not the current owner, but will be the owner when this is all done. This makes sense and he thinks there will be viable industrial or commercial use that will go there.

Commissioner Ruby said the concern with the industrial vehicle traffic on 182<sup>nd</sup> seems to be dealt with, but not the actual use of the property. She asked if staff has any concerns with the compatibility of that use with the quasi single-family residences in the vicinity. Mr. Bak said if the use does continue for the storage, which is questionable if the new owner would continue this use.

Mr. Lally said they are talking about two uses – if it's a billboard then there's very little impact on the surrounding properties. If it's an outdoor storage facility there will be no access on 182<sup>nd</sup>, and easements to the east or the west or both with additional landscape buffering over and above what's required. Compatibility today is not great between the two properties. If that were to come back through the POD process it would have to meet all of those standards and the proposed stipulations.

Commissioner Ruby said that is an improvement even though an outdoor storage use continues, where it's at a higher level of compatibility.

Chair Montoya said the applicant has made an effort to deal with the past compliance issues and she feels comfortable with the proposed stipulations and adding conditions 'j' and 'k', and negotiating an easement outside of the neighborhood so there's no commercial traffic except for the billboard. Given this is future industrial she is inclined to support this.

**COMMISSION ACTION: Commissioner Schlosser motioned to approve Z2019005 with conditions 'a'-'i' and to amend condition 'e' and inclusion of conditions 'j' and 'k'. Commissioner Burrows second. Approved 8-0.**

- a. Development of the site shall comply with the conceptual Site Plan entitled "I-10 & Citrus Billboard", consisting of two full-sized sheets, stamped received May 29, 2019, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "I-10 & Citrus Rd.", consisting of seven, dated May 17, 2019, and stamped received May 29, 2019, except as modified by the following conditions.
- c. The following Planning Engineering condition shall apply:
  1. A single Plan of Development must be submitted to include the billboard and the outdoor storage use. The Plan of Development application must include an engineered grading and drainage plan and a signed and sealed Traffic Statement.
- d. The following IND-2 IUPD standards shall apply:
  1. Side Yard abutting Rural zoning: 3'
  2. Maximum Off-Site Sign height: 61'
  3. Maximum Off-Site Sign area: 672 sq. ft.
  4. Illuminated Sign to Rural Residential Zoning: 0'
  5. Screening waived along north property boundary
- e. The IUPD overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water. **A Plan of Development application for outdoor storage shall provide a private access easement to the property to the east or west, and additional landscape buffering along the east and west property lines including a mix of 2-inch and 3-inch caliper trees placed every 20-feet with 5 shrubs per tree.**

- f. The applicant/property owner shall submit a 'will serve' letter for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- g. 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.
- 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, 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.
- j. **A Plan of Development shall be applied for only a billboard or outdoor storage as allowed by the IUPD overlay. No other commercial or industrial uses are permitted.**
- k. **No access other than for single family residential uses or for the construction and maintenance of outdoor advertising shall be off of 182<sup>nd</sup> Drive.**

Chair Montoya adjourned the meeting at 10:15 a.m.

Prepared by Rosalie Pinney  
Recording Secretary  
June 13, 2019