

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

March 14, 2019
9:30 a.m.

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

MEMBERS PRESENT:

Mr. Jimmy Lindblom, Chairman (telephonically)
Mr. Nathan Andersen
Mr. Bruce Burrows
Mr. Michael Cowley
Ms. Jennifer Ruby (telephonically)
Mr. Lucas Schlosser

MEMBERS ABSENT:

Ms. Francisca Montoya, Vice Chair
Mr. Greg Arnett
Mr. Broc Hiatt
Mr. Robert Zamora

STAFF PRESENT:

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

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Mr. Robert Swan, County Attorney

CONSTINUANCE:

Z2018111, S2018036

CONSENT:

**DMP2018010, Z2018101, S2018034, CPA2018009,
Z2018116, S2018037, Z2018074, Z2019004**

REGULAR:

Z2018108

Acting Chairman Cowley called the meeting to order at 9:33 a.m.

Ms. Jen Pokorski, the Planning and Development director announced Mr. Bob Swan will be retiring and Mr. Wayne Peck will be the County Attorney supporting this Commission and the Planning and Development Department.

Mr. Holm said item #10 - Z2018108 will be moving to the regular agenda.

CONTINUANCE AGENDA

Zoning - Z2018111

District 4

Applicant: Jorge Villasenor, EPS Group Inc.
Location: Generally located south of Maryland Ave. and ¼ mile west of El Mirage Rd. in the Litchfield Park area
Request: Zone Change from R1-8 to R1-8 RUPD - Maryland Ridge Estates RUPD

Preliminary Plat - S2018036

District 4

Applicant: Jorge Villasenor, EPS Group Inc.
Location: Generally located south of Maryland Ave. and ¼ mile west of El Mirage Rd. in the Litchfield Park area
Request: Preliminary Plat for 60 lots and 7 tracts in the R1-8 RUPD zoning district- Maryland Ridge Estates Preliminary Plat

Mr. Holm said Z2018111 and S2018036 is requesting a continuance to the March 28 hearing.

COMMISSION ACTION: Commissioner Burrows motioned to continue Z2018111 and S2018036 to March 28, 2019. Commissioner Schlosser second. Continued 6-0.

CONSENT AGENDA

Development Master Plan - DMP2018010

District 4

Applicant: Jorge Villasenor, EPS Group, LLC
Location: Generally located at the northwest corner of 189th Ave. and Camelback Rd. in the Buckeye planning area
Request: Modification of Conditions to the Zanjero Trails/Windrose Development Master Plan - Windrose

Zoning - Z2018101

District 4

Applicant: Jorge Villasenor, EPS Group, LLC
Location: Generally located at the northwest corner of 189th Ave. and Camelback Rd. in the Buckeye planning area
Request: Zone change from R-4 RUPD PAD and C-O CUPD PAD to R-4 RUPD PAD - Windrose Parcels 41 & 42

S2018034 – Preliminary Plat

District 4

Applicant: Jorge Villasenor, EPS Group, LLC
Location: Generally located at the northwest corner of 189th Ave. and Camelback Rd. in the Buckeye planning area
Request: Preliminary Plat for 133 lots, 8 tracts in the R-4 RUPD PAD zoning district - Windrose Parcels 41 & 42

CPA2018009 – Comprehensive Plan Amendment

District 4

Applicant: Joe Cable, Bowman Consulting

Location: Generally located approximately 1,320' south of the southeast corner of Cotton Ln. and Olive Ave.
Request: Comprehensive Plan Amendment (CPA) to change the White Tank/Grand Avenue Area Plan land use designation from Rural Residential (0-1 d.u./ac) to Single Family Transitional Lot (3-5 d.u./ac.) - Northern Farms

Zoning - Z2018116

District 4

Applicant: Joe Cable, Bowman Consulting
Location: Generally located approximately 1,320' south of the southeast corner of Cotton Ln. and Olive Ave.
Request: Zone Change from Rural-43 to R1-6 RUPD - Northern Farms

Preliminary Plat - S2018037

District 4

Applicant: Dan Auxier, EPS Group, Inc.
Location: Generally located at the southeast corner of El Mirage Rd. and Northern Ave.
Request: Preliminary Plat for 290 lots and 27 tracts in the R-5 RUPD zoning district - Marbella Ranch North

Special Use Permit - Z2018074

District 4

Applicant: Espiritu Loci Incorporated
Location: Generally located southwest of U.S. Hwy 60 and Landfill Rd. in the Morristown area
Request: Special Use Permit (SUP) for roping arena and related ranching uses in the Rural-43 zoning district and within the Wickenburg Highway Scenic Corridor - Horns & Hooves Roping Arena

Zoning - Z2019004

District 4

Applicant: Bowman Consulting
Location: Generally located at the northwest corner of Glendale Ave. and 127th Ave. in the Glendale area
Request: Modification of Conditions to the R-5 RUPD zoning district to reduce the rear yard setback - Luke Landing

Mr. Holm presented the consent agenda.

Commissioner Schlosser recused himself from item #8 – S2018037.

COMMISSION ACTION: Commissioner Burrows motioned to approve DMP2018010 with conditions 'a'-'jj', Z2018101 with conditions 'a'-'o', S2018034 with conditions 'a'-'o', CPA2018009 with conditions 'a'-'c', Z2018116 with conditions 'a'-'i', Z2018074 with conditions 'a'-'g', and Z2019004 with conditions 'a'-'w'. Commissioner Andersen second. Approved 6-0.

COMMISSION ACTION: Commissioner Burrows motioned to approve S2018037 with conditions 'a'-'f'. Commissioner Andersen second. Approved 5-0

DMP2018010 conditions;

- a. Development shall comply with the Development Master Plan document entitled "Zanjero Trails Development Master Plan", a bound document, dated revised November 8, 2004, including all exhibits, maps, and appendices and as further modified by the revised DMP Narrative Report entitled, "Parcel 41 & 42 Windrose at Zanjero Trails, dated January 30, 2019 and stamped received February 5, 2019 consisting of 12 pages with updated proposed DMP Land Use Exhibit (DMP2018010). Within 30 days of Board of Supervisors approval, the applicant shall submit a revised Development Master Plan document reflecting all changes recommended by the Planning and Zoning Commission and approved by the Board of Supervisors.
- b. Changes to the Zanjero Trails Development Master Plan with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation by the Maricopa County Planning and Zoning Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, subdivision regulations, and zoning ordinance in effect at the time of application(s) submission. The Maricopa County Planning and Development Department may approve minor changes administratively as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Zanjero Trails Development Master Plan, including the narrative report, maps, and exhibits, or the stipulations of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.
- c. All stipulations of approval shall remain in effect in the event of a change in name of the Zanjero Trails Development Master Plan.
- d. If the initial final plat has not been approved within five (5) years from the date of approval of DMP2009002, this development master plan will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider revocation of the adopted development master plan. Further, should this development master plan be rescinded, all zoning and other entitlement changes approved as part of the Zanjero Trails Development Master Plan shall also be considered for revocation by the Board of Supervisors, upon recommendation of the Commission, to the previous entitlements.
- e. Prior to approval of any final plat, the master developer shall enter into a development agreement with Maricopa County that addresses short- and long-term service, infrastructure, operation, maintenance, and financial assurance needs of Maricopa County agencies necessary to provide adequate services and infrastructure to future residents of the Zanjero Trails

Development Master Plan. Further, prior to approval of any final plat this development agreement shall be signed by both the master developer and the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record. Maricopa County reserves the right to modify the development agreement if it is determined that such changes are necessary due to changing circumstances or conditions, although such modifications are subject to approval by the Board of Supervisors. The master developer may also petition for modifications, which are also subject to Maricopa County Board of Supervisors approval.

- f. No development shall occur in unincorporated Maricopa County after the date or timeframe identified in the preannexation agreement between the Maricopa Water District and the City of Surprise, entitled "Pre-Annexation Development Agreement (Zanjero Trails)" consisting of 24 pages and recorded with the Maricopa County Recorders Office February 26, 2004 (Docket no. 04-0191607). This preannexation agreement shall be signed by both the Zanjero Trails master developer and the City of Surprise.
- g. Prior to approval of any final plats, the master developer shall provide the Maricopa County Planning and Development Department with a written document, signed by both the master developer and each of the applicable school districts, which acknowledges that the master developer has met the school districts' needs for servicing future residents of the Zanjero Trails Development Master Plan. This includes written confirmation from all applicable school districts that the school locations, types, and acreages shown are acceptable, and that no high school site(s) are necessary within the Zanjero Trails Development Master Plan.
- h. 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 A.R.S. §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct overflights 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 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."

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.

In addition, all habitable buildings constructed within this project shall be constructed with a minimum R18 exterior wall assembly, a minimum of R30 roof and ceiling assembly, dual-glazed windows and solid wood, foam-filled fiberglass or metal doors to the exterior to achieve a maximum interior noise level of 45 decibels.

- i. The Zanjero Trails master homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and amenities, washes, parks, roadway median landscaping, landscaping within public rights-of-way, and all pedestrian, bicycle, and multi-use paths.
- j. Prior to approval of each final plat, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation/disposition for each of the selected native vegetation.
- k. All irrigation water supplied for common/open space areas and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within five (5) years after issuance of the first building permit. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion from groundwater to a renewable water supply shall be provided to the Maricopa County Planning and Development Department within the five year requirement.
- l. The Zanjero Trails Development Master Plan shall be developed sequentially as depicted on the phasing diagram contained in the Zanjero Trails Development Master Plan narrative report.

- m. The total number of residential dwelling units for the Zanjero Trails Development Master Plan shall not exceed 7,664. The total number of dwelling units for the Zanjero Trails Master Plan in unincorporated Maricopa County south of Peoria Avenue shall not exceed 6,420 *number as indicated in the Zanjero Trails Land Use Plan (parcel chart) dated October 5, 2004*. To help ensure compliance, the cumulative number of single and multifamily dwelling units within unincorporated Maricopa County and the City of Surprise, in relation to the identified limit, shall be identified on all plats.
- n. Residential development shall be prohibited on areas with a slope of 15% or greater.
- o. The master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Zanjero Trails Development Master Plan every five (5) years following Board of Supervisors approval of case DMP2009002. The status report shall discuss development progress, including the total number of units built and platted, locations of areas/parcels under construction, status of infrastructure development, status of non-residential property, progress on how the stipulations of approval are being implemented, and any other information as required by the Maricopa County Planning and Development Department.
- p. Until annexation of the entire master plan takes place, the master developer shall notify all future Zanjero Trails Development Master Plan residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be included on all final plats, 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 homeowner association covenants, conditions, and restrictions (CC&Rs).
- q. All park facilities shall be completed concurrent with any residential development of a respective parcel shown on each plat. Park facilities and amenities shall be identified on all applicable plats, and are subject to review by the Maricopa County Planning and Development Department.
- r. Not less than 23.5 acres shall be reserved for Recreational Open Space (ROS) land use in the general locations depicted on Figure 12 Proposed Land Use Map contained in the Zanjero Trails Development Master Plan narrative report. Each ROS shall be a minimum of 6.5 acres in size and have community amenities, including multi-purpose sports fields sized for soccer and/or baseball use, two (2) playgrounds (tot lots), basketball court (4 half courts) and three (3) ramadas with picnic tables and barbeque grills. Further, the project shall have not less than twenty-nine (29) mini-park sites in the general locations depicted on Figure 15A Conceptual Landscape

Plan contained in the Zanjero Trails Development Master Plan narrative report. Each mini-park shall be a minimum of one (1) acre in size and include recreational amenities, including, as a minimum, a small multi-purpose play field, playground (tot lot) and ramada with barbeque grill and 2 picnic tables. At the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative ROS acreage and mini-park numbers with respect to the requirements of this stipulation. A description of the types of recreational amenities that will be included in the ROS and mini-park areas shall also be submitted with all preliminary plats to the Maricopa County Planning and Development Department.

- s. Not less than fifty (50) acres shall be reserved for general commercial land uses and not less than ten (10) acres shall be reserved for commercial office uses. Two (2) Commercial Office parcels of five (5) acres each, one on each of Olive Avenue and Peoria Ave. To help ensure compliance, at the time of each preliminary plat submission the master developer shall include a description of the status of the cumulative number of general commercial and commercial office acreage with respect to the total sixty (60) acre requirement.
- t. Unless otherwise agreed to by the applicable school districts, not less than four (4) school sites and a minimum of 48 cumulative net acres shall be reserved for schools. To help ensure compliance, at the time of each preliminary plat submission the master developer shall include a description of the status of the required number and acreage noted in this stipulation.
- u. The master developer shall provide non-vehicular multi-use trails along Perryville Road and along all east-west arterials. Such trails shall be identified on all plats and are subject to approval by Maricopa County.
- v. Prior to approval of the first final plat, the master developer shall provide a "will serve" letter and a Certificate of Convenience and Necessity from a qualified public or private water and wastewater provider demonstrating commitment to serve the entire Zanjero Trails Development Master Plan with water and wastewater service, which is subject to approval by the Maricopa County Department of Environmental Services.
- w. Prior to approval of the first final plat, the master developer shall provide a "will serve" letter for electric power service from Arizona Public Service or another qualified public or private utility demonstrating commitment to serve the entire Zanjero Trails Development Master Plan, which is subject to approval by the Maricopa County Planning and Development Department.
- x. Prior to approval of the first final plat, the master developer shall provide a "will serve" letter for fire protection from Rural Metro Corporation or another qualified public or private fire service provider demonstrating commitment

to serve the entire Zanjero Trails Development Master Plan, which is subject to approval by the Maricopa County Planning and Development Department.

- y. Prior to approval of the first final plat, the master developer shall provide a "will serve" letter for telephone service from a qualified public or private telephone provider demonstrating commitment to serve the entire Zanjero Trails Development Master Plan, which is subject to approval by the Maricopa County Planning and Development Department.
- z. Prior to approval of the first final plat, the master developer shall provide a "will serve" letter for refuse collection from a qualified public or private collection provider demonstrating commitment to serve the entire Zanjero Trails Development Master Plan, which is subject to approval by the Maricopa County Planning and Development Department.
- aa. An archaeological survey of the subject property shall be conducted prior to approval of any preliminary plat to locate and evaluate any cultural resources on the site. Once complete, a report of the results shall be provided to the Arizona SHPO for review and comment before any ground disturbing activities related to development are initiated. The applicant shall perform an archaeological analysis to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. If Register eligible properties cannot be avoided by development activities, then the Arizona SHPO shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.
- bb. A quality of life assessment of \$377 per unit shall be made available to the Maricopa County Library District to be used for operational purposes only. Arrangements can be made for this assessment to be paid on a per unit basis at the time of building permit for the individual units.
- cc. One hundred fifty dollars (\$150) per house will be paid by the developer as each residential unit at the time the building permit is issued to a fund trails and park/recreational facilities enhancement and maintenance. The County shall deposit and hold all receipts in the parks enhancement fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund.
- dd. A 110' natural landscape setback shall be provided as measured from the center-line of Olive Ave. within the Zanjero Trails Development Master Plan area.
- ee. The following Department of Transportation stipulations shall apply to development of Zanjero Trails:

1. An approved traffic impact analysis shall be on file with the Maricopa County Department of Transportation. The analysis shall include development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The analysis shall be updated with each phase to reflect existing conditions and any changes to the development plan.
2. The traffic analysis shall be updated prior to the first final plat approval to reflect current conditions. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the traffic analysis. The Applicant shall provide a financial assurance to guarantee the offsite improvements that are recommended in their approved analysis. Subsequent updates of the traffic analysis will be required by the Maricopa County Department of Transportation if changing conditions warrant.
3. Developer shall contribute their proportionate share of offsite regional roadway improvements, based upon their proposed 9,974 total residential units. An area study shall be provided to determine the regional transportation needs and the appropriate contribution. Roadways shall meet county standards in effect at the time they are improved.
4. A development agreement or comparable document shall be executed within 90 days of DMP approval or prior to any, rezoning or preliminary plat approval. This agreement shall further detail transportation issues, including phasing of offsite roadway improvements and proportionate regional contributions referenced in item 3 above.
5. Developer is responsible for assuring paved access to their site at the time of the first final plat. Any improvements to the regional system necessary to provide paved access shall be credited to the developer's contribution referred to in item 3 above.
6. Applicant shall be responsible for submitting their arterial street network to the MAG Transportation Improvement Program for conformity analysis. Approval is required prior to commencing construction.
7. All proposed primary routes (principal arterials or greater) must be consistent with a county approved transportation plans.
8. All-weather access shall be provided to all parcels and on all arterial roadways.
9. A minimum of two (2) access points shall be provided and available

to each development phase and/or subdivision unit.

10. An underground conduit system (or comparable technology) shall be provided within the rights-of-way throughout the development to integrate traffic signals and for future ITS uses.
11. Provide neighborhood access to commercial areas by means other than using the arterial street network.
12. Use of neighborhood electric vehicles shall be accommodated in this development. Routes and other design features shall be established, as necessary, to provide safe and efficient circulation in conformance with prevailing laws and requirements at time each phase is submitted for approval.
13. Bike lanes shall be included on all arterial and major collector alignments and meet county standard. A bicycle circulation plan shall be provided with each phase of development.
14. Development should be designed to promote pedestrian and bicycle use and alternative modes of transportation to public facilities within and adjacent to the site, (e.g., bus bays, park-and-ride lots, internal trail systems).
15. Street lighting installation shall be the responsibility of the developer. A Street Light Improvement District or comparable authority shall be established to provide operation and maintenance.
16. Landscaping shall conform to Chapter 9 of the MCDOT Roadway Design Manual. Maintenance of landscaping within public rights-of-way shall be the responsibility of the applicant.
17. Provide the ultimate full or half-width rights-of-way on all arterials consistent with the Maricopa County Major Streets and Routes Plan.
18. A construction traffic circulation plan shall be provided and approved by Maricopa County Department of Transportation prior to commencing construction.
19. Applicant shall employ appropriate procedures during construction to comply with Maricopa County dust control requirements.
20. This project is subject to the Arizona Pollutant Discharge Elimination System (AZPDES) requirements administered by the Arizona Department of Environmental Quality (ADEQ).
21. Development shall comply with all recommendations of MCDOT-approved Traffic Impact Statement.

- ff. The following Environmental Services Department stipulations shall apply to development of Zanjero Trails:
1. Prior to the approval of the first preliminary plat, comprehensive master plans for providing water and sewer services for this project shall be submitted to and approved by MCESD.
 2. Prior to the approval of any final plat, plans for on-site and off-site water and sewer infrastructure, in accordance with the comprehensive master plan, shall be submitted to and approved by MCESD.
- gg. Prior to approval of the first Preliminary Plat, the following issues will need to be resolved acceptable to the Flood Control District in the Preliminary Drainage Report:
1. The Master Drainage Study is currently using the future conditions model assuming the White Tanks FRS #3 North Inlet Channel will be constructed. However, if this project is not constructed by the Flood Control District and Maricopa Water District, the Master Drainage Study will need to be updated to reflect the correct hydrology. This may cause the need for affected phases to be re-platted.
 2. The drainage conveyance systems for the Master Plan will need to use the District's Rational Method to estimate the flow. The HEC-1 model is not appropriate due to the size and shape of the development.
 3. The White Tanks FRS #3 North Inlet Channel Project will generate the Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) application to FEMA. However, this will not be accomplished until after the channel along the Beardsley Canal is constructed, which is currently scheduled for completion in 2006. Prior to the CLOMR/LOMR, the properties located within the existing floodplain will need to elevate the finished floors one (1) foot above the encroached base flood elevation, and obtain a Floodplain Use Permit from the Regulatory Division of the Flood Control District or an acceptable temporary diversion structure.
 4. An additional floodplain has been delineated within the project area by the Flood Control District as part of the Perryville Road Study. This floodplain has not been submitted to FEMA because the White Tanks FRS #3 North Inlet Channel Project will eliminate this floodplain. However, this floodplain will have to be accounted for by the preliminary drainage report by elevating the properties one (1) foot above the encroached base flood elevation. These properties will

also need a floodplain use permit if constructed before the completion of the White Tanks FRS #3 North Inlet Channel Project.

5. The master planned community will also need to address the current 545 cfs breakout flowing southeast of Beardsley Canal and Olive Avenue. This can be done by delineating the breakout, adjust the phasing of construction subsequent to LOMR acceptance by FEMA, providing a temporary dike to divert the existing breakout, or another solution acceptable to the Flood Control District.
 6. Include all calculations for the designs in the appendices.
 7. Include a digital copy of the drainage map that will include retention basin footprints, time of concentration paths, existing and proposed contours, and basin delineations.
- hh. There shall be no bougainvillea permitted in common area landscaping adjacent to equestrian or multi-use trails.
- ii. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
- jj. Drainage 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 the Drainage Regulation and design policies and standards.

Z2018101 conditions;

- a. Development of the site shall comply with the Narrative and Zoning Exhibits entitled "Parcel 41 & 42 Windrose at Zanjero Trails", consisting of 12 pages, dated January 30, 2019 and stamped received February 5, 2019, except as modified by the following conditions.
- b. All zoning conditions of approval shall remain in effect in the event of a change in the name of the Zanjero Trails master planned community.
- c. The R-4 RUPD shall be subject to a Planned Area Development (PAD) Overlay Zone. Zoning district boundary lines shall be reflected on the subdivision plats or precise plan of development approvals.
- d. The following R-4 RUPD standards shall apply to Parcels 41 and 42:
 1. Height: 40' / 2 stories
 2. Front Yard: 5'
 3. Side Yard: 5'
 4. Street-side Yard: 10'
 5. Rear Yard: 5'
 6. Lot Area: 2,500 sq. ft.

7. Lot Width: 50'
 8. Average Lot Area per Dwelling Unit – 2,000 sq. ft.
 9. Lot Coverage: 70%
 10. Parking Spaces: 2
 11. Walls: 6' (h) privacy wall w/max. 7' column above a max. 3' retaining wall
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- e. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened with a continuous parapet for commercial projects.
 - f. All interior streets within the proposed development are to be constructed to minimum County standards.
 - g. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
 - h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
 - i. Prior zoning clearance or Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire District, servicing the site.
 - j. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
 - k. Variations to the development standards as indicated in the approved Unit Plan of Development (UPD) table may be varied by the Board of Adjustment in accordance with Article 303.2.2 of the Maricopa County Zoning Ordinance (MCZO).
 - l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
 - m. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and

Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.

- n. 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.
- o. Applicant shall provide a traffic statement with each preliminary plat application that evaluates and confirms the assumptions and results of the approved Traffic Impact Analysis for Zanjero Trails.

S2018034 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Preliminary Plat for Windrose at Zanjero Trails" consisting of 2 full-size sheets, dated February 1, 2019, and stamped received February 5, 2019, except as modified by the following conditions.
- b. Development and use of the site shall be in substantial conformance with the Narrative Report entitled "Windrose at Zanjero Trails", consisting of 6 pages, dated January 30, 2019, and stamped received February 5, 2019, except as modified by the following conditions.
- c. Development of the site shall be generally consistent with the Landscape Plan entitled "Zanjero Trails Parcels 41 & 42 Windrose", consisting of 4 pages, dated September 21, 2019, and stamped received February 4, 2019, except as modified by the following conditions.
- d. 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.
- e. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.
- f. 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.
- g. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- h. Prior to Final Plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course

of construction and shall obtain a 'will serve' letter substantiating coverage from the applicable fire service provider. This information shall be included in the narrative report for the Final Plat and the associated public report for the subdivision.

- i. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a grading permit or approval of a Final Plat. The applicant must contact the state office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this condition.
- j. Prior to Final Plat approval, a licensed engineering investigation of the site shall be conducted and submitted identifying any land subsidence or earth fissuring which affect the site and the report shall include suggested mitigation. The Final Plat shall have a note that the property is within an area of known land subsidence and/or earth fissuring. Further, notice that the property is in area of known land subsidence and/or earth fissuring and a definition of both land subsidence and earth fissures shall be prominently displayed in the sales office, and in any disclosure statements for conveyance documents. However, if said report concludes negative impact regarding land subsidence and/or earth fissuring the required notification should include such results.
- k. 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.

- I. The following Maricopa County Planning Engineering conditions shall apply:
 1. At such time as a MCDOT approved Traffic Impact Study (TIS) demonstrates that sufficient warrant(s) exist for the installation of traffic signal(s), the development that generates the traffic that will trigger such sufficient warrant(s) shall be responsible for the installation of the traffic signal(s) as part of its infrastructure/site improvements. Based on the Traffic Impact Study submitted with this application, development of the subject premises and surrounding properties will warrant the need for a traffic signal at the intersection of Perryville Road and Camelback Road at some future time as development in the area progresses. An updated TIS must be submitted with the final plat application associated with this preliminary plat. If the updated TIS demonstrates that this development will trigger the need for traffic signal(s), design and permitting of such signal(s) must be provided by the applicant as part of the subdivision's infrastructure.
 2. The owner/applicant will be required to coordinate with MCDOT and the City of Goodyear regarding any issues (traffic signal) at the intersection of Perryville Road and Camelback Road.
 3. Based on the conceptual design nature of the information submitted, changes to the site layout and/or a reduction in the number of building lots may be necessitated by the final engineering design of the subdivision drainage infrastructure.
 4. Detailed Grading and Drainage (Infrastructure) Plans must be submitted with the application for Final Plat Approval and Building Permits.
- m. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- n. Preliminary Plat approval shall expire two (2) years from the date of Commission approval. Any request for an extension of time shall be submitted prior to the expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.

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

CPA2018009 conditions;

- a. Development of the site shall be in general conformance with the Narrative Report entitled "Northern Farms, Comprehensive Plan Amendment," consisting of 18 pages, dated January 18, 2019 and stamped received January 21, 2019, except as modified by the following conditions.
- b. The total number of residential units shall not exceed 255.
- c. 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 uses 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 land use designation 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 change of the land use. The land use enhances the value of the property above its value as of the date the land use change is granted and reverting to the prior land use designation results in the same value of the property as if the land use change had never been granted.

Z2018116 conditions;

- a. Development and use of the site shall comply with the Narrative Report entitled "Northern Farms", consisting of 28 pages, dated stamped received on February 16, 2019, except as modified by the following conditions.
- b. Development and use of the site shall comply with the Zoning Exhibit entitled "Northern Farms", consisting of 2 sheets, dated stamped received on February 16, 2019, except as modified by the following conditions.
- c. The following Engineering condition shall apply:
 - 1. Right-of-way dedication along Cotton Lane (minimum half street width of 65' with additional width as required for turn lanes) will be required with the dedication of the final plat.
- d. The following R1-6 RUPD standards shall apply:
 - 1. Minimum Lot Area: 5,175 sq. ft.
 - 2. Minimum Lot Width: 45'
 - 3. Maximum Lot Coverage: 55%
 - 4. Minimum Rear Yard Setback: 15'

- 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.
- 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 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.
- g. All buildings are subject to noise attenuation as per ARS § 28-8482(B).
- h. 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 at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

- i. Within two (2) years of from the date of the Board of Supervisors approval of Z2018116, and prior to issuance of any residential construction permits, the applicant shall provide the Maricopa County Planning and Development Department with an executed pre-annexation service agreement with the City of Glendale that identifies the detail for when the proposed project will be annexed and the provision of water and sewer service. In lieu of a pre-annexation service agreement, the applicant may provide a "will serve" letter and/or verification from a water and sewer service provider that demonstrates the site is within the provider's Certificate of Convenience & Necessity ("CC&N") for sewer service.

S2018037 conditions;

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Marbella Ranch North" consisting of 4 full-size sheets, dated January 7, 2019, and stamped received January 7, 2019, except as modified by the following conditions.
- b. Development and use of the site shall in substantial conformance with the Narrative Report entitled "Marbella Ranch Parcels 5 and 6", consisting of 6 pages, dated January 7 and stamped received January 7, 2019 except as modified by the following conditions.
- c. Development of the site shall be generally consistent with the Landscape Plan entitled "Marbella Ranch North", consisting of 7 sheets, dated October 5, 2018, and stamped received October 9, 2018 except as modified by the following conditions.
- d. 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.
- e. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.

- f. 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.
- g. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- h. The Final Plat shall include dedication of right-of-way as required by the related request Z2014011 and as deemed necessary by the Maricopa County Department of Transportation (MCDOT) unless the required dedication has been completed by deed of dedication prior to the final plat approval.
- i. Prior to or concurrent with the submittal of a Final Plat for any portion or phase of this development, a traffic impact analysis must be provided as deemed necessary by the Maricopa County Department of Transportation (MCDOT).
- j. The following Planning Engineering conditions shall apply:
 - 1. At such time as a MCDOT approved Traffic Impact Study (TIS) demonstrates that sufficient warrant(s) exist for the installation of traffic signal(s), the development that generates the traffic that will trigger such sufficient warrant(s) shall be responsible for the installation of the traffic signal(s) as part of its infrastructure/site improvements. Based on the Traffic Impact Study submitted with this application, development of the subject premises and surrounding properties will warrant the need for a traffic signal at the intersection of W. Frier Dr. and El Mirage Rd. at some future time as development progresses.
 - 2. An updated TIS must be submitted with the final plat application associated with this preliminary plat to address signalization and any unresolved comments from MCDOT's Traffic Engineering Division. If the updated TIS demonstrates that this development will trigger the need for traffic signal(s), design and permitting of these signals must be provided by the applicant as part of the subdivision's infrastructure.
- k. Specific roadway cross-sections and pavement sections are not approved as shown on the Preliminary Plat. The number and width of lanes, including turn and auxiliary lanes, as well as pavement thickness, will be approved on construction improvement plans in conjunction with the Final Plat, in compliance with the Traffic Impact Statement (TIS) approved by the Maricopa County Department of Transportation (MCDOT).

- l. Prior to Final Plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate fire district servicing the project. This information shall be included in the narrative report for the Final Plat and the associated public report for the subdivision. The Final Plat shall contain a note referencing the will serve letter.
- m. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a grading permit or approval of a Final Plat. The applicant must contact the state office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this condition.
- n. Prior to Final Plat approval, a licensed engineering investigation of the site shall be conducted and submitted identifying any land subsidence or earth fissuring which affect the site and the report shall include suggested mitigation. The Final Plat shall have a note that the property is within an area of known land subsidence and/or earth fissuring. Further, notice that the property is in area of known land subsidence and/or earth fissuring and a definition of both land subsidence and earth fissures shall be displayed on the front door in the sales office, written in the covenants, conditions and restrictions (CC&Rs), and written in any disclosure statements for conveyance documents. However, if said report concludes negative impact regarding land subsidence and/or earth fissuring the required notification should include such results.
- o. 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 at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

- p. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- q. 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.

NOTE: Maricopa County is not responsible for public street lighting operation or maintenance. Please contact the local power utility company regarding streetlight operation and maintenance.

- r. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- s. Preliminary Plat approval shall expire two (2) years from the date of Commission approval. Any request for an extension of time shall be submitted prior to the expiration date and may be administratively approved in accordance with the Maricopa County Subdivision Regulations.
- t. The Final Plat shall include a note that states that there shall be no further division of land or delineation of parcels within the area of this subdivision plat without approval by the Board of Supervisors.

Z2018074 conditions;

- a. Development of the site shall comply with the Site Plan consisting of two full-size sheets, stamped received January 14, 2019, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Horns and Hooves Roping Arenas", consisting of 5 pages, dated October 5, 2018, and stamped received December 24, 2018, except as modified by the following conditions.
- c. 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.
- d. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors. All of the site improvements shall be removed within 60 days of such termination or expiration.
- e. Prior to operation of the facility, an approved Maricopa County Air Quality permit and/or dust control plan shall be obtained. Any revisions to the site plan shall be documented in the first status report.
- f. Within 30 days of Board of Supervisors approval, the applicant shall submit a revised site plan to show all handicapped accessible parking shall be configured and constructed in conformance with American Disability Act (ADA) standards and all buildings, structures, landscaping over 2' in height shall be removed from the required sight visibility triangles (SVTs) at the main entrance.
- 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 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.

Z2019004 conditions;

- a. Development of the site shall comply with the Zoning Exhibit entitled "Luke Land 58 Master Land Use Plan", consisting of one (1) 11" x 17 sheet, dated January 14, 2015, and stamped received February 20, 2015, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Luke Landing", consisting of 10 pages, dated January 4, 2019, and stamped received January 14, 2019 except as modified by the following conditions.
- c. 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 Z2015002 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 (R-5 RUPD).
- d. The following R-5 RUPD for the *Single Family Traditional* shall apply:
 1. Height: 30' for detached single family residential
 2. Rear Yard: 12' for attached single family residential townhome
 3. Lot Area: 5,000 sq. ft. detached SFR 3,000 sq. ft. attached SFR Townhome
 4. Lot Width: 45' for detached single family residential and 30' for attached single family residential townhome
 5. Lot Area Per Dwelling Unit: 5,000 sq. ft. for detached single family residential and 3,000 sq. ft. for attached single family residential townhome
 6. Rear yard setback: 15' for detached single family residential
- e. The following R-5 RUPD for the *Neo-Traditional* shall apply:
 1. Front Yard: 5'
 2. Rear Yard: 5' or 2' for side loaded garage
 3. Street side Yard: 5'
 4. Rear Yard: 5'
 5. Lot area: 2,500 sq. ft.

6. Lot Width: 45' for detached single family residential and 30' for attached single family residential townhome
 7. Lot Area Per Dwelling Unit: 2,500 sq. ft.
- f. The following R-5 RUPD standard for the *Multiple Family* shall apply:
1. Lot Area Per Dwelling Unit: 1,100 sq. ft.
- g. Not less than 6 acres shall be developed as recreational open space to include playgrounds, tot lots, mini-parks and amenities. At the time of each preliminary plat submission, the developer shall include a description of the status, cumulative acreage and proposed amenities as identified with this condition.
- h. The following Engineering conditions shall apply:
1. Any application for site development must include a grading and drainage plan prepared by a licensed civil engineer in accordance with Planning & Development Form 706 (Preliminary Plat Phase) & Forms 705 & 712B (Final Plat & Building Permit Phase).
 2. Any application for site development will require the submission of a Traffic Impact Study prepared in accordance with MCDOT requirements.
 3. Any application for site development will require a 40 foot wide (half-width) dedication along the 127th Avenue alignment.
- i. All interior streets within the proposed development are to be constructed to minimum County standards.
- j. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- k. Prior to any Final Plat approval, the applicant shall submit to the Maricopa County Planning and Development Department a "will serve" letter and verification of approval of a Maricopa Association of Governments (MAG 208) amendment from Liberty Utilities which demonstrates a willingness and capability to serve Luke Landing.
- l. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- m. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.

- n. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a grading permit. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- o. The Final Plat shall have a note that the property is within an area of known land subsidence and/or earth fissuring. Further, notice that the property is in area of known land subsidence and/or earth fissuring and a definition of both land subsidence and earth fissures shall be prominently displayed in the sales office, in the covenants, conditions and restrictions (CC&Rs), and in any disclosure statements for conveyance documents.
- p. Prior to zoning clearance or Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire District, servicing the site.
- q. Variations to the development standards as indicated in the approved Unit Plan of Development (UPD) table may be varied by the Board of Adjustment in accordance with Article 303.2.2 of the Maricopa County Zoning Ordinance (MCZO).
- r. 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:

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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.

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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 at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

- s. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- t. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
- u. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- v. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- w. 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.

REGULAR AGENDA

Special Use Permit - Z2018108

District 3

Applicant:	Kelly & Julie Burns
Location:	Generally located approximately 315' east of 15 th Ave. and ¼ mile south of Happy Valley Road in the north Phoenix area
Request:	Special Use Permit (SUP) for RV & boat storage in the Rural-43 zoning district - Hawkeye RV Storage

Mr. Tavassoli presented Z2018108 and noted there's a violation case against the property owner for operating a commercial business, and parking and storage of non-accessory vehicles. The owner has entered into a compliance agreement on October 1, 2018 and to be in full compliance by December 31, 2019. The property accommodates large trucks and RV's parked along the eastern and western boundaries. Following approval of the SUP the property would be modified to accommodate 399 RV's and boats. All other types of vehicles will be prohibited. The unmanned facility would be accessible between 5 a.m. and 10 p.m. seven days a week. The property is surrounded by a six foot chain-link fence and accessible through a 40 foot automated double gate off of Peak View Lane. Staff believes the SUP is reasonable and necessary to close the land use violation. Staff has not received any letters of opposition. In the current zoning of Rural 43, the RV and boat storage operation is not allowed without an SUP for a duration of no more than 10 years. Staff recommends approval subject to the conditions in the staff report. The applicant is here to request a modification to condition 'd', which addresses the duration of the Special Use Permit request.

Ms. Julie Burns the applicant said she is requesting a 20 year Special Use Permit. It is a large parcel and it will require a lot of money for the drainage and dust control, and it'll take about three years to get the property full. The trend in the area is 20 years and she knows she has a violation, but she thinks someone came out and turned in a lot of properties in the area.

Commissioner Schlosser asked what the standard amount of time is. Mr. Holm said because it's a Special Use Permit you are allowed to have a wide variation in timeframes. Since there's a violation on the property, staff believes a 10 year time period is sufficient. This will allow the applicant to get up and running and demonstrate they are in compliance and maintain compliance, and then they can request a time extension beyond the 10 years.

Commissioner Andersen said Special Use Permits coming through the County have been longer than 10 years, but in this case he is comfortable with staff's recommendation giving the violation history. This doesn't exclude the applicant from coming back and demonstrating they have been operating in compliance.

Commissioner Schlosser said he concurs with Commissioner Andersen, and 20 years is a long time.

COMMISSION ACTION: Commissioner Burrows motioned to approve Z2018108 with conditions 'a'-'f'. Commissioner Schlosser second. Approved 6-0.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Grading and Drainage Plan, Hawkeye RV Storage", consisting of 1 full-size sheet, dated September 24, 2018, and stamped received January 1, 2019, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Burns SUP for Boat and RV", consisting of 3 pages,

dated December 1, 2018, and stamped received December 14, 2018, except as modified by the following conditions.

- c. The following Planning Engineering conditions shall apply:
 - 1. Provide a runoff coefficient based on Table 6.3 of the Maricopa county Drainage Policies and Standards. Use 0.95 for commercial/industrial. The retention required is 48,279-cf.
 - 2. The plan must have a statement that says the Retention Basin will drain within 36-hours.
 - 3. The plans must show the top width of the berm at the south/southwest areas of the retention basin is at least 8-feet wide.
 - 4. The maximum fill slope is 3:1. The maximum retention basin side slope is 4:1. Provide spot elevations along the property lines to show the maximum slopes will be constructed.
 - 5. Asphalt and other impervious surfaces are not allowed within the Retention Basin.
- d. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors. All of the site improvements shall be removed within 60 days of such termination or expiration.
- e. 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.
- 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, 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.

Acting Chairman Cowley adjourned the meeting at 9:49 a.m.

Prepared by Rosalie Pinney
Recording Secretary
March 14, 2019