

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

January 17, 2019
9:30 a.m.

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

MEMBERS PRESENT:

Ms. Jennifer Ruby, Chairperson
Mr. Nathan Andersen, Vice Chairman
Mr. Greg Arnett
Mr. Bruce Burrows
Mr. Michael Cowley
Mr. Broc Hiatt
Mr. Jimmy Lindblom
Ms. Francisca Montoya
Mr. Lucas Schlosser

MEMBERS ABSENT:

Mr. Robert Zamora

STAFF PRESENT:

Mr. Darren Gerard, Planning Services Manager
Ms. Rachel Applegate, Senior Planner
Mr. Glenn Bak, Planner
Mr. Ray Banker, Planner
Ms. Jaclyn Sarnowski, Planner
Mr. Derek Scheerer, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Robert Swan, County Attorney

CONSENT:

**Z2017130, CPA2018006, Z2018091, Z2018092,
DMP2018007, Z2018095**

REGULAR:

Z2017112, CPA2018008, Z2018115, Z2018068, Z2018124

Meeting called to order at 9:34 a.m.

Chairperson Ruby requested the election of officers for 2019.

COMMISSION ACTION: Chairperson Ruby nominated Commissioner Lindblom to serve as chairman. Commissioner Cowley second. Approved 9-0.

COMMISSION ACTION: Commissioner Ruby nominated Commissioner Montoya to serve as Vice Chair. Chairman Lindblom second. Approved 9-0.

Chairman Lindblom asked if there were any changes or comments to the October 25 minutes, none.

COMMISSION ACTION: Chairman Lindblom approved the October 25, 2018 minutes as written.

CONSENT AGENDA

Special Use Permit - Z2017130 (Cont. from 12/13/18)

District 3

Applicant: Aya Rojnuckarin, Urbal Architecture PLLC
Location: Generally located 1,000' southwest corner of Daisy Mountain Dr. and Meridian Rd. in the Anthem area
Request: Special Use Permit (SUP) Major Amendment for 13 independent living cottages in the R1-8 RUPD zoning district - Merrill Gardens Anthem Cottages

Comprehensive Plan Amendment - CPA2018006

District 4

Applicant: Chris Clonts, Lennar Homes
Location: Generally located approx. 1,000' north of the northeast corner of Northern Ave. and Cotton Ln. in the Glendale area
Request: Comprehensive Plan Amendment to change the White Tank/Grand Avenue Area Plan land use designation from Rural Densities (0-1 d.u./ac.) to Single Family Transitional Lot (3-5 d.u./ac.) – Northern Crossing

Zoning - Z2018091

District 4

Applicant: Chris Clonts, Lennar Homes
Location: Generally located at the northeast corner of Northern Ave. and Cotton Ln. in the Glendale area
Request: Zone Change from Rural-43 to C-2 CUPD – Northern Crossing Commercial

Zoning - Z2018092

District 4

Applicant: Chris Clonts, Lennar Homes
Location: Generally located 1,000 ft. north of the NEC of Northern Ave. and Cotton. Ln. in the Glendale Area
Request: Zone change from Rural-43 to R1-6 RUPD – Northern Crossing Residential

Development Master Plan - DMP2018007

District 4

Applicant: Matthew J. Mancini PE, 3engineering, LLC
Location: Generally located on the northeast corner of Happy Valley Rd. and El Granada Blvd. in the Peoria area
Request: Development Master Plan (DMP) Amendment to change the land use designations of Rancho Cabrillo parcels G, N, U, Q from Educational/School (parcel G), Commercial Retail Center (portion of parcel N), Recreational Open Space (parcel U), and Medium Density Residential (parcel Q) to Small Lot Residential – Rancho Cabrillo Parcels G, N, U and Q

Zoning - Z2018095

District 4

Applicant: Matthew J. Mancini PE, 3engineering, LLC
Location: Generally located on the northeast corner of Happy Valley Rd. and El Granada Blvd. in the Peoria area
Request: Zone Change Major Amendment to change the zoning districts from R-2 RUPD PAD, R-4 RUPD PAD, C-1 (portion of) to R1-6 RUPD PAD – Rancho Cabrillo Parcels G, N, U and Q

Ms. Applegate presented the consent agenda.

COMMISSION ACTION: Commissioner Ruby motioned to approve Z2017130 with conditions 'a'-'g', CPA2018006 with conditions 'a'-'c', Z2018091 with conditions 'a'-'h', Z2018092 with conditions 'a'-'i', DMP2018007 with conditions 'a'-'b', and Z2018095 with conditions 'a'-'d'. Commissioner Schlosser second. Approved 9-0.

Z2017130 conditions:

- a. Development of the site shall comply with the Site Plan entitled "Merrill Gardens at Anthem Cottages", consisting of 26 full-size sheets, stamped received September 20, 2018, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Project Name: Merrill Gardens at Anthem Cottages", consisting of eleven (11) pages, stamped received September 20, 2018 except as modified by the following conditions.
- c. The following Planning Engineering comments shall apply:
 1. The Drainage Waiver DRB2018002 must be approved.
 2. Any construction (driveway, utilities, etc.) within Meridian Road Right-of-Way will require a Maricopa County Department of Transportation (MCDOT) Right-of-Way Permit.
- d. This Special Use Permit shall expire 30 years from the date of approval by the Board of Supervisors (February 13, 2049). All of the site improvements shall be removed within 60 days of such termination or expiration.
- e. The following R1-8 deviation shall apply:
 1. Up to 5' CMU wall within the front yard setback.
- f. The Following Daisy Mountain Fire Department conditions shall apply:
 1. Access roadways, fire line and hydrant placement and fire protection sprinklers per NFPA13 are compliant with the Fire Codes.
 2. A fire alarm system per NFPA 72 will be required for I-1 occupancies.

3. Plans must be submitted for final approval and permitting for the fire hydrants, fire sprinklers, fire alarm and building construction drawings for review for fire life safety prior to the C of O inspections.
- g. 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.

CPA2018006 conditions:

- a. Development of the site shall be in general conformance with the Narrative Report entitled "Northern Crossing – General Comprehensive Plan Amendment", consisting of 7 pages, stamped received January 7, 2019 and the Land Use exhibit consisting of 1 page, stamped received October 30, 2018, except as modified by the following conditions.
- b. The total number of residential units shall not exceed 279 dwelling units.
- c. 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.

Z2018091 conditions;

- a. Development of the site shall comply with the Zoning Exhibit entitled "Northern Crossing Commercial Parcel", consisting of 1 full-size sheet, dated January 4, 2019, and stamped received January 4, 2019, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Northern Crossing Rezoning with Commercial Unit Plan of Development", consisting of 6 pages, dated January 4, 2019, and stamped received January 4, 2019, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. At such time as a MCDOT approved Traffic Impact Study demonstrates that sufficient warrant(s) exist for the installation of traffic signal(s), the development that generates the traffic that will trigger such sufficient warrant(s) shall be responsible for the installation of the traffic signal(s) as part of its infrastructure/site improvements.
 2. Dedication of right-of-way along the following roadway alignments will be required prior to any development on the site:

Northern Avenue: 65 feet (ultimate half width); and
Cotton Lane: 65 feet (ultimate half-width)

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.
- d. All buildings are subject to noise attenuation as per ARS § 28-8482(B).
- e. 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.
- 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 be scheduled for consideration to revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that revocation due to the failure to comply with any condition 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.

- g. The following C-2 CUPD restrictions shall apply:
 - 1. Art metal iron shops, automobile repair, cabinet shop, drive-in restaurants, drive-thrus, farm/animal hospitals, tinsmith shops, and veterinary hospitals containing kennel or boarding will not be allowed within 150' of the northern property boundary.
 - 2. Adult oriented businesses and medical marijuana facilities will not be allowed on the subject property.
- h. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years for the initial phase and an additional five (5) years for each subsequent phase, within which time the subdivision infrastructure permit or construction permit for each phase must be obtained. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of Z2018091 which details the status of this project, including progress on obtaining subdivision infrastructure and/or construction permits. The status report to be administratively reviewed by Planning and Development with the ability to administratively accept or to carry the status report to the Board of Supervisors (Board), upon recommendation by the Planning and Zoning Commission (Commission) for consideration of amendments or revocation of zoning for undeveloped parcels.

Z2018092 conditions;

- a. Development of the site shall comply with the Zoning Exhibit entitled "Northern Crossing Z2018092", consisting of 1 full-size sheet, dated January 4, 2019, and stamped received January 4, 2019, except as modified by the following conditions.
- b. Development of the site shall be in general conformance with the Narrative Report entitled "Northern Crossing Rezoning with Commercial Unit Plan of Development", consisting of 8 pages, dated January 4, 2019, and stamped received January 4, 2019, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - 1. At such time as a MCDOT approved Traffic Impact Study demonstrates that sufficient warrant(s) exist for the installation of traffic signal(s), the development that generates the traffic that will trigger such sufficient warrant(s) shall be responsible for the installation of the traffic signal(s) as part of its infrastructure/site improvements. Based on the Traffic Impact Study submitted with this application, development of the subject premises will warrant the

need for traffic signals at the intersections of Cotton Lane and Northern Avenue; and Cotton Lane and Granite Vista Loop South. Design and permitting of these signals must be addressed as development plans progress and are submitted to the County for further review and/or entitlement.

2. Dedication of right-of-way along the following roadway alignments will be required prior to any development on the site:

Cotton Lane: 65 feet (ultimate half-width)

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.

- d. All buildings are subject to noise attenuation as per ARS § 28-8482(B).
- e. 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.
- f. The following R1-6 RUPD standards shall apply:
 1. Minimum front yard setback/Minimum garage setback:
10' for livable areas, porches / 18' from face of garage to property line
 2. Minimum Lot Width: 45'
 3. Minimum Lot Area" 5,400 SF
 4. Minimum Lot Coverage: 55%
 5. Minimum Rear Yard Setback: 15'
 6. Side setback: 5'
- g. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years for the initial phase and an additional five (5) years for each subsequent phase, within which time the subdivision infrastructure permit or construction permit for each phase must be obtained. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of Z2018092 which details the status of this project, including progress on obtaining subdivision infrastructure and/or construction permits. The status report to be administratively reviewed by Planning and Development with the ability to administratively accept or to carry the status report to the Board of Supervisors (Board), upon recommendation by the Planning and Zoning Commission (Commission) for consideration of amendments or revocation of zoning for undeveloped parcels. Status reports will be required until completion of the initial subdivision infrastructure and/or construction permits for each zoning parcel (zoning districts).

- h. 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 at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

- 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 be scheduled for consideration to revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that revocation due to the failure to comply with any condition 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.

DMP2018007 conditions;

- a. Development and use of the site shall generally comply with the Narrative Report entitled "Rancho Cabrillo Parcels G, N, U, Q", consisting of 19 pages, dated stamped received December 6, 2018, except as modified by the following conditions.
- b. Compliance with DMP2006009 conditions/stipulations of approval, as applicable, shall be maintained.

Z2018095 conditions;

- a. Development and use of the site shall generally comply with the Narrative Report entitled "Rancho Cabrillo Parcels G, N, U, Q and Portion of N", consisting of 10 pages, dated stamped received December 6, 2018, except as modified by the following conditions.
- b. The following Engineering conditions shall apply:
 - 1. A Traffic Impact Study to address traffic impacts and (additional) roadway improvements required to support the proposed development must be submitted with the Preliminary Plat application.
 - 2. A CLOMR application to the Flood Control District must be approved prior to or concurrent with the application for Final Plat.
- c. The following changes to the R1-6 RUPD PAD zoning district development standards shall apply for Rancho Cabrillo Parcels G, N, U, and Q:
 - 1. Maximum lot coverage - 55% for parcels G, N, U, Q
 - 2. Minimum front setback - 10'/18' (10' livable and side loaded garage, 18' for front facing garage) for parcels G, N, U, Q
 - 3. Minimum lot width – 45' for parcels G, N, U, Q
 - 4. All other R1-6 RUPD PAD standards from Z2006069 shall apply
- d. Compliance with Z2006069 conditions/stipulations of approval, as applicable, shall be maintained.

REGULAR AGENDA

Special Use Permit - Z2017112 (Cont. from 11/8/18)

District 4

Applicant: William M. Smith, Matinee Media Corporation
 Location: Generally located 3 miles south of the US-60 and 11 miles west of Vulture Mine Rd. in the Wickenburg area

Request: Special Use Permit (SUP) for a 150' (h) radio tower in the Rural-190 zoning district – Effus Ranch Tower Project

Mr. Banker presented Z2017112 and noted this case was continued from the November 8, 2018 Planning and Zoning hearing to allow for staff interpretation of the zoning ordinance. It was heard by the Board of Adjustment on December 20, 2018. The Board dismissed seven of the requests due to lack of jurisdiction and denied the eighth request. There are issues with the subject tower not obtaining construction permits and letting the Temporary Use Permit expire. There is a pending building permit for the tower and a violation case which is under a compliance agreement. The proposed SUP is a suitable land use given the remote location of the site. The closest setback from the tower to any adjacent property is approximately 830 feet which is the north property line. The request for the SUP to be permanent is supported by staff, and staff recommends approval with conditions listed in the staff report.

Mr. Brian Greathouse said he is representing Matinee Media Corporation and noted they are okay with stipulations 'a'-'f'. They do have a compliance agreement in place that obligates Matinee Media to do certain things on certain dates through next year.

Commissioner Ruby asked why this SUP came through as permanent instead of long term, and asked if this was part of the discussion. Mr. Banker said it's in a very remote area and we typically don't see a lot of radio towers, plus there's no issue with the land use in the area, and there's no close residents. Staff thought it's a permanent solution to have it entitled that way.

Mr. Gerard said we do not see the land use patterns changing in this area in the future.

COMMISSION ACTION: Commissioner Schlosser to approve Z2017112 with conditions 'a'-'f'. Vice Chair Montoya second. Approved 9-0.

- a. Development of the site shall comply with the Site Plan entitled "Effus Ranch Tower Project", consisting of 1 full-size sheet, dated stamped received on October 5, 2018 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Effus Ranch Tower Project", consisting of 4 pages, dated stamped received on October 5, 2018 except as modified by the following conditions.
- c. The maximum height of the radio tower shall be 150'.
- d. This Special Use Permit shall not expire. However, all of the site improvements shall be removed within 90 days of cessation of the approved land use.
- e. 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.

- 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, 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.

Comprehensive Plan Amendment - CPA2018008

District 4

Applicant: Tiffany & Bosco, PA
Location: Generally located at the northwest corner of India School Rd. and Perryville Rd.
Request: Comprehensive Plan Amendment to change the White Tank Grand/Avenue Area Plan land use designation from Large Lot Residential (1-2 d.u./ac.) to Single Family Transitional Lot (3-5 d.u./ac.) – Eyherabide Dairy

Ms. Sarnowski presented CPA2018008 and Z2018115 and noted this site is located in the Buckeye Planning Area and it's adjacent to the City of Goodyear. The site is currently being used as a dairy farm. The applicant has demonstrated the CPA request meets the criteria as outlined in the staff report and the narrative. In addition to the CPA, the applicant has requested to modify some of the development standards of the R1-6 zoning district. The applicant stated there will be a range of lot sizes and a minimum open space of 15 percent to meet the lot area per dwelling unit to meet the R1-6 zoning. Staff has received one letter of opposition and three letters of support. Staff recommends approval subject to the conditions in the staff report.

Ms. Ashley Marsh with Tiffany & Bosco said she is representing the Eyherabide's in rezoning and changing the land designation. This is an active dairy and they have owned this property for a number of years. The zoning and the CPA request is consistent with growth and development in the area and is in line with the Luke graduated density policy falling below 3 to 6 dwelling units per acre. The site plan offers four different lot sizes with generous open space. They did outreach to the community and received one letter of opposition from a property owner in the Arroyo Mountain Estates community and his concern was traffic in the area. She had a conversation with him and was able to point out MCDOT is currently working on a crossing over Camelback Road and Perryville Road. This would alleviate some of that traffic coming out of Arroyo Mountain Estates. They had good conversations with some of the residents in the Sedella community, and they are

welcoming residential development consistent to what they've seen in the area and have wrote letters of support. They are asking for approval that is consistent with staff's recommendation, similar zoning, far less density and creating a large open space with community amenities, enhanced community outreach, and added stipulation language to accommodate the rural residential neighbors. They have support from staff, the neighbors in Sedella and Luke Air Force Base.

Mr. David Kasper said he lives in Goodyear and is here in support of the proposed land use change and subdivision. His only concern is to have a good school bus ingress/egress. He served 12 years on the school board and he has dealt with lots of issues, and the children in that community need good transportation flow in and out of their neighborhood.

Mr. Charles Brougner said he lives in the Sedella community northeast of the dairy farm, and he is in support of this measure. They moved here about a year ago and they enjoy living in this area. There's been a lot of thought process with the infrastructure, and planning with the roads, and planning for the future. This will support the traffic that is associated with residential change. He lives in the direct path of the odor coming from the dairy farm, and knows it was there before he moved in, but they spent a lot of money on their backyard and there are many evenings they can't use it. He strongly supports this.

Mr. Tom Heyser said he bought his house 10 years ago and there was nobody around them and he doesn't mind the smell. Since Sedella was developed it has been getting more and more populated. He's not against having houses there, but he is against the R1-6, with houses only 6,000 square feet where they could put many houses in there. The traffic is already bad at Indian School and Perryville Road, and Perryville has a school on it. You can't widen the road because of the school, so everybody has to go up Indian School. He would like it if it can be zoned for reasonable size lots.

Commissioner Schlosser said he grew up on a dairy farm and the smell doesn't bother him either, and he asked if their cap is at 675. Ms. Marsh said yes, they are proposing a cap at 675 with four different lot sizes up to almost 8,000 square feet, exceeding the 6,000 that was referenced.

Commissioner Schlosser asked about the noise contour and if they talked with Luke. Ms. Marsh said yes, they have spoken with Luke and they issued a letter of support, and we are well within their graduated density concept.

Commissioner Schlosser asked if there is a letter from the school. Ms. Marsh said no, we have no letter from the school on this case, but there are new schools throughout Verrado and Sedella. This will be a great site to access these schools.

Chairman Lindblom asked if they could address the ingress/egress concern with the bus safety. Ms. Marsh said that would normally come with platting, so they'll make sure the platting meets the County requirements. We are doing roadway improvements, and it will have dedication with additional roadway for future growth and development.

COMMISSION ACTION: Commissioner Schlosser motioned to approve CPA2018008 with conditions 'a'-'d'. Commissioner Burrows second. Approved 9-0.

- a. Development of the site shall be in general conformance with the Narrative Report entitled "Eyherabide Dairy, Comprehensive Plan Amendment," consisting of 22 pages, dated and stamped received December 7, 2018, 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 675 dwelling units.
- d. The following Planning Engineering condition shall apply:
 - 1. Right-of-way dedication and perimeter road improvements will be required as part of future entitlements. This includes Indian School Road, Perryville Road and possibly 191st Avenue.

Zoning - Z2018115

District 4

Applicant: Tiffany & Bosco, PA
Location: Generally located at the northwest corner of India School Rd. and Perryville Rd.
Request: Zone Change from Rural-43 to R1-6 RUPD – Eyherabide Dairy

COMMISSION ACTION: Commissioner Schlosser motioned to approve Z2018115 with conditions 'a'-'j'. Commissioner Burrows second. Approved 9-0.

- a. Development of the site shall be in general conformance with the Zoning Exhibit entitled "Eyherabide Dairy Exhibit", consisting of one 11x17, dated November 2018 and stamped received December 7, 2018, except as modified by the following conditions.
- b. Development of the site shall be in general conformance with the Narrative Report entitled "Eyherabide Dairy", consisting of 28 pages, dated

December 7, 2018, and stamped received December 7, 2018, except as modified by the following conditions.

- c. The following Planning Engineering conditions shall apply:
1. A Traffic Impact Study to address traffic impacts and roadway improvements required to support the proposed development must be submitted with the Preliminary Plat application.
 2. Dedication of right-of-way along the following roadway alignments will be required prior to any development on the site:
 1. Indian School Road: 65 feet (ultimate half-width);
 2. 191st Avenue: 50 feet (unless otherwise waived by MCDOT);
 3. Perryville Road: 65 feet (ultimate half-width), or as otherwise required by the City of Goodyear

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.

- d. All buildings shall be subject to noise attenuation as per ARS § 28-8482(B).
- e. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

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

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

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

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

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

- f. The following R1-6 RUPD standards shall apply:
 - 1. Front Yard: 18' with a front loaded garage; 12' for side loaded garage or livable area of dwelling unit
 - 2. Rear Yard: 20'
 - 3. Lot Area: 5,175 sq. ft.
 - 4. Lot Width: 45'
 - 5. Lot Coverage: 55%
- 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. Owner shall provide written notification to future residential owners that rural residential, equestrian and agricultural activities may occur proximate to the site. Such notification shall be in subdivision public reports, and/or Covenants, Conditions & Restrictions (CC&Rs). Such notice shall state:

"You are purchasing property near a rural residential property that has livestock and engages in horse roping activities. Such activities may produce dust, noise, light and odor among other things."

Documentation of the conveyance documents public report and CC&Rs shall be provided to the Planning & Development Department.

Zoning - Z2018068

District 4

Applicant: Richmond American Homes
Location: Southwest corner of El Mirage Rd. and Maryland Ave. in the Glendale area
Request: Zone Change from R1-10 RUPD to R1-6 RUPD – Seasons at Riverside

Mr. Bak presented Z2018068 and noted the site size is 36.7 acres and the density proposed is 3.43., and the dwelling units per acre with the Glendale Area Plan calls for medium density residential. There's been numerous items of opposition received before and after the staff report was written. Staff's recommendation is to approve as outlined in paragraph 14, and a request for additional conditions were received well after the completion of the staff report and provided as a handout to the Commission.

Mr. Brennan Ray said he is here on behalf of Richmond American Homes. This a rezone request to rezone 36 acres from R1-10 to R1-6 RUPD and believe this development is appropriate for the site. We have worked closely with staff and the neighbors to create a development consistent with good planning principles that provides transition between different properties including some intense uses further to the east. We are okay with the conditions of approval including the additional conditions circulated to the Commission. With new condition 'c.4', there is sufficient space to accommodate a left turn lane as indicated at the plat process. We will work with staff to make sure there is appropriate spacing. This might require them to shift the entrance a little to the west. Looking at the surrounding area to the east is the Glendale Municipal Airport and to the west is a mining pit operation and to the south is a middle school and water facility. The plan is 126 lots, a density of 3.4 dwelling units per acre, and has 29 percent open space. We have larger lots on the west and north adjacent to some existing homes. The primary entrance is off of El Mirage and a secondary off of Maryland. We moved the Maryland entrance as far to the east as we can to avoid conflicts with a number of existing homes that front onto Maryland on the north side. As you look along El Mirage there are smaller lots that are consistent to the ones they are proposing. The concept of good planning principles is certainly evident in the zoning map. There is a middle school immediate south of us, and R1-6 transitioning to R1-7, and R1-8 to the west. We had our first neighborhood meeting on August 15, 2018 and 22 neighbors showed up to that meeting. There were various concerns that our proposed site was too dense, they wanted to keep the R1-10 zoning, increase in traffic, and a decrease in property values. The original site plan that was presented at the meeting had a 144 lots and were all 45 foot wide lots. We had another neighborhood meeting on September 11, 2018 and made changes to the plan and presented it at that meeting, and we received more feedback at that meeting. We e-mailed out the new proposed site plan on October 4, 2018. We increased the lot sizes along the west and north, and it was important to some of the neighbors to open up that area in the southwest corner. We did place a single- story restriction on lots 3 through 7

along Maryland Avenue and lots 15 and 19, since they are adjacent to single-family homes. We believe this is an appropriate development plan for this site, and request approval in accordance with staff's recommendations.

Vice Chair Montoya said thank you for taking the time to listen to the neighbors and the surrounding area and incorporating some of the feedback.

Vice Chair Montoya asked how many students do you expect, and what kind of impact will that have with the immediate schools, and did you have conversations with the school district. Mr. Ray said they had an initial discussion with the school district but need to follow up with them to continue those discussions. With the original 144 lots we anticipated roughly 70 students with a mix of elementary and high school.

Ms. Allison Bowns said she lives within the 300 foot perimeter of this development and she's been working with Jose Castillo and Brennan Ray trying to get a workable development for their community. The development was originally from 2005 and they had 80 parcels in the same area. When they put in the request for 144 lots, which is an 80 percent increase than what was cited. Through negotiations, they are now at 58 percent over what was originally there. She built her home in that area for a quality of life, and many of us that live out their own our own businesses, and need the space to have the environment that they paid for. With all new development there is issues and we are trying to work with them, but this is their bottom line, and they want to move forward with 126 homes. This is not being a good neighbor in our neighborhood. On El Mirage it is already a bottle neck with the school and the new development will be adding a lot more traffic. There's another development that is R1-10 and the average lot sizes are 12,518 square foot. They are welcomed into our neighborhood because they are developing in a manner consistent with the surrounding area. We have a protest petition with over 100 signatures, 104 parcels were involved, and over 90 acres of neighbors said they don't want it at this level. She has contacted the school district and the sheriff's office, but she still does not have an answer. She doesn't know what kind of services will be provided. She is asked the Commission to deny the request as granted. They've worked with other developers and came up with a consensus and they are still not finished with this development.

Mr. Carroll Frison said he lives in Litchfield Park and he has handouts for the Commission showing a comparison of two developments. The owner of Maryland Ridge came to the neighbors first before submitting to the County. The original plat when rezoned from rural was 49 lots, R1-8. He wanted to go to the County with a rezone of 81 lots R1-6 RUPD and we had meetings and discussions and reached a compromise, 60 lots R1-8 RUPD and over 8,000 square feet and the neighbors supported this. With Seasons at Riverside the original plat 89 lots, R1-10 RUPD, the request first went to the County not the neighbors for 144 lots, R1-6 RUPD and so far they are at 126 lots, R1-6 RUPD. This is a 58 percent over the original plan. In the drawing provided you see it denser in the northwest corner. At Wigwam Creek North there's 48 percent renters, and this is what happens when you cram people together across from a rock pit people want to get out of there, or walk away from their homes. We don't want this to happen, and if you let one development in then the next guy wants R1-6 RUPD.

Commissioner Arnett asked what two distinct reasons behind not wanting the density are. Mr. Frison said it is mainly lifestyle and the change in the area.

Mr. Kevin Ross said he lives on Maryland Avenue and this development will be right across the street from him. His biggest concern is El Mirage Road with lots of traffic and lots of trucks. They've lived there for 22 years and have seen some major accidents. Maricopa County has nothing planned to widen El Mirage Road and there's really not enough room to widen it. This new developer would have to create some more setbacks and make a proper left turning lane going into their development. Maryland Avenue is overrun with traffic and the school has no room for buses and the kids get dropped off. He put in Maryland Avenue himself when nothing else was out there and when the school came they paved it. Traffic and noise are his biggest concerns. He has a lot of money invested in their land and he would appreciate if this developer would reconsider and leave it at R1-10 or create more setbacks and bigger homes.

Ms. Kathleen Ross said her major concern is the traffic, it gets so backed up going west because of the school and they can't even get out of their own driveway at times. It'll get backed up going east with only a stop sign there, and there's been accidents. The developer wants to come in and do an R1-6 and it is closer to an R1-5 closer to 5,000 square feet. When she read the zoning it was a minimum of 6,000 feet for an R1-6. She doesn't understand why they are requesting such small lots. Originally it was RU-43 and went down to an R1-10 which was 80 homes, now they want to do 126. The impact of the traffic will be horrendous. Eventually there might be widening of the roads, but right now they are not wide enough, and there is no traffic light at El Mirage and Maryland. It'll just create more accidents.

Mr. Ray said Richmond American Homes is a national builder and they've done their market research and done a study. They believe what they are proposing from a market standpoint is appropriate. They talked about negotiating with another developer and that developer is immediately to our west, and it fronts on to Maryland Avenue, and we front on to El Mirage. Unlike that particular development we need to deal with the intensity of the mining operations and know what exists there today. Addressing the traffic and infrastructure, while the preliminary plat is not before you right now but it will come before you, and traffic will be reviewed. Half street improvements along Maryland Avenue will be an additional 40 feet of right-of-way which should help alleviate some of the concerns the Ross's talked about relating to access in and out of that school. We will be making improvements to the west half of El Mirage Road to be reviewed through MCDOT. The infrastructure improvements will take place to help alleviate some of the concerns today. With the impact on lifestyle and impact on the surrounding area, our primary access is from El Mirage and secondary access is off of Maryland. Some of those neighbors live southwest of the site in acreage properties, and we don't access them and they don't access us. The only place we have interaction with them is on the western boundary with a considerable amount of buffering. The landscaped tract starting at the north is 60 feet wide and as we move further south it is 50 feet wide. We have increased those lot sizes to 10,000 square feet and believe it is appropriate, and staff believes it's appropriate and we request approval.

Commissioner Schlosser asked if the County has a minimum open space requirement. Mr. Gerard said we do not, we address that when there's an RUPD. One of the comments made from a speaker with R1-6 minimum lot coverage 6,000 square feet, that's correct for the base zoning district. In this instance there's a Residential Unit Plan of Development proposed an overlay zoning district. They must maintain a 6,000 square foot average lot area per dwelling unit. Meaning those smaller lot sizes are offset by the provision of open space, which normally will not be an open space provision with understanding there's going to be retention requirements not necessarily useable, natural or recreational open space.

Commissioner Schlosser noted the City of Phoenix and the City of Goodyear have 10, 12 or 15 percent minimum open space requirement. Mr. Gerard said there are planning policies to further provision of open space but there's no regulation, it must be provided.

Commissioner Schlosser asked how many dwelling units per acre are in R1-6. Mr. Gerard said six dwelling units per acre. When we applied the RUPD overlay, it cannot increase the potential density. The allowance for smaller lot sizes even less than the base zoning district minimum of 6,000 square feet is offset by provision of open space. The average lot per dwelling unit which is the area of open space and residential lots divided by the number of principle dwelling units is going to maintain a 6,000 square foot average lot area per dwelling unit or greater.

Commissioner Schlosser asked if this is 29 percent open space. Mr. Ray said yes, it's approximately 29 percent of open space.

Commissioner Schlosser asked if the density is 3.75. Mr. Ray said he believes the density is 3.43 gross and once you take everything out it is 3.75 net.

Commissioner Arnett asked if this is a gated community. Mr. Ray said yes, it is planned to be gated.

Commissioner Arnett said he is concerned about the traffic backing up from the school and not being able to get out of your neighborhood. Something has changed where everyone drives their kids to school.

Commissioner Arnett asked what is the widening of the road going to look like on Maryland. Mr. Ray said there is pavement existing today, and as you head south that's where the improvements will take place to widen that. As we go through and widen there will be adjustments made to the striping, and we'll work with MCDOT to make sure Maryland is appropriate. We are aware of the concerns expressed by the neighbors of the school, and we certainly experienced this in other areas of the valley where school traffic tends to back up. This is part of the reason they shifted the entrance to the west to accommodate the neighbor's comments, as well as to take a look and proactively see the best way to get our residents out quickly.

Commissioner Arnett asked if the school is across the street, and how many kids the school serves. Mr. Ray said yes it is, and it's a charter school not run by the public school district. The residents that live there might have a better idea of the number of kids.

Chairman Lindblom said he is hearing there are 500 students at the school.

Commissioner Schlosser said when he first looked at the conceptual plan and how they are trying to mitigate the north and the west, the 90 foot lots should be a sufficient buffer to adjacent property owners. He counted one house on the west and three houses on the north side.

Chairman Lindblom said in the early mornings and late afternoons the lines may be long. He agrees with Commissioner Arnett's concerns not being able to get out of your own neighborhood, and with his own neighborhood they have two ways to get out, and there's certain times of the day he goes out a different way. El Mirage will be the main access, and his concerns are a bit more lessened because there's another way to get out.

Vice Chair Montoya asked how many lanes will be on Maryland and will there be a left turn lane to turn on El Mirage? Mr. Ray said there's plans to have two travel lanes with a center striped flush median, and he believes there's enough space at El Mirage and Maryland to provide a left turn lane. Plus it is reflected in one of the stipulations that was circulated this morning.

Commissioner Arnett said he appreciates this process, and in his experience it is always challenging but at the same time you have to mitigate the concerns. Just by looking at the aerial there could be significant drainage issues, but they will be solved by this development process. These are all concerns, but they have thoughtfully created some space to push all the traffic to the east and it is open. He appreciates the thoughtful design. Some of his concerns have been mitigated and his intent is support what has been presented today.

Commissioner Schlosser said this could have been denser, but by mitigating with 95 foot wide lots that's what gained his support.

COMMISSION ACTION: Commissioner Schlosser motioned to approve Z2018068 with conditions 'a'-'h' with inclusion of condition 'b.9' and conditions 'c.4' and 'c.5'. Commissioner Burrows second. Approved 9-0.

- a. Development of the site shall comply with the Narrative and Zoning Exhibits entitled "Seasons at Riverside", consisting of 8 full-size sheets, and stamped received December 17, 2018, except as modified by the following conditions.
- b. The following R1-6 RUPD standards shall apply:
 1. Front Yard: 18' front facing garage, may be reduced to 10' for side entry garages or living area of dwelling unit.
 2. Rear Yard: 15'
 3. Lot Area: 5,175 sq. ft.
 4. Lot Width: 45'
 5. Lot Coverage: 55%

6. Walls: 6' (h) privacy wall w/max. 6'- 8" column
7. Maximum Height of Subdivision 6' Monument: 8' (h) Primary – 6' Secondary
8. Maximum Subdivision Sign Area: 40 sq. ft. Primary - 32 sq. ft. Secondary
9. **Lots 3 – 7 and 15 – 19 shall be limited to single story.**

c. The following Planning Engineering conditions shall apply:

1. Right-of-way dedications for perimeter streets will be required as follows with plat approval, unless otherwise waived by MCDOT:

El Mirage Road:	65 Feet
Maryland Avenue:	40 Feet

2. A Traffic Impact Study to address traffic impacts and (additional) roadway improvements required to support the proposed development must be submitted with the Preliminary Plat application.
3. If required, submission of a CLOMR application to the Flood Control District must be made prior to or concurrent with the application for Preliminary Plat.
4. **The owner/developer shall be required to provide a designated left turn lane on Maryland Avenue for westbound traffic to access the site at 124th Dr. The left turn lane shall be designed and constructed in accordance with MCDOT requirements.**
5. **A Traffic Impact Study shall be submitted with the preliminary plat application. Left/right turn lane warrants must be analyzed for access into the site at Maryland Ave. off of El Mirage Road.**

- d. 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.
- e. 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.
- 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.

- g. 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.
- h. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).

Zoning - Z2018124

District 2

Applicant: Karen Nabity
 Location: Approximately 300' south of the southeast corner of 144th St. and Cavedale Dr. in the Rio Verde area
 Request: Zone Change from Rural-190 to Rural-43 – Laborde Property

Mr. Scheerer presented Z2018124 and noted the site is approximately 2.5 acres in Rural-190 zoning district with five acres minimum, and 4.33 is the minimum for development. Staff has received five e-mailed letters of opposition since the production of the staff report. Staff has received additional opposition and support, and received a total of six letters of opposition and received seven letters of support. Staff is recommending approval of the request with the conditions in the staff report.

Ms. Karen Nabity, the applicant said this is a 2.5 acre lot that was purchased in 1977 by Lucy Laborde, and it was zoned incorrectly. She has a total of 24 letters of support with her and five letters in opposition. She talked to the originating party of the letters against and he was under the impression the zoning change was for 10 acres because they had to have two signs posted by a big lot and everyone assumed it was a developer. Her son would like to purchase this lot to build a family home. She asked for this request to be approved, so the lot can become buildable.

Mr. Josh Morris said he is not a developer, and he is trying to make 2.5 acre lot buildable. Some of the neighbors were under the wrong impression, but they are ahead of it now. They have a lot of neighbor support along that street.

COMMISSION ACTION: Commissioner Hiatt motioned to approve Z2018124 with conditions 'a'-'c'. Commissioner Arnett second. Approved 9-0.

- a. Development of the site shall be in general conformance with the Narrative Report entitled "Laborde Property Narrative", consisting of 2 pages,

undated, and stamped received November 7, 2018, except as modified by the following conditions.

- b. 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.
- c. 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 Lindblom adjourned the meeting at 10:56 a.m.

Prepared by Rosalie Pinney
Recording Secretary
January 17, 2019