



Planning & Development
Department
PLAN OF DEVELOPMENT (POD)
MODIFICATION OF CONDITION(S)



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***Note:** As of December 31, 2012, all Plan of Development applications are subject to ARS §1605.
- As of September 13, 2013 all Residential uses are excluded per ARS §11-1605 M.2.



Planning & Development Department

PLAN OF DEVELOPMENT MODIFICATION OF CONDITION(S) PROCESS



INTRODUCTION

All development involving non-residential zoning districts, two-family or multi-family residential development in a two-family residential zoning district or multi-family residential zoning district, or property with a Unit Plan of Development (UPD), Planned Area Development (PAD), or Planned Development (PD) overlay shall be subject to a Plan of Development (POD) approval as set forth in the provisions of Maricopa County Zoning Ordinance (MCZO).

The statute sets up two types of review timeframes: Administrative and Substantive. The Board of Supervisors (BOS) through the P-30 Licensing Timeframes Ordinance, has adopted a 90 (working) day administrative timeframe and a 180 (working) day substantive timeframe for PODs. An application related to a residential use is not subject to the statute. An application that is part of design build project may establish negotiated time process during the pre-application meeting.

GENERAL PROCESS

Obtaining a POD is an administrative approval process involving a precise site plan, narrative report, and other supporting documentation (see attached checklist). Approval of a POD is required before any development of the property can occur. The use, height, yard, intensity of use, parking, loading and unloading, and any additional regulations shall remain the same as specified in the primary or approved UPD zoning district.

Per MCZO, Section 306, an application and phasing plan, if proposed, for a POD shall be submitted to the Planning and Development Department through the One Stop Shop (OSS) on an official form provided by the Department. The application shall satisfy the submittal requirements as well as pertinent regulations as set forth in the provisions of the MCZO or from other County departments. The application shall contain sufficient information for staff to determine whether the proposal meets the requirements of the County.

A pre-application meeting is recommended.

Please note there is a fundamental difference between the site plan required for a POD and that required for subsequent permits. In the case of a POD, the site plan must convey the conditions that will ultimately exist at build-out, whereas the site plan submitted for construction permits may only consider existing structures and those contemplated by that/those particular construction permit(s).

ARS § 1605

As of September 13, 2013, the Plan of Development (POD) process shall be subject to ARS § 1605, a State statute that mandates establishment of timeframes to either approve or deny a "license" as defined by the statute. The full statute may be viewed at:

<http://www.azleg.gov/arstitle/>

Administrative Review Period

The statutes allow for multiple reviews during the administrative review period.

Substantive Review Period

Only one review is allowed for the substantive review period. The County can amend the substantive review comments to address legal requirements not identified on the original substantive review comments.

The applicant can authorize a 50% time increase. This authorization can be given at time of application or at any time during the process.

After receipt of a POD application, the administrative review period begins and Planning will review for administrative completeness. The applicant will receive a formal response from their assigned planner and may be required to submit additional information. Once administrative comments have been given to the applicant, the timeframe clock will stop and will resume upon resubmittal of the application materials. Once the application is deemed administratively complete, the planner will formally notify the applicant that the project has entered the substantive review period and shall set a Technical Advisory Committee (TAC) date.

TECHNICAL ADVISORY COMMITTEE (TAC) REVIEW

After an application is deemed administratively complete, the assigned planner will set a date for the Technical Advisory Committee (TAC) to meet. The TAC is composed of representatives of the County's Planning, Transportation, Drainage Review, Flood Control, Storm Water Management and Environmental Services Departments, as well as representatives from any other County Departments, fire district, school district, City or Town, homeowner association, or other interested party that is in close proximity or has jurisdiction over the site. The owner or authorized agent is required to attend the TAC meeting.



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CONDITION(S) PROCESS**



TAC comments from all reviewing agencies will be given in writing to the applicant at the TAC meeting and can be discussed. The substantive timeframe clock stops from receipt of comments until the applicant makes a formal resubmittal.

At any time during the process, an applicant can check the status of their application by viewing the Citizens Access Portal on the Planning and Developments website:

<https://acela.maricopa.gov/citizenaccessmcoass/>

The applicant's assigned planner can also be utilized as a resource for checking application status. If at any time comments are given to the applicant, a notation will be made as to the administrative or substantive timeframe remaining which will not resume until a resubmittal is made. **Note:** It is very important to return the planner's comment memo upon resubmittal so that the appropriate statutory timeframe can resume.

POST-TAC REVIEW

Depending on the comments received at the TAC, the application materials (such as the site plan, grading and drainage plan, traffic impact study, narrative report, etc.) may need revisions. The owner or authorized agent must submit revised materials, reflecting the TAC comments, to the OSS, which will forward the revised materials to the appropriate agencies.

Once staff is satisfied that the technical requirements have been met, staff will make a determination regarding the request. Staff shall review the POD in accordance with submittal requirements, regulations, and policies. If staff determines that the proposal is consistent with the purposes and intent of MCZO, other pertinent regulations and policies, then staff shall grant approval and may impose conditions as deemed necessary to satisfy the provisions of MCZO or other applicable regulations and policies.

Staff may also find that conditions required for approval do not exist and, may therefore, deny the request. Alternatively, staff may forward the request to the Planning and Zoning Commission for a recommendation to the Board of Supervisors. If an application has been scheduled for a Commission meeting, the substantive timeframe clock will stop.

Additionally, a decision of denial can be made for the following reasons: 1) the Director finds that it is not possible to grant the application within the timeframe, or 2) the applicant has not provided additional or supplemental information within 365 days (not working days) of a written or electronic request for said information.

INACTIVITY

If an applicant has not made a resubmittal of application materials in either administrative or substantive review periods after six (6) months, the application will be closed due to inactivity.

APPROVAL TIMEFRAME

For all development subject to a POD, an approved POD and subsequent building permits are required prior to the commencement of any construction or development on the site. The owner or authorized agent shall ensure that required building permits for the site or first phase shall be issued within two (2) years of the date of approval of the POD. Prior to the date of expiration, the owner or authorized agent may file a single request via a Minor Amendment application for a one (1) year time extension authorized by the Director of Planning and Development. If the time frame has expired, the owner or authorized agent shall submit a new POD application.

AMENDMENTS

Any change or modification to an approved POD shall be considered an amendment to the POD. Staff shall determine whether changes constitute a Minor or Major Amendment according to MCZO Article 304.9. UPDs and PODs that were originally processed through the Board of Supervisors may be amended administratively, either as a Major or Minor Amendment, as set forth in the provisions of MCZO.

APPEALS

The conditions of approval of this Plan of Development may be appealed to the Hearing Officer pursuant to ARS § 11-832. Provide request for appeal to the Hearing Officer Liaison at this address within 30 calendar days of the administrative/ministerial approval date to schedule an administrative hearing.



Planning & Development Department



ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE

PLAN OF DEVELOPMENT MODIFICATION OF CONDITION(S) APPLICATION

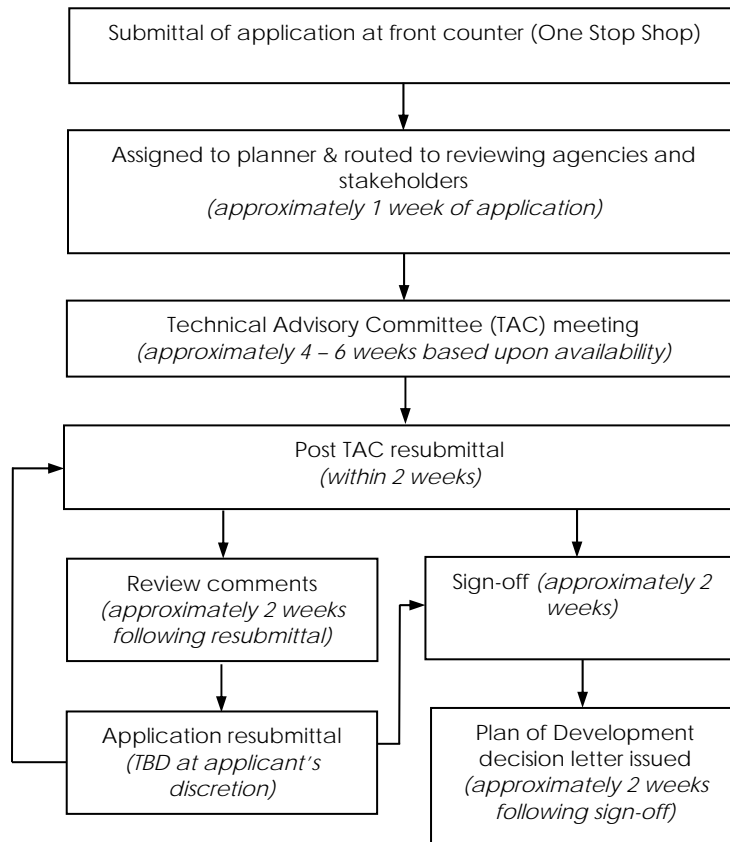
Form with sections: REQUEST, PROPERTY INFORMATION, OWNER'S AUTHORIZED AGENT INFORMATION, PROPERTY OWNER INFORMATION, PROPERTY OWNER AND OWNER'S AGENT AUTHORIZATION, PROPOSITION 207 WAIVER, INSPECTIONS, VERIFICATION OF APPLICATION INFORMATION, ARS § 1605 TIMEFRAME EXTENSION. Includes fields for project details, property info, and signatures.



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PLAN OF DEVELOPMENT MODIFICATION OF
CONDITION(S) PROCESS & TIMEFRAME



PROCESS FLOW CHART & PROJECTED TIMEFRAME



Approximate timeframe of 5 months



**Planning & Development
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PLAN OF DEVELOPMENT MODIFICATION OF
CONDITION(S) APPLICATION SUBMITTAL CHECKLIST**



Applications submitted to the Maricopa County Planning and Development Department shall include all of the exhibits, items, and information listed in this checklist. This information is required by County Ordinance or Department Staff in order to adequately review the proposal. An application will only be accepted by the Planning and Development Department when all of the items listed below are submitted, unless otherwise deemed unnecessary by staff. Once an application is accepted, it must be reviewed for Administrative Completeness by all One Stop Shop (OSS) agencies. Once the application is deemed Administratively Complete, the Substantive Review Period shall commence and technical review comments will be given. **PLEASE BE ADVISED THAT COMPLIANCE WITH EITHER ADMINISTRATIVE OR TECHNICAL REQUIREMENTS DOES NOT GUARANTEE STAFF SUPPORT OF THE REQUEST OR FINAL APPROVAL OF THE REQUEST.**

1. APPLICATION:

- A. Completed and signed application – **2 copies**
- B. Proof of ownership (Recorded Deeds – unofficial copy acceptable etc.) – **1 copy**
- C. Electronic copies of application materials saved as Adobe PDF files – **1 CD or jump drive.**

Application materials	Required Naming Convention for the Adobe PDF documents
Completed Application	APPL-FORM-1
Official recorded or unofficial deed	DEED-DETL-1
Narrative Report	NARR-RPTS-1
Drainage Report/Plan (if applicable)	DRAI-RPTS-1
Traffic Impact Study (if applicable)	TRAF-RPTS-1

2. NARRATIVE REPORT: (Brief explanation of the project. **2 copies** – 8-1/2" X 11" paper, Underlined wording indicates a section heading.)

- A. Title page – include project name, general location, case/tracking #, and vicinity map
- B. Purpose of Request – Include written discussion with justification to modify approved conditions. Identify all approved conditions from previous Plan of Development case. Identify proposed modifications to conditions with deleted language shown with strike-through and new language as bold and underline.
- C. Description of Proposal, including proposed uses(s), business operations, hours/days of operation, # of employees, description/location of buildings, color palette, type of construction material, sign detail/descriptions, screening wall/fence details and location, etc.
- D. Relationship to Surrounding Properties
- E. Explanation of how the proposed development will benefit the community or area
- F. Discussion of recent changes in the area of your request that support the application request (i.e. adoption of city or town plans, subdivision approvals, surrounding development, etc.)
- G. Location and Accessibility
- H. Circulation System (on & off) – include proposed improvements or dedications
- I. Development Schedule (phasing)
- J. Community Facilities and Services (school district, parks, amenities, etc.)
- K. Public Utilities and Services (refuse, sewer, water, police, fire, etc.)
- L. Other information that will be helpful in evaluating the request
 - Architectural renderings and themes (descriptions)
 - Landscaping renderings and themes (descriptions)
 - Floor plans, elevations



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PLAN OF DEVELOPMENT
APPLICATION SUBMITTAL CHECKLIST**



3. Fees:

- A. Planning Review Fee Modification of Condition/s **\$500 per condition** (\$1000 min, \$5000 max.)

See Maricopa County Zoning Ordinance, Chapter 16 – (www.maricopa.gov/planning) – (Please be aware that an investigation fee equal to the planning fee will be charged when a request is related to an active violation case.)

Change to an application for a license in progress - **\$50**

For an application to be added to an application for a license in progress - **\$50**

To re-initiate application for a license administratively denied due to time (within 180 days) - **\$50**

Appeal of administrative denial of a license due to time (within 30 days) - **\$150**

- B. Drainage Review Fee Modification of Condition(s) **\$60 per condition**

- C. Department of Transportation Review Fee of **\$250**.

- D. Maricopa County Environmental Services Department (MCESD) Review Fee of **\$225**.

- E. Addressing Review Fee of **\$10 to verify an existing address** or **\$50 to assign an address**.

No application shall be scheduled for hearing by any board or commission or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case may be. This requirement shall not be waived by the Board of Supervisors or Planning and Zoning Commission.

4. OTHER INFORMATION: (as applicable if required by staff and/or other department or agency)

- A. Title report – 2 copies
- B. Deed restrictions (CC & R's) – 2 copies
- C. Parcel map(s) of site and area – 2 copies
- D. Letters of support or commitment – 2 copies
- E. Market study – 2 copies
- F. Landscape plans (including plant types, quantities, sizes, % coverage, ground-cover, etc.) – 2 copies
- G. Building elevations (including material, color and treatment descriptions, etc.) – 2 copies
- H. Drainage Report/Plan (check with Drainage Review to determine if applicable) – 2 copies
- I. Traffic Impact Study (check with MCDOT to determine if applicable) 2 copies

MARICOPA COUNTY AGENCY CONTACTS:

Planning and Development (Planning, Plan Review, and Engineering): (602) 506-3301
 Environmental Services: (602) 506-0371
 Flood Control District: (602) 506-1501



MARICOPA COUNTY PLANNING & DEVELOPMENT DEPARTMENT 2021 FILING DEADLINES AND HEARING DATES



TECHNICAL ADVISORY COMMITTEE (TAC)	PLANNING & ZONING COMMISSION (P & Z)			BOARD OF SUPERVISORS (BOS)
TAC meetings are scheduled as needed. Typically, a TAC meeting is held within 60 days of application; however TAC slots are limited.	This deadline refers to written sign off being obtained by all County agencies. A submittal must be received <u>at least three (3) weeks prior to this deadline</u> to allow for review/sign off.	This deadline refers to the last day an applicant can provide an Affidavit of Posting and Photos to the assigned Planner.	Dates in bold indicate meetings of the Maricopa County Zoning, Infrastructure, Policy, Procedure & Ordinance Review Committee (ZIPPOR) committee.	These dates typically follow the preceding P&Z date unless the case is continued or the P&Z does not take action.
TAC meetings	County Agency sign off deadlines	Affidavit of Posting and Photo deadlines	P&Z Hearings/Meetings	Board of Supervisors Hearings/Meetings
January 5, 2021	October 19, 2020	N/A	November 19, 2020*	January 6, 2021
January 19, 2021	November 9, 2020	November 13, 2020	December 10, 2020	January 13, 2021
February 2, 2021	December 14, 2020	December 18, 2020	January 14, 2021	February 10, 2021
February 16, 2021	December 28, 2020	December 31, 2020	January 28, 2021	February 24, 2021
March 2, 2021	January 11, 2021	January 15, 2021	February 11, 2021	March 10, 2021
March 16, 2021	January 25, 2021	N/A	February 25, 2021*	March 24, 2021
April 6, 2021	February 8, 2021	February 12, 2021	March 11, 2021	April 7, 2021
April 20, 2021	February 22, 2021	February 26, 2021	March 25, 2021	April 21, 2021
May 4, 2021	March 8, 2021	March 12, 2021	April 8, 2021	May 5, 2021
May 18, 2021	March 22, 2021	March 26, 2021	April 22, 2021	May 19, 2021
June 1, 2021	April 12, 2021	April 16, 2021	May 13, 2021	June 9, 2021
June 15, 2021	April 26, 2021	N/A	May 27, 2021**	June 23, 2021
July 6, 2021	May 17, 2021	May 21, 2021	June 17, 2021	July 14, 2021
July 20, 2021	June 7, 2021	June 11, 2021	July 8, 2021	August 4, 2021
August 3, 2021	June 21, 2021	June 25, 2021	July 22, 2021	August 18, 2021
August 17, 2021	July 6, 2021	July 9, 2021	August 5, 2021	September 1, 2021
September 7, 2021	July 19, 2021	N/A	August 19, 2021**	September 15, 2021
September 21, 2021	August 9, 2021	August 13, 2021	September 9, 2021	October 6, 2021
October 5, 2021	August 23, 2021	August 27, 2021	September 23, 2021	October 20, 2021
October 19, 2021	September 7, 2021	September 10, 2021	October 7, 2021	November 3, 2021
November 2, 2021	September 20, 2021	September 24, 2021	October 21, 2021	November 17, 2021
November 16, 2021	October 4, 2021	October 8, 2021	November 4, 2021	December 8, 2021
December 7, 2021	November 8, 2021	November 12, 2021	December 9, 2021	TBD
December 21, 2021				

* ZIPPOR to be held at 501 N. 44th Street in the Gold/Platinum Conference Rooms.

** ZIPPOR to be held at 205 W. Jefferson Phoenix, AZ 85003 Board of Supervisors' Auditorium



One Stop Shop - Planning Application Submittal – *What to Expect at the One Stop Shop*



Purpose: Provide customers with information about what to expect when submitting a **Plan of Development Modification of Condition(s)** application. This information sheet includes the application material checklist, fee schedule, and a three step process for application submittal.

Location: Maricopa County Planning & Development Department
501 N. 44th Street, Suite 200 Phoenix, AZ 85008

Business Hours: 8:00 a.m. – 5:00 p.m. Monday through Friday, except holidays (to ensure adequate time for application submittal, projects should be submitted no later than 4:30 p.m.)

STEP 1 - Reception: Proceed to the One Stop Shop Reception desk to obtain a call ticket for the application submittal. Provide the receptionist your name and specify the type of planning application.

STEP 2 - Intake Counter: One Stop Shop customer service will call your ticket number and evaluate the application materials for completeness. Once the application materials are accepted a tracking number will be provided and staff will advise you to proceed to the cashier to process application payment. The following is a list of required application materials: **(Please note, if any documentation is missing your application may not be accepted during the intake process, please be sure to follow this checklist).**

Plan of Development Modification of Condition(s) Submittal Documents	
	2 copies – Application
	1 copy – Official Recorded deed or unofficial deed
	1 CD or jump drive – Electronic version of application materials
	2 copies – Narrative Report
	2 copies – Drainage Report/Plan (if applicable)
	2 copies – Traffic Impact Study (if applicable)

STEP 3 - Cashier - Processing Payment: The cashier will call your ticket number, request your application tracking number, advise you of the total application fees and request your method of payment. Maricopa County accepts cash, check, or credit card. Please make checks payable to: **MARICOPA COUNTY**. We currently accept Visa, MasterCard, Discover and American Express for credit card payment. **Please note that proper payment in full, based upon the following fee schedule, is required at the time of application:**

Plan of Development Modification of Condition(s) Application Fee Schedule	
Reviewing Agency	
✓ Planning	\$500 per condition (\$1,000 min. - \$5,000 max.)
Drainage	\$60 per condition
MCDOT	\$250
MCESD	\$225
Addressing	\$10 to verify address or \$50 to assign address

✓ Planning application fees will be **DOUBLED** if request is the result of a Code Violation case.