

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

March 12, 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
Mr. Nathan Andersen (telephonically)
Mr. Greg Arnett
Mr. Bruce Burrows
Mr. Jimmy Lindblom (telephonically)
Ms. Francisca Montoya

MEMBERS ABSENT:

Mr. Broc Hiatt
Ms. Jennifer Ruby
Mr. Robert Zamora

STAFF PRESENT:

Ms. Jen Pokorski, Planning & Development Director
Mr. Matt Holm, Planning Supervisor
Ms. Rachel Applegate, Senior Planner
Mr. Sean Watkins, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney

CONSENT:

Z2019042, Z2019135, Z2020006

REGULAR:

TA2018002, Z2019130, Z2018083, Z2019136

Chairman Schlosser called the meeting to order at 9:43 a.m. and made the standard announcements.

Chairman Schlosser asked if there were any changes or comments to the minutes for January 16 and February 13, none.

COMMISSION ACTION: Chairman Schlosser approved the January 16 and February 13, 2020 minutes as written.

Mr. Holm noted item #2 – Z2019130 is moving from the consent agenda to the regular agenda.

CONSENT AGENDA

Zoning - Z2019042

District 4

Applicant: Jessica Sarkissian, AICP, Upfront Planning & Entitlements, LLC

Location: Generally located 2,198' south of the southwest corner of 348th Ave. and Van Buren St. in the Tonopah area
Request: Special Use Permit (SUP) for public assembly for canine pool dock diving competitions in the Rural-43 zoning district - TonoPaws

Special Use Permit - Z2019135

District 4

Applicant: Gilmore Planning & Landscape Architecture
Location: Generally located 657 feet southeast of the southeast corner of Cotton Ln. and Olive Ave. in the Glendale area
Request: Special Use Permit (SUP) for development of a Rural Metro Fire & Ambulance Station in the Rural-43 zoning district - Rural Metro Fire & Ambulance Station

Special Use Permit - Z2020006

District 3

Applicant: Anthem Community Council
Location: Anthem Community Park is located south and east of Anthem Way & Gavilan Peak Pkwy. In the Anthem area
Request: Modification of Condition 'v.6' of case Z 95-53S to delete the expiration date of a Special Use Permit (SUP) for a miniature railroad at the Anthem Community Park in the R-2 RUPD zoning district - Anthem Community Park Miniature Railroad

Mr. Holm presented the consent agenda.

COMMISSION ACTION: Commissioner Burrows motioned to approve the consent agenda, Z2019042 with conditions 'a'-'i', Z2019135 with conditions 'a'-'k', and Z2020006 with deletion of condition 'v.6' . Commissioner Montoya second. Approved 7-0.

Z2019042 conditions;

- a. Development of the site shall be in substantial conformance with the site plan entitled "TonoPaws", consisting of one (1) full-size sheet, dated January 15, 2020, stamped dated received on January 19, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "TonoPaws", consisting of six (6) pages, stamped date received on January 16, 2020, except as modified by the following conditions.
- c. The Special Use Permit shall expire 15 years from the date if approved by the Board of Supervisors. If the Special Use Permit is not extended, then at the expiration of the Special Use Permit, the uses occurring on the property must be consistent with the underlining zoning district.
- d. All outdoor lighting shall be shielded and directed downward below the horizontal plane of shielding. All outdoor lighting shall be no greater than 20 feet in height and shall be placed 20 feet from any property line.

- e. The following development standards shall apply:
 - a. Front yard (east) setback of 55 feet;
 - b. No screening requirements for parking areas;
 - c. ¼ inch thick decomposed granite in place of pavement for the driveways and parking area.

- f. The following Planning Engineering comments shall apply:
 - a. The driveway crossing Dickey Wash must be constructed at or below existing grade. A floodplain use permit will be required for development within the floodplain.
 - b. Permits for site grading for development of the site must be applied for within 12 months of Board of Supervisors approval of this Special Use Permit.
 - c. Final grading and drainage plan submitted with the second (2nd) revision submittal must be included as part of the case file.
 - d. Engineering review of planning and/or zoning cases is for conceptual design only. All development and engineering designs shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; Maricopa County Department of Transportation Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
 - e. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for approval and acquisition of building permits for the new site improvements.

- g. Prior to the commencement of the public assembly portion of the existing home business, there must be approved Building Permits to retrofit the property to meet current commercial building code requirements.

- h. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows for a property use in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of a 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 possess the property and that there would be no diminution in value of the property from the 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 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.

Z2019135 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Special Use Permit for Rural Metro Fire & Ambulance Station", consisting of 2 full-size sheets, dated February 13, 2020, and stamped received February 13, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Special Use Permit for Rural Metro Fire & Ambulance Station", consisting of 8 pages, dated February 13, 2020, and stamped received February 13, 2020, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
 2. Engineering review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and Drainage Policies and Standards; Floodplain Regulations for Maricopa County; and the MCDOT Roadway Design Manual.
 3. Detailed Grading and Drainage Plans and Final Drainage Report showing the new site improvements must be submitted for approval and acquisition of building permits.
- d. The following Maricopa County Environmental Services Department (MCESD) conditions shall apply:

1. NOID must be obtained prior to construction permit approval.
- e. This special use permit is valid for a period of 20 years and shall expire on April 8, 2040, or upon termination of the use for a period of 90 or more days, whichever occurs first. All site improvements associated with the special use permit shall be removed within 90 days of such expiration or termination of use.
- f. All buildings subject to noise attenuation as per ARS § 28-8482(B).
- g. The following Rural-43 Zoning District standards shall apply:
 - a. Height – 30'
 - b. Olive Avenue Scenic Corridor Height – 30'
 - c. Front Yard – 40'
 - d. Side Yard – 30'
 - e. Street-side Yard – 20'
 - f. Rear Yard – 40'
 - g. Lot Area – 1 acre
 - h. Lot Width – 145'
 - i. Lot Area per Dwelling Unit – 1 acre
 - j. Lot Coverage – 25%
 - k. Parking Spaces Required – 13 (12 Regular + 1 ADA)
- h. The following Luke Air Force Base condition shall apply:

FHF LLC shall notify future occupants/tenants that they are located near a military airport with the following language:

“You are locating in a residential dwelling outside the “territory in the vicinity of a military airport,” however aircraft flying in this area are authorized to fly as low as 1,500 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes an average of approximately 165 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 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 permanently posted on not less than a 3 foot by 5 foot sign in front of all leasing offices and be permanently posted on the front door of all leasing offices on not less than 8½ inch by 11 inch sign.

- i. 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.
- j. 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.
- k. 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.

Z2020006 conditions;

- v. Development of the Miniature Railroad at Anthem Community Park shall be subject to a Special Use Permit in conformance with the following:
 - 1) The 15-page narrative report entitled "Miniature Railroad at Anthem Community Park – Special Use Permit Narrative Report – Case # Z 95-53S", prepared by Earl, Curley and Lagarde but not so indicated, dated revised November 8, 1999, and stamped received November 22, 1999 – except that the Special Use Permit shall only apply to that portion of parcel 203-03-328 north of Venture Court, and except as modified by the following stipulations.
 - 2) The three-sheet site plan, including elevation drawings, entitled "Special Use Permit for Miniature Railroad - Anthem Community Park – Anthem Phoenix by Del Webb", prepared by BRW a D & M Group Company with

the cover sheet dated November 17, 1999 and date-stamped by the project engineer November 19, 1999, and stamped received November 22, 1999 – except as modified by the following stipulations.

- 3) Operation of the train shall be limited to daylight hours that will vary by season. Night time use until 10:00 p.m. shall be permitted during holidays and occasional special events.
- 4) The scope of the Special Use Permit only includes railroad-related facilities and activities. General park facilities and activities are not subject to the Special Use Permit.
- 5) As noted in stipulation "i", major changes to this site plan will require review and approval by the Board of Supervisors, upon recommendation of the Planning and Zoning Commission. Staff of the Planning and Development Department, Project Management Division may administratively approve minor changes. Expansion of the railroad track may be administratively approved by staff.

Chairman Schlosser moved item #7 – TA2018002 to be heard first on the regular agenda.

REGULAR AGENDA

Text Amendment - TA2018002 (revisited from 1/30/20)

All Districts

Applicant: Earl, Curley & Lagarde

Requests: Text Amendment to amend Chapter 2, Definitions; Section 501, Article 501.2.4; Section 601, Article 601.2.3 of the Maricopa County Zoning Ordinance (MCZO) relating to Group Homes

Ms. Pokorski presented TA2018002 and noted as proposed by the applicant the changes would permit no more than 10 minors, elderly persons or persons with a disability to reside in a group home setting as of right in any rural residential and multi-family zoning district for any length of time. The ordinance currently requires long term residency for the group home to be allowed by right. Staff interprets long term as one year. The staff interpretation has recently been upheld by the Board of Adjustment. The proposed amendment removes the long term and adds specific language for addiction recovery and refers to state law requires licensure for sober living homes. This amendment doesn't apply solely to sober living homes, it applies to all types of group homes. Our zoning districts are designed to encourage the most appropriate use of the land. The use is allowed in each zoning district are determined by a variety of factors including the availability of services. This text amendment will affect all group homes will open the doors to uses that may not be appropriate in all zoning districts. Other short term type group facilities include hospices would then be allowed by right in all rural residential multi-family zoning districts. Unincorporated county is not a city, portions of the county do not have fire services and the response time are quite long and there are areas that don't have all weather access. In some portions of the county during rain events, when washes run they can be cut off for a couple of days. Staff agrees some thoughtful deliberate revisions to this ordinance

are needed. Given our concerns with public safety and the broad implications of this change which is a complicated issue, this should be led and addressed by a staff driven text amendment. It is more than just a policy decision, it also involves legal questions with the Americans Disability Act (ADA) and also the Federal Fair Housing Act (FFHA), and so for those reasons staff has recommended denial. We are recommending an indefinite continuance if the applicant agrees. If the applicant does not agree, we are recommending denial for the same reasons that we have presented before.

Mr. Rod Jarvis, the applicant said no he would not support an indefinite continuance. The concerns staff are outlining are spurious. Group homes have been operating in unincorporated Maricopa County for many years. The concerns about their safety apply to every single family residence in unincorporated Maricopa County. Commissioner Hiatt recommended we eliminate the language, "by a utility right-of-way at least 300 feet in width" and that is fine, we are simply making the separation requirement even effective by eliminating one exemption. Mr. Jarvis read a letter written by Jeff Spellman from Take Action Phoenix, a neighborhood activist group that have been most active in the lengthy process with the City of Phoenix, and ultimately coming up with their own group homes sober living ordinance. They went through such an extensive study and they ended up allowing five group homes within a quarter-mile of each other and today we are talking about one.

Commissioner Andersen said he recognizes this is a complicated issue, and he appreciates all the work staff has done. He is comfortable to what's being proposed, and he likes the distancing provision, and he is comfortable removing the long term duration and increasing the number of residents from 5 to 10. He would be in favor of the County continuing to look at this issue on a more comprehensive level but not at the expense of holding this applicant's application up any longer. He recommends approval and this going forward to the Board of Supervisors with the recommended change by Commissioner Hiatt.

Commissioner Lindblom said he doesn't want to continue this. The proposal offers to create spacing requirements, and he likes what Commissioner Hiatt proposed. On a pure zoning perspective, he has to look at it just that way. We are only trying to change from 5 to 10 people, adding a requirement that someone be there 24/7, and create the spacing requirement that wasn't there before. He does know we need to approach this in a comprehensive way. The applicant has been very good in working with everyone and staff addressing the issues that are very complex. For all these reasons he supports this text amendment change.

Commissioner Montoya said her concern has been we need to take a comprehensive approach, and we need to hear from the pertinent stakeholders. She would not like to see these group homes popping up in rural communities. She understands the applicant's need and concern, but she is more concerned with our overall community in the entire County. She supports the approach where we can have the county do some research and find a way to come up with a text amendment that allows for everyone's input and can come to an agreement. She understands this may take some time to think and analyze, and take into account the concerns of everyone who may be impacted, and we come up with a viable solution. Not just residents but operators of group homes

so neighborhoods are not impacted adversely and we can address a serious problem in our community while at the same time making sure residents' concerns and key stakeholders issues are addressed.

Commissioner Lindblom said as far as stakeholder input we have had several ZIPPOR meetings where there has been opportunity for the community to get involved.

Chairman Schlosser said he would like to echo Commissioner Montoya's comments and concerns, and he has the same concerns staff has expressed regarding the ADA and the FFHA, and the public safety issues as well. He agrees this has gone on a long time now but he believes this should be a staff driven text amendment in conjunction with counsel.

Chairman Schlosser asked the applicant if he is declining the indefinite continuance. Mr. Jarvis said that is correct.

COMMISSION ACTION: Commissioner Lindblom motioned to approve TA2018002 with revised language proposed. Commissioner Andersen second. Approved 4-3.

SECTION 201. DEFINITIONS

Group Home

A dwelling unit shared as a primary residence by NO MORE THAN TEN minors, ~~handicapped or elderly persons, OR PERSONS WITH A DISABILITY, WHO LIVE TOGETHER~~ as a single housekeeping unit, in a ~~long term,~~ family-like environment in which staff ~~persons~~ provide on-site THE care, training, AND/or support for the NEEDED BY EACH INDIVIDUAL residents. ~~Such homes or services provided therein shall be licensed by, certified by, approved by, registered with, funded by or through, or under contract with the State. (Group homes shall not include homes for the developmentally disabled, defined as persons afflicted with autism, cerebral palsy, epilepsy or mental retardation, as regulated by Arizona Revised Statutes, §36-582.)~~

Handicapped: Person with a Disability (Disabled Person):

A person who: 1) Has a physical or mental impairment which substantially limits one or more of such person's major life activities; 2) Has a record of having SUCH impairment. However, "Handicapped" shall not include current illegal use of or addiction to a controlled substance (as defined in § 102 of the Controlled Substance Act [21 United States Code 802]); OR 3) IS REGARDED AS HAVING SUCH AN IMPAIRMENT. (ANY ONE OF 1-3 IS HEREINAFTER REFERRED TO AS A "DISABILITY."). WITHOUT LIMITATION, A PERSONS WITH ADDICTION TO ALCOHOL AND/OR ILLEGAL DRUGS, WHO IS SEEKING TO RECOVER FROM SUCH ADDICTION AND IS NOT USING ALCOHOL OR ILLEGAL DRUGS, SHALL BE CONSIDERED TO BE A PERSON WITH A DISABILITY, AS DEFINED IN UNITED STATES CODE 28 C.F.R. § 36.105(B)(2)(2017).

ARTICLE 501.2. USE REGULATIONS: A building or premises shall be used only for the following purposes:

4. Group homes for not more than **ten persons**, subject to the following ~~performance~~ criteria:

- a. Dispersal: No such home shall be located on a lot with a property line within **1,320 feet**, measured in a straight line in any direction, of the lot line of another such group home. NOTWITHSTANDING THE FOREGOING, NO DISPERSAL/SEPARATION SHALL BE REQUIRED WHERE A GROUP HOME IS SEPARATED FROM ANOTHER GROUP HOME BY A FREEWAY OR CANAL.
- b. If licensing is required by the State of Arizona, for the use, proof of such licensure shall be provided available to the Department of Planning and Development prior to the use being established. Group Homes for addiction recovery shall comply with all standards set forth in ARS Section 36-2061, et seq.
- c. Residents shall not be Aedjudicated Persons.
- d. Resident staff, if any, are included with the ten-resident limitation.
- e. If staff are not in residence, at least one staff member shall be on duty at the group home at all times.
- f. There shall be no sign or other exterior indication of a group home visible from any public street.
- g. All parking for the Group Home shall be on site.
- h. Prior to occupancy of a Group Home, the owner, or owner's representative, shall submit an application for zoning certification, on a form provided by Maricopa County, accompanied by: a floor plan, a notarized statement detailing qualifications, copies of any required state of Arizona licenses, and an affidavit of compliance indicating use of the subject site as Group Home. The Zoning Administrator shall have 30 days from the date of submission of such application to conduct a review of the application. Any Zoning Certification not specifically denied, citing specific reasons for such denial, in written notice to the applicant, shall be deemed granted. If such application is timely denied, the applicant may correct any deficiencies and resubmit same, subject to the review period set forth above.

ARTICLE 601.2. USE REGULATIONS: A building or premises shall be used only for the following purposes:

- 3. Group homes for not more than ten persons, subject to the following ~~performance~~ criteria:
 - a. Dispersal: No such home shall be located on a lot with a property line within **1,320 feet**, measured in a straight line in any direction, of the lot line of another such group home.

NOTWITHSTANDING THE FOREGOING, NO DISPERSAL/SEPARATION SHALL BE REQUIRED WHERE A GROUP HOME IS SEPARATED FROM ANOTHER GROUP HOME BY A UTILITY RIGHT-OF-WAY AT LEAST 300 FEET IN WIDTH, OR BY A FREEWAY OR CANAL.

- b. If licensing is required by the State of Arizona, for the use, proof of such licensure shall be provided available to the Department of Planning and Development prior to the use being established. Group Homes for addiction recovery shall comply with all standards set forth in ARS Section 36-2061, et seq.
- c. Residents shall not be ~~A~~adjudicated Persons.
- d. Resident staff, if any, are included with the ten-resident limitation.
- e. If staff are not in residence, at least one staff member shall be on duty at the group home at all times.
- f. There shall be no sign or other exterior indication of a group home visible from any public street.
- g. All parking for the Group Home shall be on site.
- h. Prior to occupancy of a Group Home, the owner, or owner's representative, shall submit an application for zoning certification, on a form provided by Maricopa County, accompanied by: a floor plan, a notarized statement detailing qualifications, copies of any required state of Arizona licenses, and an affidavit of compliance indicating use of the subject site as Group Home. The Zoning Administrator shall have 30 days from the date of submission of such application to conduct a review of the application. Any Zoning Certification not specifically denied, citing specific reasons for such denial, in written notice to the applicant, shall be deemed granted. If such application is timely denied, the applicant may correct any deficiencies and resubmit same, subject to the review period set forth above.

Zoning - Z2019130

District 4

Applicant: Jordan Colbert, Beth Emeth Congregation
Location: Generally located approx. 650 feet north of the NWC of the intersection of R.H. Johnson Blvd. and Meeker Blvd., in the Sun City West area
Request: Zone Change from Rural-43 to R-5- Beth Emeth Congregation Zone Change Request

Mr. Watkins presented Z2019130 and noted the request is to change the current RU-43 designation to R-5 with no precise plan of development. The intent is to provide for future

development for senior housing, age restricted to 55 years and older by a future developer. Surrounding properties include a church to the north on RU-43 property and a church to the south on C-2, an existing synagogue to the east on RU-43 property and a small lot single-family age restricted residential properties to the west R-3 zoned properties. The conditions for the zone change request include a minimum age restriction of 55 and over, and building design consideration for noise attenuation because the site is within the vicinity of Luke Air Force Base which will be implemented as part as the future Plan of Development (POD) and building permits. Staff recommends approval of the zone change request.

Mr. Jordan Colbert, the applicant said over the years we did not need as much parking as we had, and 1-1/2 years ago we repaved part of the parking lot the area they use. They also had the property subdivided into 1-1/3 and 1-2/3 acre parcels. The parcel we are talking about today is the 1-1/3 acre to the rear of the property. We thought at the time we would sell the property to a builder or developer to build elder oriented housing, but had no interest in developing it themselves. The three congregations, the two churches and the synagogue with most of their congregants are elderly, this would provide easy access to their church or synagogue. Pathways can be provided between the property and the adjacent churches to provide pedestrian or scooter access. Sun City West has a shortage for new houses and this would help provide access to the elderly. Any construction done on the property would have to be in full compliance with the zoning and building regulations. We would like to be good neighbors and do not plan to build a monstrosity back there.

Mr. Brian Halhead said he represents two HOA's that are directly west of this proposed R-5 zone change. There are 81 single-family dwellings in those two HOA's, and 48 of them are in the 300 foot radius of this development. We have canvassed these residents and 79 percent are opposed of this rezoning with the concerns of added density, a negative impact on property values, the open view at the end of the property, and a multi-family story building so close to the fence line. An R-5 designation is 40 foot with a 60 percent footprint, and 20 foot setbacks. Mr. Colbert indicated it would be a low level building, but when you sell property to a developer all he has to live by is the R-5 designation. In Sun City West there are 25 churches with very large parking lots and the two churches on each side have fairly large parking lots. Rumor is that one of the churches is looking at having some of their parking lot rezoned. He doesn't believe more senior developments are needed, because that would have happened in the first place and these properties wouldn't have had such substantial parking lots. This was a planned development built in 1992 and they've enjoyed living their all these years. We don't need or want a four-story building to erode our privacy. He encourages the Commission not to approve this.

Commissioner Arnett asked about the height requirements in that neighborhood. Mr. Watkins said it is the same as R-3 at 40 foot.

Mr. Halhead asked what is 40 feet, is to the top of the roof or the top of the eaves. Commissioner Arnett said staff can answer that, but we are here talking about the zoning.

Mr. Colbert said he spent time driving through that area, and its single family homes with walls around them and private patios. They have no view from those patios to even see the property. There is a four foot elevation change from our parking lot up to the level of the homes behind us. There is also a 6 foot wall at that upper level. The possibility of whatever is built on that property is going to block the view he doesn't see how that could be. The churches and the synagogue are at least 40 feet high. He has heard the same rumors that churches are looking to build housing. Churches and synagogues are losing congregants and they are finding ways to survive by selling off part of their property to stay in business. That is the reason they are doing it, their congregation has dropped from 360 people years ago to 110. We don't need all that parking back there anymore. It will serve two purposes by helping us financially and providing new housing units to make a better life for them. What's wrong with starting something new if it better the community?

Mr. Halhead said if the zoning allows a 20 foot setback and a 40 foot building goes up it is going to block a lot of sight lines.

Chairman Schlosser said he wasn't aware of all the opposition, and this case didn't get pulled from the consent agenda until yesterday. This concerns him and he would be inclined to continue to the next meeting.

Commissioner Arnett said from a land use perspective it is appropriate. In the terms of the right use and the right amount of density he would support staff's recommendation for approval.

Commissioner Andersen asked are we age restricting through the zoning or later through the CC&R's or the whole area. Mr. Watkins said there will be a condition of approval associated with the zone change that will require the implementation of the CC&R's. That will implement the 55 year plus age restriction in association with future residential development of the site. It would be implemented under a Plan of Development in the future.

COMMISSION ACTION: Commissioner Arnett motioned to approve Z2019130 with conditions 'a' – 'i'. Commissioner Montoya second. Approved 7-0.

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Beth Emeth Congregation – Zone Change Exhibit," consisting of 1 8.5 x 11-inch sheet, stamped received February 3, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Beth Emeth Congregation Rezone Request", consisting of 4 pages, dated January 27, 2020 and stamped received February 18, 2020, 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 any future entitlement application (i.e. plan of development).
 3. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- d. All future buildings 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.

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."

- f. 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.
- 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. 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.
- i. CC&Rs shall be recorded in association with the subject property and shall include an age-restriction as outlined below. It shall be the responsibility of the Homeowners' Association to enforce the CC&Rs. Failure to comply with this Condition of Approval will be considered substantial noncompliance with this zone change approval and grounds for the Planning and Zoning Commission to consider revocation of approval of the zone change and for the site to revert back to its original Rural-43 zoning designation. An age restriction shall be recorded in CC&Rs associated with the subject property prior to issuance of the first building permit on the subject property that states: "All dwelling units on the subject property will be occupied by at least one (1) person not less than 55 years in age and no person 18 years or younger will be allowed to reside there for longer than 90 days."

Zoning - Z2018083

District 1

Applicant: Godfrey Romero
Location: Located at the southwest corner of Riggs Rd. and Hawes Rd. in the Queen Creek area
Request: Zone change from Rural-43 to C-2 - Romero Property

Ms. Applegate presented Z2018083 and noted the applicant is proposing to develop the site as an automobile repair shop, and a Plan of Development will be required after zoning approval with specifics on site design and layout. Staff believes this is an appropriate location for C-2 which is located at the intersection of two major arterials. Ingress/egress will be limited to right-in/right-out along both arterials due to the short frontages. The site is less appropriate for single-family residential as the lot is substandard in width and area, and was granted a legal non-conforming status in 2016 due to the right-of-way taking for both Riggs and Hawes Road. There's been no response from the adjacent neighbors or areas of interest. Staff did receive a letter of opposition from the Town of Queen Creek with concerns over compatibility with existing rural land uses. Staff notes the Queen Creek Area Plan designates the property directly to the north as 'Neighborhood' land use, which allows densities up to 20 dwelling units per acre. The site to the north is currently developed as R1-18 PAD zoning with an existing subdivision not in compliance with the rural character of the area. The neighborhood land use allows for commercial development on sites less than 20 acres with direct access to at least one arterial and one collector street. The subject property we are dealing with today, is designated rural with the town's plan that allows for commercial land uses including garage industry. Staff believes due to the site location along two arterials and utilization for an automobile tire shop and repair the land use does meet the requirements of the Queen Creek Area Plan within the rural and neighborhood land uses. Staff notes other comments related to site development and design by Queen Creek will be addressed as part of the Plan of Development application. The drive-thru lanes are no longer applicable as the restaurant is no longer proposed with this site development. Parking will be evaluated with square footage of the building. Vehicle screening along right-of-way will also comply with Maricopa County ordinance standards. Staff is concerned about the rezoning to C-2 without a commercial unit plan of development (CUPD) which would allow all identified commercial uses within the county ordinance utilize septic for wastewater. A CUPD would limit commercial uses that could accommodate via septic systems. Staff recommend the Commission include a CUPD to this application to limit commercial uses using septic and to alleviate the concerns raised by the Town of Queen Creek. Staff spoke with the applicant and he is in agreement to modify the application to include a C-2 CUPD to limit the land uses to auto, tire service and repair.

Mr. Godfrey Romero, the applicant said he is here to request the approval from residential to commercial zoning for an automotive and repair tire service.

Commissioner Arnett asked if he was okay with all of the stipulations. Mr. Godfrey said yes.

COMMISSION ACTION: Commissioner Burrows motioned to approve Z2018083 to C-2 CUPD with conditions 'a' – 'g'. Commissioner Montoya second. Approved 7-0.

- a. Development of the site shall be in conformance with the Narrative Report entitled "Purpose of Request", consisting of 2 pages stamped received December 13, 2019 except as modified by the following conditions.
- b. The applicant/property owner shall submit a 'will serve' letter from Queen Creek County Island Fire District 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. A CUPD overlay is applied to limit the land uses to auto and tire service and repair.
- d. 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 any future site plan application.
 - 3. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- e. The C-2 CUPD zoning approval is conditional per Maricopa County Zoning Ordinance Article 304.6. Within five (5) years of Board of Supervisors' approval there shall be administrative approval of a Plan of Development for the commercial site or the zoning may be considered for reversion to Rural-43 at public hearing of the Board of Supervisors after recommendation by the Planning and Zoning Commission, unless within such time the property is annexed by the Town of Queen Creek.
- f. Noncompliance with any Maricopa County Regulation or condition of approval shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance. The property owner 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 owner 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, a hearing shall be scheduled with the Board of Supervisors for consideration to revert 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.

Zoning - Z2019136

District 2

Applicant: Tiffany & Bosco, PA
Location: Generally located ¼ mile southeast of the southeast intersection of Lone Mountain Rd. and 56th St. in the northeast Phoenix area
Request: Zone change from Rural-43 to R1-10 RUPD - Symmetry 56th St. & Lone Mountain

Ms. Applegate presented Z2019136 and noted the proposed subdivision will be limited to 75 single family residential lots with a maximum density of 2.7 dwelling units per acre. The preliminary plat with lotting lay out has not been submitted at this time. A traffic study and grading and drainage plans will be required at the time of plat. The site would include a centralized open space that accounts for 25% of the gross acreage. The site would increase diversity of home ownership in the northeast valley. Access to the subdivision will be a single gated access from 56th Street with a secondary emergency access to Wildcat Drive with no access is proposed along Montgomery Road to the south. The interior streets will be private and maintained by an HOA. The R-10 includes deviations to reduce the front, side and street-side yard setbacks: modifications to the lot area, lot width and lot coverage. The amended development standards would allow the site to develop consistent with current residential markets in the area and provide diversity of home ownership opportunities. Water and wastewater would be provided by the City of Scottsdale and Phoenix, wastewater would be coordinated via an Intergovernmental Agreement (IGA) with both cities. The applicant complied with the requirements for the Citizen Review Process with the required posting and notification. The applicant has indicated a representative walked door to door in the months of November and December to explain the project. Staff has received numerous letters of opposition, and additional letters were received after the printing of the packet and were provided as a handout with an additional 19 letters in opposition. Staff received 48 signatures in support and 36 signatures in opposition. The concerns raised by the neighbors include high density in an area designated as Rural, increased traffic, dust, impact to the existing rural/equestrian lifestyles. Staff is supportive of this zone change which will include service agreements for water and wastewater from the cities. Reviewing county agencies do not have any objections to the request. Staff recommends the commission motion for approval with conditions.

Ms. Ashley Marsh with Tiffany & Bosco said she is here representing Shea Homes. The proposed site is in the north valley just off of 56th Street and Lone Mountain Road. There's quite of few subdivisions that have come online in the recent years within the City of Phoenix ranging from more dense districts with Tatum Ranch and Monte Vista with R1-18 City of Phoenix zoning. Our request is to rezone 28 acres and the developer is Shea Homes, a luxury home builder known for beautiful projects. This project would be no exception. It was important for them to use buffering and to limit access and make sure they thought about retention and drainage. They presented a second conceptual plan

so they can rethink and retool the circulation to accommodate a maximum of 75 lots and possibly eliminate the lots on the eastern perimeter. They outreached the neighbors a retooled the circulation plan and reorganized the entire circulation to provide generous buffers on all side of the property. They would limit the size to 75 units for a density of 2.7 d.u. and would all be single story. They would keep the gating and continue to limit access making emergency access only on Wildcat and prohibiting access on the southern part of the property on Montgomery. The neighbors were concerned about no complete buffering on the northern side of the property. Shea Homes offered to do a no build easement to retain some of those larger lots on the northern side of the property. They went back to the drawing board and created a 25 foot landscape buffer on the northern perimeter and shortened those lots. They were also asked to consider how to fence this gated community to put a view on the southern perimeter so people driving through Montgomery would have a little bit more of a view with a generous landscape buffer of 130 feet. In response to comments that 75 units was too many, Shea also took a 15 percent reduction and reduced it to 65 units. The entryway is going to be on 56th Street and will provide significant buffering there as well. Shea Homes reduced the number of lots, they provided significant buffering, and they maintained open space, accounted for retention and drainage in making sure to be sensitive to the community. They are also proposing a number of stipulations that are not in the staff report: the total number of units shall not exceed 65, all residential lots shall be limited to single-story homes, the developer shall provide a 25-foot landscape buffer on the southern and northern perimeter of the property, and to put a view fence on the southern perimeter of the property. This is a quality development from a quality builder, and there is growth and development in this part of the valley. There is a need for a diverse product for a diverse population and Shea Homes has done their homework, and they are here with staff's support.

Chairman Schlosser said he has several speaker cards and six have marked they do not wish to speak. He will limit the speakers to two minutes.

Mr. Derek Wilson said he lives on the north side of the proposed site. He moved out there five years ago to get away from master planned communities and HOA's. The beauty of the area is what drew him to this area. There have been four master plan communities go in within a quarter-mile of his property. Traffic has increased, noise and light contamination. They like it dark to look at the stars, and the wildlife has been diminished. There has to be a place in this community where it isn't paved over.

Mr. Jack Farmer said he lives within the 300 foot from the proposed site. The property owners that adjoin the 28 acres, none of those people are in approval. The applicant said they contacted all us and he is the largest property owner within 300 feet and he thought they would have contacted him. He called them but they never scheduled a meeting to meet face-to-face to discuss their project. He was told they did not want to meet as a group but just one-on-one, and they have to contact the applicant. There is going to be a playground that backs up to one of the homeowner's and it's probably something they don't want. The plan keeps changing, and the one he saw had 78 lots, and two-story homes. Nothing has been nailed down and acceptable to the community, and nothing presented by the applicant has been acceptable. R-10 just doesn't fit the area. There's about 4-1/2 sections of land 3,000 plus acres that have less than 2,000

homes. The density for the entire area east of 56th Street is one acre plus homes. Most are 2-1/2 acre lots and 5 acre lots. He owns four parcels which makes 10 acres, and to say the R1-10 fits the area. If you look at Lone Mountain north, it was State Land and there's 778 homes on 660 acres. Nowhere close to the density Shea Homes is talking about. If you go west it is R-18, and there is nothing R-10 north of Lone Mountain Road. R-10 is way too dense. With the topography of the land there is a hump and if the County requires Flood Control to raise the lots because the wash on the north side, then these lots will be four feet higher than the property directly east of it. He was told by the Maricopa County Flood Control it is a 404 wash and it requires a 30 foot set back from the wash bank. Who is going to take care of the wash culvert crossing 56th Street? There is still a lot of unanswered questions with this proposal and they keep changing. There are 17 owners that surround that property and the people in the 300 feet, and nobody wants this project. So where are those 46 approvals, are they in the City of Phoenix across the street or down the street? We ask the Commission to deny this application and ask staff to recommend to the developer that R-10 isn't going to work in that area.

Chairman Schlosser said the applicant stated they are going to restrict themselves to 65 lots and single-story homes. For future speakers to speak to what the applicant has already proposed and agreed to.

Ms. Elizabeth Bradley said she has lived on 2 acres in Cave Creek for 20 years, and she moved to the area to live among large horse properties, dirt roads, and no street lights. She likes the homes around them to be on large acreage so they aren't on top of each other. She enjoyed the grazing cattle on the open 28 acres. None of the 18 homeowners bordering this property were notified and nothing door-to-door, they didn't hear about any of this stuff. It was all through word of mouth. Once she learned of what was being proposed she got together with her neighbors and got 36 signatures, including the 18 bordering the property and none of them want this. This is a rural area and we don't want these cookie cutter homes, and this is not what we moved to this area for.

Ms. Marta Reus said she lives on the north side of Wildcat Drive adjacent to this property. They moved out there 4 years ago looking for a rural environment with horse property. She lives on a one acre lot with horses. She understands changes happen but this high density proposal does not fit the look and feel of the community. She isn't opposed to development but this doesn't fit the area.

Mr. Charles Shultz said he lives on 2-1/2 acres of horse property just to the east of the proposed, with his shop that is right on the line. His house is on a knoll where they would look right into that. Monday was the first time they have had any contact with these people. We called them a month ago and said we haven't received a letter or received a call. They said they held off because they were making some changes. He is concerned with his property, what is going to happen with his fencing and their property and the buffer. He doesn't like the idea looking into a row of homes. It really doesn't fit the neighborhood, and it should be more like 20 to 30 homes. It'll go from really rural to living in a town. They are all on septic systems out here, and he is wondering where all the sewage is going to go, and as far as he knows there is really no sewer close to that.

Mr. Charles Kuehl said he lives at the northeast parcel and the 28 acres of vacant land is to the north and east of him. The corner lot where they have the proposed jungle gym set backs up to his property. The road which is west on their development is right against his east wall. This property is higher than his, and they don't have a 20 foot buffer between his property and their street. He would have a raised road running to the side of his property, and his wall would now be down to a four or five foot wall. How are they going to propose to put a buffer in there, and he wants to know about the jungle gym set going, because this is the first he's heard of it. He has the best view right now, and they are going to ruin it with all these homes. It does not fit this area, and we are paying county taxes, and we did not plan for this nor did we invest in this area for \$500,000 homes when the majority of their homes are million dollar homes. He asked the Commission to take that into consideration.

Commissioner Arnett asked what his main opposition is because he has the largest buffer on his property, and what concern does he have with the jungle gym. Mr. Kuehl said the noise, and the population, and most jungle gyms have shade canopies and lighting, so now his dark northeast view might have lights highlighting the shade canopy.

Mr. Pete Langlois said he lives two blocks away and is opposed to the rezoning. He asked who is to benefit from all this. The nice park is around the land seller's house, and Mr. Shea and the attorney's will all benefit from this. We don't benefit at all. We get increased noise, and the increased traffic will be horrendous. This is all horse property and none of this makes any sense at all.

Mr. Kenneth Hardy said with the level of density, it will have a material financial impact on his family. He has a lot tied up financially particularly building a home. It will hurt their ability to retire and will extrapolate any equity that he saved up and stored in building this home. He wants people to build but not to change the character.

Ms. Erin Gunderson said she lives on the north side of the proposed site. She is in real estate and they were contacted in the beginning and have had meetings with Ashley and Susan. We bought six years ago on 1-1/2 acres and it's a good feeling to be in a community where you can be 5 minutes from the Fry's, but living in an area where you enjoy what Arizona has to offer. The challenge is the concerns still remain, 75 to 65 homes isn't that big of a difference in comparison to the area. There aren't homes on 10,000 sq. feet they are 15,000 sq. feet on up. R-10 and 65 homes would limit that. The single story homes is a benefit but it doesn't solve the whole problem with the volume. If you buffer everything around it but still have the same volume those concerns still remain.

Mr. Robert Young said he lives at the southwestern portion of the proposed site. In 2013 they started looking for property so they can build a home and raise their 5 year old daughter. They put in a significant amount of their life savings to purchase this house. We want Shea Homes to follow the rules in the neighborhood. The homes are 1-1/4 acres per home, and are many 2-1/2 to 5 acres and are low light. He was never contacted but when he called them they said it was 64 homes. They are concerned about their property values, upgrading the roads, setbacks, low light levels, playgrounds, their views and families.

Mr. Jack Farmer said he wanted to clarify the open space buffering with a lot of it is around the seller's property. The property buffer on the south end where the applicant was saying 80 to 100 feet buffer, 40 feet of that is the Montgomery Road dedication if a person built a normal home across the street from Nancy and Homer, and they've already dedicated their 40 feet. This is going to put 100 percent of the traffic on to the south side of Montgomery that was dedicated by the south owner, and the north owner is not going to dedicate according to this plan. This is just wrong. The developer should dedicate that 40 feet as roadway and maybe 10 feet is buffer. Montgomery Road may someday be a paved road, it is a dirt road right now. It is wrong to let the developer take that 40 foot right-of-way and include it into their project. They are also including it in their open space. If that wash is a 404 wash, all of those lots are going to have to come south at least 20 feet.

Mr. Matt Arnold said he is the minority owner and he respects his neighbor's opinion. His family bought this property in the 70's and early 80's and they have watched every single home go in. The question came up on who is going to benefit. His father purchased this property to help benefit his kids in the future. When he was a senior in high school his dad past away and he had to sell the house to his aunt, and he lived in a trailer on their land. He sold hay and raised cows just to make it. He is going to sell this property and it is going to benefit his kids.

Vice Chairman Cowley asked what the density plan for this parcel is. Mr. Holm said because this is located in a county island, it would fall under rural development. The density is whatever the existing zoning is and in this case is would be rural.

Vice Chairman Cowley asked do you take into consideration cities. Mr. Holm said yes, if a county island is within a municipal planning area we look at the city plan for that area and what the densities are for the future, because the expectation is if it is within a municipal planning area that's the area the municipality is planned. Therefore, the assumption that some point in the future it could potentially be annexed.

Vice Chairman Cowley asked what the planning area is. Mr. Holm said it is the City of Phoenix plan, so it's within the Phoenix municipal planning area as residential with a density of 0 to 2 units per acre.

Vice Chairman Cowley said so in the city they can do 56 lots. Mr. Holm said correct.

Ms. Marsh said the main concerns she's heard is that there's too many lots and the zoning is incompatible. They stipulated to 65 lots. There's been a number of lot counts, but those have been misconceptions. Originally it was 75 lots and now they stipulated to 65 lots. The zoning is compatible with recent development within the City of Phoenix, with a more recent community Monte Vista at R1-18 and Bushwood R1-18. The City of Phoenix designation does not prescribe a minimum lot size for R1-18, and it also allows density between 2 and 2.3 for this zoning category. Our request comes out to a 2.3 density that is compatible with subdivisions coming to this area. On the other side of 56th Street, there is a 40 acre preserve and there will be a rural preservation owned by the City of Phoenix and there is Lone Mountain School next to it. This is one of the last sites in this area to be built out. Our proposal is in line with current development trends for this particular

proposal. Our minimum lot size will be over 10,000 square feet and that would be the smallest the lots could go. This is not a novel lot size, it is a size that has been going in with developments in this area. We have done significant landscaping buffers, and still maintained that lot size. The lots on the northern side of the property would have been bigger, but for that 25 foot landscape and the revised circulation plan. There's been some concession made on Shea's side to go ahead and accommodate neighbors, and what comes with that is a reduced lot size. A 10,000 square foot lot is more than the smallest lot in the adjacent communities. This is under Maricopa County dark sky ordinance which regulates street lights and landscape lighting. We will need a drainage plan when we go through final plat. They have already designated three areas of retention and have started mapping that out. We have two staff stipulations that are holding our feet to the fire in making sure we have a drainage plan with a final plat and also if required a map amendment from FEMA to make sure that drainage is adequately provided for at the time of final plat. They talked to a traffic engineer to do some preliminary analysis with looking at the 65 lot layout and they are not anticipating any negative impacts with the traffic on to 56th Street. Our access has been approved by Rural Metro limiting cut-through access on Wildcat with emergency access only. They are not putting traffic on to Montgomery Road. They will work with MCDOT on the final plat to see if they need to do any roadway dedications on 56th Street and Montgomery Road. The area has changed dramatically, there are subdivisions and this lot size is not uncommon. Shea is a quality builder, they are going to enhance resale values. In the last year alone because of development in this area, resale has gone up 8.1% in value for new homes. This is a quality development and a quality builder.

Commissioner Arnett said they mentioned who benefits and we aren't the ones to benefit. The reason we go through this process is to discuss the traffic, the drainage and the noise, and we all play by the same rules. We've seen before where applicants aren't as thoughtful. It's not every day we see presentations where they are trying to increase buffers and address a lot of the concerns, and the stipulations seem to be very reasonable.

Commissioner Montoya said we are volunteers and we are appointed by our respective County Supervisors and we take this very serious. She has been on the Commission for three years and she has yet to see an applicant to come in and make the kind of changes that have been presented, and have added proposed stipulations. She appreciates the applicant being flexible to try to do what they can to adjust to the concerns of the neighborhood.

Commissioner Andersen said he agrees with what was said by the previous Commissioners and he is comfortable with this proposed use and with the stipulations being proposed.

Commissioner Arnett asked are these all the changes in these conditions. Ms. Applegate said yes, and staff is in support of these conditions.

COMMISSION ACTION: Vice Chairman Cowley motioned to approve Z2019136 with conditions 'a' – 'o' (includes applicant provided conditions 'k' – 'o'). Commissioner Arnett second. Approved 7-0.

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "56th St. & Lone Mountain", consisting of 1 full-size sheets, dated February 2020 and stamped received March 3, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "56th Street & Lone Mountain", consisting of 13 pages, dated February 28, 2020, and stamped received March 2, 2020, except as modified by the following conditions.
- c. The following R1-10 RUPD standards shall apply:
 1. Height: 30'¹/₂ stories
 2. Front Yard: 10'
 3. Side Yard: 5' & 10'
 4. Street-side Yard: 10'
 5. Rear Yard: 25'
 6. Minimum Lot Area: 10,125 sq. ft.
 7. Minimum Lot Width: 75'
 8. Average Lot Area per Dwelling Unit: 12,000 sq. ft.
 9. Maximum Lot Coverage: 55%
 10. Parking Spaces: 2
- d. The following Planning Engineering conditions shall apply:
 1. The development of the site will pose significant challenges with respect to storm water management. 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 any future entitlement application (i.e. preliminary plat).
 3. Dedication of right-of-way along 56th Street (section) and Montgomery Road (mid-section) will be required as part of future entitlement (i.e. final plat), unless otherwise waived by MCDOT.
 4. If required for site development, the CLOMR application must be submitted to the Flood Control District prior to or concurrent with any future entitlement application (i.e. preliminary plat).
 5. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- e. 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 Z2019136 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 (R1-10 RUPD).

- f. Prior to approval of the initial final plat, the applicant shall provide the Maricopa County Planning and Development Department with the approved Intergovernmental Agreement between the Cities of Phoenix and Scottsdale that is referenced in the February 26, 2020 letter issued by Brian K. Biesmeyer, Executive Director of Scottsdale Water, or other document acceptable to Maricopa County which assures sewer service.
- g. Prior to initial final plat approval, the applicant shall provide the Maricopa County Planning and Development Department with a 'will serve' letter from the City of Scottsdale or City of Phoenix for water service.
- 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 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.
- j. 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.

- k. **The total number of residential units shall not exceed 65.**
- l. **All residential lots shall be limited to single-story homes.**
- m. **The developer shall provide a 25-foot open space buffer on the northern perimeter of the property to be maintained by the Homeowner Association.**
- n. **The developer shall provide a landscape buffer on the north side of the southern perimeter of the property to be maintained by the Homeowners Association.**
- o. **The developer shall provide a view fence on the southern perimeter of the property.**

Chairman Schlosser adjourned the meeting at 11:55 a.m.

Prepared by Rosalie Pinney
Recording Secretary
March 12, 2020