

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

September 24, 2020
9:30 a.m.

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Phoenix, Arizona

MEMBERS PRESENT:

Mr. Lucas Schlosser, Chairman
Mr. Greg Arnett, Vice Chairman
Mr. Nathan Andersen
Mr. Matt Gress
Mr. Jimmy Lindblom
Ms. Francisca Montoya

MEMBERS ABSENT:

Mr. Bruce Burrows
Ms. Jennifer Ruby
Mr. Robert Zamora

STAFF PRESENT:

Mr. Darren Gerard, Planning Services Manager
Ms. Rachel Applegate, Senior Planner
Mr. Sean Watkins, Planner
Mr. Jose Castaneda, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Mr. David Anderson, Business Engagement Manager, OET
Ms. Rebecca Quince, Senior Project Manager, OET

CONTINUANCE:

CPA2019006, Z2019053

CONSENT:

S2020003, MCP2020005, Z2020003

REGULAR:

Z2020039, Z2020011, TA2019006

Chairman Schlosser called the meeting to order at 9:33 a.m. and made the standard announcements, and noted agenda items #1 – CPA2019006 and #2 - Z2019053 are being moved to the continuance agenda.

Chairman Schlosser asked if there were any changes or comments to the minutes for August 6, none.

COMMISSION ACTION: Chairman Schlosser approved the August 6, 2020 minutes as written.

CONTINUANCE AGENDA

CPA2019006 – Comprehensive Plan Amendment - (Cont. from 9/10/20) **District 4**

Project name: **Marbella Ranch**
Applicant: Tiffany and Bosco, PA
Location: Generally located approx. 407' southwest of the southwest corner of Northern Ave. and El Mirage Rd. in the Glendale area
Request: Comprehensive Plan Amendment (CPA) Modification of Condition to increase maximum allowed units (CPA2014002) – Marbella Ranch in the R-5 RUPD Zoning District

Z2019053 - Zoning (Cont. from 9/10/20)

District 4

Project name: **Marbella Ranch**
Applicant: Tiffany and Bosco, PA
Location: Generally located approx. 407' southwest of the southwest corner of Northern Ave. and El Mirage Rd. in the Glendale area
Request: Zone Change Modification of Conditions to RUPD development standards for setbacks, height, lot area, lot width and lot coverage (Z2016102) – Marbella Ranch in the R-5 RUPD Zoning District

Chairman Schlosser said he has a conflict with these two items and he will not be voting.

COMMISSION ACTION: Commissioner Andersen motioned to continue CPA2019006 and Z2019053 to the October 8 hearing. Commissioner Montoya second. Continued 5-0-1 (Schlosser).

CONSENT AGENDA

S2020003 – Preliminary Plat

District 4

Project name: **Fulton Homes Enclave**
Applicant: Chris Webb, Rose Law Group, PC
Location: Generally located on the northwest corner of Perryville Rd. and Indian School Rd. in the Buckeye area
Request: Preliminary Plat for a subdivision with 675 residential lots and 50 tracts in the R1-6 RUPD zoning district

MCP2020005 - Military Compatibility Permit

District 4

Project name: **Perryville and I-10**
Applicant: William E. Lally, Tiffany & Bosco, P.A.
Location: Generally located approximately 180' south of the SEC of Perryville Rd. and Interstate-10 in the Goodyear area
Request: Modification of Conditions to Military Compatibility Permit (MCP) #MCP2019001

Z2020003 - Zoning

District 4

Project name: **Perryville and I-10**
Applicant: William E. Lally, Tiffany & Bosco, P.A.
Location: Generally located approximately 180' south of the SEC of Perryville Rd. and Interstate-10 in the Goodyear area
Request: Plan of Development (POD) within the Rural-43 MAAMF Overlay zoning district for added storage units

Mr. Gerard presented the consent agenda.

Chairman Schlosser asked if anyone wished to speak on the consent agenda. None.

COMMISSION ACTION: Commissioner Andersen motioned to approve the consent agenda, S2020003 with conditions 'a'-'n', MCP2020005 with conditions 'a'-'i', and Z2020003 with conditions 'a'-'f'. Commissioner Gress second. Approved 6-0.

S2020003 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Fulton Homes Enclave" consisting of 9 full-size sheets, dated July 31, 2020, and stamped received August 7, 2020, except as modified by the following conditions.
- b. Development and use of the site shall be in substantial conformance with the Narrative Report entitled "Fulton Homes Enclave", consisting of 12 pages, dated July 31, 2020, and stamped received August 7, 2020, except as modified by the following conditions.
- c. Prior to Final Plat and Infrastructure Permit submittal, the applicant is required to attend a pre-submittal meeting in order to coordinate the permitting process for improvements, fees, and assurances associated with the subdivision. Intake of the Final Plat and Infrastructure permit shall be by appointment only.
- d. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.
- e. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- f. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Environmental Services Department.
- g. The following Planning Engineering conditions shall apply:
 1. Drainage review of planning and/or zoning cases are 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 the Maricopa County Drainage Policies and Standards.
 2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current

engineering policies, standards and best practices at the time of application for construction.

3. The round-about shall be designed in accordance with Chapter 6 of the Maricopa County Department of Transportation Roadway Design Manual.
 4. All retention basins shall provide one-foot of freeboard, per Drainage Standard 6.10.5.
 5. Prior to approval of the final plat, an Intergovernmental Agreement (IGA) with the City of Goodyear for the development of Perryville Road along the easterly boundary of the subdivision shall be established.
 6. Prior to approval of the final plat, a maintenance agreement between Fulton Homes and Maricopa County Department of Transportation shall be established for the maintenance of the median and right-of-way landscaping.
 7. Prior to approval of the final plat, the westerly boundary of Parcel 502-29-006S shall match the boundary lines of the preliminary plat.
 8. An updated Traffic Impact Study (TIS) is required with the first submittal of the final plat. The updated TIS must re-evaluate the need for any traffic signal improvements adjacent to the site based on the latest development in the area.
 9. Consultant/Developer shall coordinate with Maricopa County Department of Transportation Traffic Design Section in design or half-street improvements on Indian School Rd. Perryville Rd. shall be designed and constructed to City of Goodyear standards.
- h. The Final Plat shall include dedication of right-of-way of 65 foot half-street for Indian School Rd. and 55 foot half-street for Perryville Rd.
- i. Specific roadway cross-sections and pavement sections shown on the Preliminary Plat must receive final approval via construction improvement plans submitted in conjunction with the Final Plat, in compliance with the Traffic Impact Statement (TIS) approved by the Maricopa County Department of Transportation.
- j. 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 three-foot by five-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."

- k. All residential and other applicable buildings shall be subject to noise attenuation as per ARS § 28-8482(B).
- l. Streetlights installed in County public streets must be approved and permitted by the Maricopa County Department of Transportation.

When public streetlights are provided, construction costs for said streetlights shall be borne by the Developer and said streetlight facilities will become property of the local power utility company. In addition, streetlights that are installed within public streets accepted by the Board of Supervisors must establish a Street Lighting Improvement District (SLID) or comparable authority to purchase or pay for the energy expended by the streetlights. The Developer should contact the Office of the Superintendent of Streets at (602) 506-8797 for information regarding the SLID establishment process. Maricopa County is not responsible for public street lighting operation or maintenance. Please contact the local power utility company regarding streetlight operation and maintenance.

- m. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.

- n. The Final Plat shall include a note that states that there shall be no further division of land or parcels within the area of this subdivision plat without approval by the Board of Supervisors.

MCP2020005 conditions;

- a. Development of the site shall comply with the Site Plan entitled "Plan of Development – 1142 N. 186th Dr.", consisting of 2 full-size sheets, stamped received September 16, 2019, except as modified by the following conditions.
- b. Within 30 days of Board of Supervisors approval, a revised site plan shall be provided to correct the following: billboard setbacks (add rear yard and fix side yard), property setbacks (fix side yard), and fix lot coverage/existing buildings percentages.
- c. Development of the site shall be in general conformance with the Narrative Report entitled "I-10 & Perryville Rd – Application for Military Compatibility Permit", consisting of 22 pages, stamped received June 10, 2019, except as modified by the following conditions.
- d. This Plan of Development (POD) shall only apply to the billboard land use. Any future land uses (including wholesale trade) shall require a new POD to be approved by the Board of Supervisors.
- e. No access other than for single-family residential uses, indoor storage service, or for the construction and maintenance of outdoor advertising shall be off of 186th Drive.
- f. The following standards shall apply for the offsite (billboard) sign:
 - 1. Maximum height: 66'
 - 2. Maximum sign area: 672 sq. ft.
 - 3. Side yard setback: 0' (north)
 - 4. Rear yard setback: 0' (west)
 - 5. Setback to Rural-43 zoning: 0'
 - 6. Setback to Rural-43 zoning for illuminated sign: 0'
 - 7. Minimum distance from another offsite sign: 650'

The following standards shall apply to the freestanding sign for indoor storage service:

- 8. There shall only be one non-illuminated freestanding sign allowed on the subject site
 - 9. Maximum height: 5' and maximum sign area of 13 sq. ft.
- g. The following Engineering condition shall apply:

1. A separate Plan of Development must be submitted to include the wholesale trade use on the subject premises. The Plan of Development application must include an engineered grading and drainage plan and a signed and sealed Traffic Statement.
- h. All buildings subject to noise attenuation as per ARS § 28-8482(B).
- 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 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.

Z2020003 conditions:

- a. Development of the site shall comply with the Site Plan entitled "Plan of Development – 1142 N. 186TH Dr.", consisting of 2 full-size sheets, stamped received August 14, 2020, except as modified by the following conditions.
- b. Development of the site shall be in general conformance with the Narrative Report entitled "Perryville Storage POD", consisting of 5 pages, stamped received September 1, 2020, except as modified by the following conditions.
- c. The following Engineering conditions shall apply:
 1. A grading and drainage plan must be submitted for any required building permit(s).
 2. Runoff from the POD area must be directed to the proposed retention basin.
 3. Engineering review of planning and/or zoning cases is for conceptual design only. 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 buildings subject to noise attenuation as per ARS § 28-8482(B).
- e. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall 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 Plan of Development. The Plan of Development enhances the value of the property above its value as of the date the Plan of Development is granted and reverting to the prior zoning results in the same value of the property as if the Plan of Development had never been granted.

REGULAR AGENDA

Z2020039 – Zoning (Cont. from 9/10/20)

District 1

Project name: **American Self Storage**
 Applicant: Michelle Bach, EAPC Architects Engineers
 Location: Generally located on the northeast corner of Riggs Rd. and Saint Andrews Blvd. in the Chandler area
 Request: Rezone from C-3 and Rural-43 to C-3 CUPD

Mr. Castaneda presented Z2020039 and noted the proposed zone change would allow for the continued operation of the self-storage facility. The facility has continually operated on this site for 20 years. There's been no violation cases and staff received one opposition letter from the City of Chandler. The city provided comments and conditions of approval, but these conditions are not enforceable by Maricopa County. Staff does not believe it's appropriate to condition zoning approval on these items. The applicant has agreed to address some of these concerns with the City of Chandler separate from the zoning matter. The site is in character to the IND-2 zoning to the west, and the existing structures with a zero side yard setback have existed prior to the development of the single-family subdivision to the east. Staff recommends approval subject to the conditions in the staff report.

Ms. Michelle Bach, the representative for American Self Storage said the front half of the property is zoned C-3, and the northern half of the property is zoned RU-43. It's been operating like this for the past 20 years and our proposal is to rezone the entire property to C-3 CUPD to make the site consistent and functional. The proposal is to remove the

existing center portion being used as uncovered RV parking and replace it with more single-story roll-up buildings that match the southern half of the property. The northern portion of the property they will take the existing RV parking and lay it out with parking with canopies and add proper lighting. They have worked with the City of Chandler to address their concerns. They asked them to increase the landscaping along the northern and eastern portion, and where the RV canopy is located. They are creating a larger screen buffer out of respect for the adjacent residential property. They are dedicating the 30 foot right-of-way along Victoria Street and St. Andrews Blvd. Also, an eight foot wall along Victoria Street, and increase the height of the block wall from adjacent residential. They will also be doing an upgrade to the site along Riggs Road to give it a full refresh with new paint and material. They are working with the City of Chandler to make sure the site is up to code with fire protection.

Commissioner Gress said he wanted to acknowledge the work of the applicant for being collaborative with the City of Chandler.

COMMISSION ACTION: Commissioner Andersen motioned to approve Z2020039 with conditions 'a' –'h'. Commissioner Lindblom second. Approved 6-0.

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit consisting of 1 full-size sheet, stamped received August 6, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Vault Storage & RV Development Redesign", consisting of 6 pages, and stamped received August 6, 2020, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. 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 the Maricopa County Drainage Policies and Standards.
 2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
 3. At the time of application for building permit(s), detailed Grading and Drainage Plans must be provided.
 4. Access to Victoria Street shall be for emergency purposes only and appropriate notes, signs and details shall be included on the Grading and Drainage submitted for a Building permit.

- d. The following C-3 CUPD standards shall apply:
 - 1. Side Yard: 0'
 - 2. Street Side: 0'
 - 3. Rear yard: 0'
 - 4. Screening: 70% Perforated Metal Screening

- e. 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.

- 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 had never been granted.

Mr. Gerard said we will be losing our quorum, Commissioner Gress has to leave early. Item #6 - Z2020011 and item #8 - TA2019006 will need to be rescheduled to the October 8, 2020 hearing.

Z2020011 – Special Use Permit (Cont. from 9/10/20)

District 5

Project name: **Eagletail Airstrip**
 Applicant: Gretchen House & Michael Tragarz, 99AZ Eagletail Runway Association
 Location: Generally located between Broadway Rd. and Southern Ave. approximately ¼ mile west of 539th Ave., in the Harquahala area
 Request: Modification of Condition for permanent extension of Special Use Permit (SUP) Z 99-87 for a private airstrip/runway in the Rural-43 zoning district

Loss of quorum, case scheduled for the October 8, 2020 hearing.

TA2019006 – Text Amendment (Cont. from 9/10/20)

All Districts

Project name: **Water Trucks**
Applicant: Commission-initiated
Request: Text Amendment – Water Trucks

Loss of quorum, case scheduled for the October 8, 2020 hearing.

Chairman Schlosser adjourned the meeting at 9:54 a.m.

Prepared by Rosalie Pinney
Recording Secretary
September 24, 2020