

**BOARD OF SUPERVISORS' MEETING**  
**PLANNING AND ZONING AGENDA**  
**August 17, 2016**

**CONSENT AGENDA**

1. Title: Reno Property  
Case #: **CPA2014001**  
Supervisor District: 4  
Owner: William Reno  
Request: Comprehensive Plan Amendment (CPA) to the White Tank/Grand Avenue Area Plan to change the land use designation from Open Space to Neighborhood Retail Center. CPA case approval is by Resolution.  
  
Site Location: Generally located approximately 300' east of the southeast corner of Harmony Ln. and 117<sup>th</sup> Ave. on the south side of Harmony Ln. in the Peoria area  
  
Commission Recommendation: On 7/21/16, the Commission voted 6-0 to recommend **approval** of **CPA2014001** subject to conditions 'a' – 'c':

Provided the following conditions are met:

- a. Development of the site shall be in conformance with the Narrative Report entitled "Comprehensive Plan Amendment for Reno RV/Boat Storage" including the land use exhibit (8 total pages) dated stamped received December 15, 2015, except as modified by the following conditions.
- b. The land use designation of Neighborhood Retail Center approved as part of CPA2014001 shall be subject to the time limits set forth in the subsequent Special Use Permit, and shall change to the previous Open Space land use designation upon Special Use Permit expiration.
- 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 owner to enjoy uses in excess of those permitted by the land use existing on the date of application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that such change 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.

2. Title: Reno Property  
Case #: **Z2014003**  
Supervisor District: 4  
Owner: William Reno

Request: Special Use Permit (SUP) for Trailer, RV and Boat Storage in the Rural-43 zoning district

Site Location: Generally located approximately 300' east of the southeast corner of Harmony Ln. and 117<sup>th</sup> Ave. on the south side of Harmony Ln. in the Peoria area

Commission Recommendation: On 7/21/16, the Commission voted 6-0 to recommend **approval** of **Z2014003** subject to conditions 'a' – 'j':

Provided the following conditions are met:

- a. Development of the site shall comply with the Site Plan entitled "Reno RV/Boat Storage", consisting of 1 full-size sheets, dated August 10, 2015, and stamped received August 16, 2015 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Reno RV/Boat Storage", consisting of 4 pages, dated July 29, 2015, and stamped received August 16, 2015, except as modified by the following conditions.
- c. The owner shall submit for building permits for all existing structures. The owner shall receive final inspections on all existing structures from Planning and Development within 6 months from Board of Supervisors approval of Z2014003.
- d. The owner shall submit a 'will serve' letter from Rural Metro Fire Department 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.
- e. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- f. The owner shall submit a written report outlining the status of the development at the end of 5 years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved conditions.
- g. The following Maricopa County Department of Transportation (MCDOT) condition shall apply:
  1. The driveway shall be paved in County right-of-way.
- h. The following Planning Engineering conditions shall apply:
  1. Provide the required retention volume for the 100 year, 2 hour storm event for the entire site. Provide documentation that the retention basin(s) will drain within 36 hours.

2. Use a weighted runoff coefficient based on Table 6.3 of the Maricopa County Drainage Policies and Standards. Note that commercial use, a C coefficient of 0.95 is required. Retention volume calculated based on pre-development versus post-development conditions is not allowed.
3. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for acquisition of building permits.
  - i. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
  - j. The 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.

3. Title: Happy Valley Commerce Center  
 Case #: **Z2015089**  
 Supervisor District: 4  
 Applicant/Owner: Ed Reichenberg / 5802 & Acquisitions LLC and Scottsdale Investment Management LLC  
 Request: Zone change from Rural-43 and R-4 RUPD to C-2  
 Site Location: Generally located approx. 700' west from the southwest corner of Happy Valley Rd. and Vistancia Blvd.  
 Commission Recommendation: On 7/21/16, the Commission voted 6-0 to recommend **approval** of **Z2015089** subject to conditions 'a' – 'g':

Provided the following conditions are met:

- a. Development of the site shall be in conformance with the Narrative Report entitled "Happy Valley Commerce Center", consisting of 16 pages, dated revised April 11, 2016 and stamped received April 14, 2016 except as modified by the following conditions.

- b. The property owner shall submit a 'will serve' letter from the Fire District of Sun City West for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- c. The following MCDOT comment shall apply:
  - 1. A traffic impact study will be required with any Plan of Development application. Offsite road improvement requirements along Happy Valley Road are pending the results/recommendations of the traffic study.
- d. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- e. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the 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. 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 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 Z2015089 which details the status of this project, including progress on obtaining 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 construction permits for each zoning parcel (C-2).

4. Title: High Desert Lattice Tower  
Case #: **Z2016005**  
Supervisor District: 2  
Applicant/Owner: DMM Management on behalf of High Desert Communications / Lewellen Family Trust  
Request: Special Use Permit (SUP) for a Wireless Communication Facility (WCF) - 120' (h) lattice tower in the IND-2 zoning district  
Site Location: Generally located west of Loop 202 and ¼ mile north of Warner Road in southeast Mesa.  
Commission Recommendation: On 7/21/16, the Commission voted 6-0 to recommend **approval** of **Z2016005** subject to conditions 'a' – 'i':

Provided the following conditions are met:

- a. Development of the site shall comply with the Zoning Exhibit entitled "HDC Tower", consisting of four (4) full-size sheets, stamped received June 10, 2016, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "High Desert Communications Lattice Tower", consisting of nine (9) pages, stamped received July 11, 2016, except as modified by the following conditions.
- c. The maximum height of the Wireless Communication Facility shall be limited to 120' (h) including attachments.
- d. Future carriers may co-locate on the Wireless Communication Facility if co-location does not increase overall tower height. Any change to these elements will require an amendment to the Special Use Permit.
- e. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, inactivity of the use for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- f. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- g. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

- h. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows 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.

5. Title: Crossriver Point  
 Case #: **Z2016038**  
 Supervisor District: 4  
 Applicant & Owner: Empire Residential Communities Fund II, LLC Communications  
 Request: Modification of Conditions to the R1-6 RUPD zoning district  
 Site Location: Generally located at the northwest corner of Williams Dr. and 120<sup>th</sup> Ln. in the Peoria area

Commission  
 Recommendation: On 7/21/16, the Commission voted 6-0 to recommend **approval** of **Z2016038** subject to conditions 'a' – 'k':

Provided the following conditions are met:

- a. Development of the site shall comply with the Zoning Exhibit entitled "Crossriver Point Preliminary Plat", consisting of 2 full-size sheets, dated July 15, 2015 and stamped received July 16, 2015 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Project Narrative Revised RUPD Crossriver Point", consisting of 6 pages, dated June 6, 2016, and stamped received June 6, 2016 except as modified by the following conditions
- c. The applicant/property owner shall submit a 'will serve' letter from Rural Metro Fire Department 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. All buildings are subject to noise attenuation as per ARS § 28-8482(B).

- e. Noncompliance with any Maricopa County Regulation or condition of approval shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, a hearing shall be scheduled with the Board of Supervisors for consideration to revert the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.
- g. Zoning approval is conditional per Maricopa County Zoning Ordinance, Article 304.6, and ARS § 11-814 for five (5) years for the initial phase and an additional five (5) years for each subsequent phase, within which time the initial subdivision infrastructure permit or construction permit for each phase must be approved. The applicant shall submit a written report every five years from the date of Board of Supervisors approval of Z2015042 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.
- h. 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.
- i. 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).
- j. Any application for development must demonstrate that historic drainage inflow and outflow flows and characteristics will be maintained.

k. The following R1-6 RUPD standards shall apply:

- 1) Minimum Lot Width: 50'
- 2) Minimum Rear Yard: 15'
- 3) Maximum Lot Coverage: 60%

All other standards of the R1-6 zoning district shall apply.

## **REGULAR AGENDA**

6. Title: Thunder Ridge Air Park  
Case #: **Z2016008**  
Supervisor District: 4  
Applicant/Owner: Beus Gilbert PLLC / Thunder Ridge Air Park HOA  
Request: Major Amendment a Special Use Permit (SUP) for a private runway/airstrip in the Rural-43 zoning district.  
Site Location: Generally located south of Joy Ranch Road on the 237<sup>th</sup> Avenue alignment in the Morristown area.  
Commission Recommendation: On 7/21/16, the Commission voted 6-0 to recommend **approval** of **Z2016008** subject to conditions 'a' – 'q':

Provided the following conditions are met:

- a. Development of the site shall be in conformance with the Site Plan entitled "Thunder Ridge Air Park Major SUP Amendment", consisting of three (3) full-size sheets, dated stamped received May 6, 2016 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Thunder Ridge Air Park Major Special Use Permit Amendment", consisting of seventeen (17) pages, dated stamped received June 15, 2016 except as modified by the following conditions.
- c. The Special Use Permit (SUP) may be removed by the Board of Supervisors (BOS) upon termination of the runway use, or upon determination of noncompliance with the conditions of SUP approval. If the BOS removes/rescinds/revokes the SUP, all improvements related specifically to the runway SUP must be removed within 60 days of such termination.
- d. A status report shall be required every ten (10) years from the approval date and/or proposal to expand the number of lots served by the runway or to modify flight patterns. Luke Air Force Base and the Federal Aviation Administration must be notified of these changes.
- e. The Special Use Permit (SUP) shall be limited to the use of the owners and guests of lots with direct frontage onto the east or west side of the 2,641 ft. runway/taxiway as illustrated in condition 'a'.

- f. The following Drainage Plan Review stipulations shall apply:
  - 1. 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.
  - 2. 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 Regulations and design policies and standards.
- g. The following Maricopa County Department of Transportation (MCDOT) stipulation shall apply:
  - 1. Provide a total half-width of 40 feet R/W on Joy Ranch Rd.
  - 2. Provide a total half-width of 65 feet R/W on 235th Ave.
- h. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
- i. The following MCESD condition shall apply:

If, in the future, a review finds that the Thunder Ridge water system meets the criteria as a Public Water System, it must come into compliance as a PWS within 1 year of notification.
- j. Prior to any future development, a Floodplain Clearance will need to be obtained from the Floodplain Management and Services Division of the Flood Control District as a part of the building permit process.
- k. Development and use of the site shall comply with requirements for fire protection measures as deemed necessary by the Circle City Morrystown Volunteer Fire Department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- l. Prior to zoning clearance, 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 Department servicing the site.
- m. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.

- n. 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.
- o. 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).
- p. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Plan Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- q. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowners. The granting of this approval is temporary and allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions and stipulations. In the event of the failure to comply with any condition or stipulation, 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 stipulations, 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.