

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

February 13, 2020
9:30 a.m.

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

MEMBERS PRESENT:

Mr. Lucas Schlosser, Chairman
Mr. Michael Cowley, Vice Chair (telephonically)
Mr. Nathan Andersen (telephonically)
Mr. Bruce Burrows
Mr. Broc Hiatt (telephonically, arrived 9:33 a.m.)
Mr. Jimmy Lindblom (telephonically)
Ms. Francisca Montoya (telephonically)

MEMBERS ABSENT:

Mr. Greg Arnett
Ms. Jennifer Ruby
Mr. Robert Zamora

STAFF PRESENT:

Mr. Darren Gerard, Planning Services Manager
Ms. Rachel Applegate, Senior Planner

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney

CONSENT:

Z2019003

REGULAR:

CPA2019009, Z2019082

Chairman Schlosser called the meeting to order at 9:31 a.m. and made the standard announcements.

Chairman Schlosser asked if there were any changes or comments to the minutes for December 12, none.

COMMISSION ACTION: Chairman Schlosser approved the December 12, 2019 minutes as written.

CONSENT AGENDA

Zoning - Z2019003

Districts 4 & 5

Applicant: Max Bakker, Sun Streams 4 LLC
Location: Generally located between 355th Ave. alignment to the west, 345th Ave. alignment to the east, Elliot Rd. alignment to the north, and the southern section line of Sec. 31 T1S R5W to the south, in the Arlington area

Request: Zone change from Rural-43 to IND-2 IUPD to allow for a utility scale solar power generating facility - Sun Streams IV Solar Project

Ms. Applegate presented Z2019003 on the consent agenda.

Commissioner Andersen asked staff to comment on the need for condition 'f'. It requires reports to be submitted every five years and possible consideration for revocation if progress isn't made. Mr. Gerard said when we have large scale multi-faceted projects we want to see status of the case to ensure the stipulations are being met especially if there's timing stipulations. It is most appropriate for special uses, and it is less necessary when they have a permanent entitlement. It is a conditional zoning per statute and this is our trigger for reviewing to make sure the conditions are being met. He doesn't think there is any concern with this stipulation.

Commissioner Andersen asked if no progress is made and staff feels like revocation of the zoning needs to be considered is there a formal public process to go back through to rezone the property back. Mr. Gerard said yes, if there was any reason for staff to come into the determination that this site in whole or in part should be considered for revocation, it would have to be by public hearing to discuss the matter.

Chairman Schlosser asked the applicant if they wish to speak. The applicant declined to speak.

COMMISSION ACTION: Commissioner Burrows motioned to approve the consent agenda, Z2019003 with conditions 'a'-'i'. Commissioner Montoya second. Approved 7-0.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Design Submittal for IND-2 (Light Industrial Zoning) with and Industrial Unit Plan of Development", consisting of 12 full-size sheets, dated December 2018 and stamped received November 25, 2019, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Sun Streams IV Solar Project", consisting of 43 pages, dated August 2019, and stamped received August 5, 2019 except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. At the time of application for building permits, existing drainage patterns east of 355th Avenue (possible overtopping) and structures (pipes) under 355th Avenue south of Retention Basin RB-2 must be depicted and analyzed to address possible conflicts with the retention basin location.
 2. Retention basin bleed-offs must be directed to existing well defined (natural) or proposed (engineered) drainage channels.
 3. Fencing shall not be constructed within existing right-of-way and/or areas preserved for future right-of-way.

4. Driveway access to paved MCDOT right-of-ways must be paved for the full width of the right-of-way.
 5. Any disturbance to SFHAs will require that a Floodplain Use Permit be issued concurrent with the associated building permit.
 6. Any electrical connections within SFHAs must be elevated to the regulatory flood elevation.
 7. Fencing is prohibited in floodways. Fencing in the floodplain shall be designed to allow historic flow to be maintained.
 8. Foundations for pole lines (i.e. gen ties) in SFHA must be analyzed to determine scour depth for footings.
- d. The following IND-2 IUPD standards shall apply:
1. Front yard setback: 0'
 2. Rear yard setback: 0'
 3. Rear yard setback: 0'
 4. No parking required.
 5. No loading/unloading required.
 6. No site triangles required at all driveways, section line intersecting alignments.
 7. All uses may be conducted outdoors.
 8. Chain link fencing, including concertina or barbed wire topping, and gates shall be allowed on the perimeter.
- 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.
- f. 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 initial building permit or construction permit must be obtained. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of Z2019008 which details the status of this project, including progress on obtaining building 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 project.
- 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.

REGULAR AGENDA

Comprehensive Plan Amendment - CPA2019009 (Cont. from 1/16/20) **District 4**

Applicant: William Lally & Ashley Zimmerman Marsh, Tiffany & Bosco P.A.
 Location: Generally located at the northwest corner of Citrus and Bethany Home Roads in the Glendale area
 Request: Comprehensive Plan Amendment to change the White Tank / Grand Ave. Area Plan land use designation from Large Lot Residential (1-2 d.u./ac) to Single Family – Suburban (2-3 d.u./ac) - Trigos

Zoning - Z2019082 (Cont. from 1/16/20) **District 4**

Applicant: William Lally & Ashley Zimmerman Marsh, Tiffany & Bosco P.A.
 Location: Generally located at the northwest corner of Citrus and Bethany Home Roads in the Glendale area
 Request: Zone change from Rural-43 to R1-10 Residential Unit Plan of Development (RUPD) - Trigos

Mr. Gerard said the applicant is asking for an indefinite continuance.

COMMISSION ACTION: Commissioner Burrows motioned to continue indefinitely CPA2019009 and Z2019082. Commissioner Hiatt second. Continued 7-0.

Chairman Schlosser adjourned the meeting at 9:40 a.m.

Prepared by Rosalie Pinney
 Recording Secretary
 February 13, 2020