

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

January 31, 2019  
9:30 a.m.

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

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**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

Ms. Jennifer Ruby  
Mr. Robert Zamora

**STAFF PRESENT:**

Mr. Darren Gerard, Planning Services Manager  
Ms. Jaclyn Sarnowski, Planner  
Ms. Rosalie Pinney, Recording Secretary

**COUNTY AGENCIES:**

Mr. Robert Swan, County Attorney

**CONSENT:**

**Z2009004, MCP2018005**

**REGULAR:**

**Z2018076**

Meeting called to order at 9:30 a.m.

Chairman Lindblom asked if there were any changes or comments to the November 8 minutes, none.

**COMMISSION ACTION: Chairman Lindblom approved the November 8, 2018 minutes as written.**

**CONSENT AGENDA**

**Special Use Permit - Z2009004**

**District 4**

Applicant: Rose Law Group / Chris Webb  
Location: Generally located at the northwest corner of Olive Ave. and Bullard Ave. alignment in the Glendale area  
Request: Removal of a portion of the Special Use Permit (SUP) - Plains Bumstead Terminal Facility

**Military Compatibility Permit - MCP2018005**

**District 4**

Applicant: Rose Law Group / Chris Webb  
Location: Generally located at the northwest corner and northeast corner of Olive Ave. and Bullard Ave. alignment in the Glendale area  
Request: Military Compatibility Permit (MCP) with a precise Plan of Development (POD) for the existing and expansion - Plains Bumstead Terminal Facility

Ms. Sarnowski presented the consent agenda.

**COMMISSION ACTION: Commissioner Burrows motioned to approve Z2009004, the removal of 4.4 acres from the SUP, and MCP2018005 with conditions 'a'-'e'. Commissioner Schlosser second. Approved 8-0.**

**MCP2018005 conditions:**

- a. Development of the site shall comply with the Site Plan entitled "Plan of Development Terminal Site Expansion", consisting of 5 full-size sheets, dated December 8, 2018, and stamped received December 12, 2018, except as modified by the following conditions.
- b. Development of the site shall be in general conformance with the Narrative Report entitled "Plains Terminal Site Facility Expansion", consisting of 13 pages, dated December 6, 2018, and stamped received December 12, 2018, except as modified by the following conditions.
- c. The following Rural-43/SUP MAAMF standards shall apply:
  - 1. Maximum Building Height: 40'
  - 2. Maximum Outdoor Lighting Height: 40'
  - 3. Front yard setback (Terminal Site): 15'
  - 4. Front yard setback (Expansion Area): 20'
  - 5. Side yard setback (Terminal Site & Expansion Area): 5'
  - 6. Street side yard setback (Terminal Site & Expansion Area): 5'
  - 7. Rear yard setback (Terminal Site): 0'
  - 8. Rear yard setback (Expansion Area): 25'
  - 9. Front/Rear Setback between Ldn 80-84 – Ldn 75-79: 0'/0'
  - 10. Lot Coverage: 60 percent
  - 11. Minimum Lot Width: 60'
  - 12. Screening: Perimeter fencing to be chain-link
  - 13. Lot Size: 6,000 sq. ft.
- d. The following IND-3 IUPD MAAMF standards shall apply:
  - 1. Maximum Building Height: 40'
  - 2. Maximum Outdoor Lighting Height: 40'
  - 3. Front/Rear Setback between Ldn 80-84 – Ldn 75-79: 0'/0'
  - 4. Lot Coverage: 60 percent
  - 5. Screening: Perimeter fencing to be chain-link
  - 6. Lot Size: 6,000 sq. ft.

- e. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the MCP. The MCP enhances the value of the property above its value as of the date the MCP is granted and reverting to the prior zoning results in the same value of the property as if the MCP had never been granted.

### **REGULAR AGENDA**

#### **Zoning - Z2018076**

#### **District 4**

Applicant: MPA Architects / Leonardo Dale; Simone CRE / David Newton  
Location: Approximately 650' north of the northeast corner of Jackrabbit Tr. & McDowell Rd. in the Buckeye area  
Request: Zone Change with Overlay from Rural-43 to C-1 Commercial Unit Plan of Development (CUPD) – Dollar General at Jackrabbit

Ms. Sarnowski presented Z2018076 and noted the applicant is requesting to modify the development standards of the C-1 zoning district, and is requesting a deviation to the screening standards for commercial zoning adjacent to the rural residential zoning districts, and proposing to utilize the existing wood-slotted fence to the east and provide wood-slotted fencing to the north. The building is setback over 40 feet from the east property line and no parking is directed in this direction. The adjacent property to the north is vacant. They are also proposing to use septic for the site and sewer is available through the City of Buckeye, however this would require a pre annexation agreement. The applicant would prefer to stay in the unincorporated jurisdiction of Maricopa County. Staff received two letters of opposition with concerns of traffic on Jackrabbit Trail and drainage concerns.

Mr. David Newton with Simone CRE said he is here to answer any questions or concerns.

Commissioner Schlosser asked how you can accommodate both the traffic and drainage. Mr. Newton said they have already engaged the traffic engineer and submitted plans to the city. He has spoken with the traffic engineer, and all through the process there's been no request for any traffic analysis that warrants any new turning lanes or traffic lights. This project is not a traffic generator.

Commissioner Schlosser asked how many cars on average per day. Mr. Newton said 200 trips per day and our project doesn't bring people to the neighborhood. They will serve residents in the neighborhood who are already using Jackrabbit Trail.

Mr. Newton said as far as the drainage they are creating a temporary retention basin across the north side of their lot which will cut off the storm water flow coming from the north. We will not be discharging any water in any direction and we will be holding everything on site which is a Maricopa County standard. We meet all those standards.

Mr. Eric Mansfield said he is the owner of Waddell's Longhorn Corral which has been there since 1958. This has been a family business for 60 years, and he has put millions of dollars into the property building it on a country setting. When he bought the property he knew there was residential property to the north and commercial property to the south. Over the past 15 years he has seen Jackrabbit go from a standstill to a race track. He is having a lot of problems with safety in the area and drainage with this project. It is too close to the Longhorn. He asked what's going to happen down the road when they decide to develop, are they going to keep passing the drainage down the road. For years he has been flooded out since The Longhorn is the lowest property in the area. It comes from the north and the south. The water runs on both sides of his property and they had to pump it out several times before he paved the area. There shouldn't be any zone changes until the roads and the lighting are addressed. There is plenty of commercial property in the area to purchase and there is no need to be building something like this on a residential lot. He has talked to the surrounding neighbors and they would like to keep it residential because it will ruin their mountain views. He doesn't want stagnant water around his restaurant while he is trying to serve food. He has been there a long time and knows how much water runs through that property. Other commercial properties in the area have entryways 150 feet to 200 feet away from his, and to bring in another 200 cars daily to a store right next to his entryway will be a disaster. He is the one serving alcohol and if something happens he's liable for everything. He's not against development, but there is a lot more things that need to be done first before any development is to be done there. It could take his customers four or five minutes to get out of his parking lot. He went to court to open up the public easement to exit out to McDowell and it cost him \$110,000 and it almost put him out of business, but he won. He has done everything he can do to make it a safer environment. The roads cannot sustain another commercial facility.

Chairman Lindblom asked what is his traffic count per day is. Mr. Mansfield said he serves 50,000 to 60,000 plates of food per year, and thousands weekly.

Chairman Lindblom asked what kind of accidents have happened in that area. Mr. Mansfield said he has seen a ton of them. He's seen fatalities and motorcycle wrecks.

Chairman Lindblom asked how many accidents in the past six months. Mr. Mansfield said he hasn't seen any wrecks within six months just a lot of crazy drivers. If they are going to continue to develop they need to control the traffic and slow it down.

Commissioner Schlosser said he lives a couple miles northwest from this property and he is familiar with Jackrabbit. There are other new subdivisions under construction north of here and asked what are the County's plans to improve the roads, and is it the City of Buckeye or the County or both. Mr. Gerard said it is a combination, and he doesn't know of any plans in the future, and it is development driven with the subdivisions. The applicant is going to provide a 65 foot ultimate half-width dedication, but doesn't believe the traffic

analysis indicates further improvements. There will be complications getting a dedication at the Longhorn property because the location of the building. He urges them to coordinate for a shared access, because the existing condition for the tavern could be problematic with uncontrolled access along the length of the frontage. It would be better to have a shared access and emergency only on the south. The drainage issues would be solving itself because there's no retention out there today. The proposal would capture offsite flows and retain those as well as the onsite generated storm water. The requirement is for the retention basins to drain within 36 hours to avoid vermin and vector. It would be a violation if it wasn't developed accordingly.

Commissioner Schlosser said the way the applicant is designing the onsite retention it should act like a dam, and a couple hundred cars within 8 to 10 hours wouldn't be significant.

Mr. Roger Smith said he lives on 194<sup>th</sup> Avenue and he has lived there for 23 years when there was nothing there except the bar. He is worried about the drainage and mosquitoes going into the area. He has dogs and grandkids and he is worried about them getting the West Nile virus. The water hits that property and it comes across his driveway bad and it won't catch all that water it will end up overflowing. Ever since they put in the Park-in-Ride the traffic has increased, and people run that stop sign. He won't get off the freeway and get on Jackrabbit to go north because it will take a half hour to get across that road. He goes to Perryville since they have stoplights and he gets home safe and he doesn't want people to die on the road. He can walk over a get a loaf of bread at the dollar store, but with the bar he doesn't walk over there because he is not a drinker.

Commissioner Arnett said the applicant will be improving the situation giving some of the roadway for future development, and the onsite retention is better than being undeveloped. When we talk about traffic long term sometimes with larger master plan areas you can create huge spaces for retention. He asked staff to speak to how it solves itself. Mr. Gerard said it would be resolved through engineered grading and drainage plan requirement for the eventual construction permit that requires all storm water flows to be retained on site and to drain in 36 hours. They will mass grade the site. What's there today is probably a situation where there are low points that will retain the water and it doesn't drain down.

Commissioner Arnett said as it gets developed the drainage is solved. Mr. Gerard said a regulatory event, 10 year two hour event will be completely retained and there should not be inundation with a 100 year event. This doesn't mean every hundred years, it means a one percent chance every year. Almost always development will improve drainage conditions. The traffic analysis shows it does not generate the need for improvements at this time. The way it works in the County when you generate the need for the traffic improvement you have to cover that traffic improvement whether it be a widened lane or even a stop light. They can work with other property owners to get some type of development agreement among those parties to pay for that. The County requires the improvement when the need is generated. There are three lanes out there right now with a center turn lane to accommodate completion of movements in a safe fashion.

Vice Chair Montoya noted staff is recommending approval and it has met the minimum requirements for the general plan, but the members of the audience raised some concerns with drainage and vector control. She asked is this an area for the County vector control to go out there and monitor so it doesn't cause a big problem? Mr. Gerard said he doesn't know how this area is prioritized for vector control. It is not under Planning and Development, this is under Environmental Services. The interactions we've had have largely been in Waddell. The Planning and Development is reactive and Vector does some type of patrolling but they are also reactive based on citizen complaints. A complaint for any standing water can be submitted to Planning and Development as well as Environmental Services. After development they will have a retention basin and there's a specific zoning regulation in our drainage provisions to drain down in 36 hours, so that would be a zoning violation we could enforce on.

Commissioner Andersen said there was mention of an access easement south of the subject site, and asked whether the location of the proposed access into the Dollar General is too close to that or what the traffic impact analysis had to say on that issue. Mr. Gerard said he doesn't know if that was addressed at all. The bigger problem here is the complete uncontrolled access along the frontage to the property on the south. We could solve a problem if these gentlemen would get together and discuss a shared driveway, but we cannot force that issue.

Commissioner Andersen asked who has the right to use that easement. Mr. Gerard said he can't speak to that since it's not a County issue.

Mr. Mansfield said it was deeded to the public in 1958.

Chairman Lindblom said there's a huge wash that runs north to south along 195<sup>th</sup> and he has worked on that wash several years back, so he has a good understanding of that area. He said Mr. Gerard brings up a great point that it would be the best interest of the groups to try and control the access better. If those concerns are a big enough issue this would help alleviate some of the concerns with the liability where anyone can pull in or pull out and there's not control. It is safer with a controlled access with an ingress/egress point. The drainage is being addressed with the design.

Chairman Lindblom said his understanding is it's a temporary drainage retention basin, but the requirement by the County is the property owner is required to hold their own water and if they did make proposed changes down the road they still would have the requirement and do it a different way with underground culverts. Mr. Gerard said there are two issues, the storm flows natural drainage path is to be maintained and the flows continue to cross the property. What is required by the County is that onsite flows that generate run-off from the site must be retained on the site, and it can't be allowed to go off-site and adversely impact the neighborhood. The applicant can speak to the engineering concerns that causes them to put in a temporary facility which he assumes will be in place before development occurs. If the Commission is concerned with the location of the driveway, and if there is a driveway the full length of the property on the south then these are close driveways. You could recommend a stipulation that the driveway be on the north half of their frontage and they would need to redesign for their

building permit, and it would probably require some type of pipes under the driveway for retention.

Chairman Lindblom said in the months he was working out there he doesn't remember an accident at all and he is okay with this design.

Commissioner Arnett said most of our discussion is about drainage and this has nothing to do with this applicant. It'll be improved onsite, and the best thing that can happen is to develop all the areas around it and capture everything and then there's no more runoff. We can't hold the applicant hostage for what is going on around them which is a bigger picture item. There is bigger issue outside of this parcel and we aren't going to solve the drainage for the whole area. Thoughtful planned development solves a lot of these problems.

**COMMISSION ACTION: Commissioner Schlosser motioned to approve Z2018076 with conditions 'a'-'g'. Commissioner Burrows second. Approved 8-0.**

- a. Development of the site shall be in conformance with the Narrative Report entitled "Dollar General Z2018076 Narrative Report", consisting of 4 pages, dated December 16, 2018, and stamped received December 26, 2018, except as modified by the following conditions.
- b. 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.
- c. All buildings shall be subject to noise attenuation as per ARS § 28-8482(B) and Maricopa County requirements.
- d. Noncompliance with Maricopa County Regulations shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- e. 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 r 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.

- f. The following C-1 CUPD standards shall apply:
  - 1. 6' wood-slotted fencing adjacent to rural zoning district along the north and east property lines.
- g. The CUPD 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 shall be required prior to establishment of any non-residential use that requires potable water.

Chairman Lindblom adjourned the meeting at 10:11 a.m.

Prepared by Rosalie Pinney  
Recording Secretary  
January 31, 2019