

BOARD OF SUPERVISORS' MEETING
PLANNING AND ZONING AGENDA
October 19, 2016

CONSENT AGENDA

1. Title: Tonto Verde Parcel 1
Case #: **S2016006**
Supervisor District: 2
Applicant/Owner: Land Development Services / Desert Troon Ltd., LLC
Request: Final Plat consisting 30 lots and 9 tracts in the R1-6 RUPD and C-1 zoning districts.
Site Location: Approximately at the southwest corner of Rio Verde Drive and Forest Road in the Rio Verde area.
Staff
Recommendation: Approve

REGULAR AGENDA

2. Title: Dillon Aero (Cont. from 10/5/16 BOS hearing)
Case #: **CPA2016001**
Supervisor District: 5
Applicant/Owner: Lewis Roca Rothgerbert Christie / Flying Bucket LLC
Request: Comprehensive Plan Amendment (CPA) to change the land use designation from Rural Development Area to Heavy Industrial CPA approval is by Resolution.
Site Location: Generally located west of 99th Ave. approximately 2 miles south of Schumacher Ln.
Commission
Recommendation: On 9/8/16, the Commission voted 6-0 to recommend **approval** of **CPA2016001** 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 "Dillon Test Range General Comprehensive Plan Amendment", consisting of 23 pages including the land use exhibit, dated stamped received July 1, 2016, except as modified by the following conditions. The Comprehensive Plan Amendment shall only apply to parcels 300-32-001A and 300-32-001D. Within 30 days of Board of Supervisors approval, the applicant shall submit a revised Comprehensive Plan Amendment narrative report that references the two parcels utilized for the test range operations.
- b. If the Board reverts the zoning back to Rural-190, this land use plan shall be considered for amendment to change the land use designation back to Rural Development Area. The Comprehensive Plan Amendment shall only apply to parcels 300-32-001A and 300-32-001D for the test range operations.

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.

3. Title: Dillon Aero (Cont. from 10/5/16 BOS hearing)
Case #: **Z2016004**
Supervisor District: 5
Applicant/Owner: Lewis Roca Rothgerbert Christie / Flying Bucket LLC
Request: Zone Change from Rural-190 to IND-3 Industrial Unit Plan of Development (IUPD) to allow for a weapons testing facility
Site Location: Generally located west of 99th Ave. approximately 2 miles south of Schumacher Ln.
Commission
Recommendation: On 9/8/16, the Commission voted 6-0 to recommend **approval** of **Z2016004** subject to conditions 'a' – 'k':

Provided the following conditions are met:

- a. Development of the site shall be in conformance with the Site Plan entitled, "Dillon Aero Flying Bucket Property", consisting of 10 full-size sheets, stamped received July 1, 2016 except as modified by the following conditions. Within 30 days of Board of Supervisors approval, the applicant shall submit a revised site plan showing the IND-3 IUPD zoning district only applies to the testing operations on parcels 300-32-001A and 300-32-001D and identify the location of the proposed 20' (h) berms.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Dillon Aero Test Range Rezoning Request", consisting of 13 pages stamped received August 16, 2016, except as modified by the following conditions. Within 30 days of Board of Supervisors approval, the applicant shall submit a revised narrative report indicating the IND-3 IUPD zoning district only applies to the testing operations on parcels 300-32-001A and 300-32-001D and address the location and height of the proposed 20' (h) berms.
- c. The applicant/property owner shall submit a 'will serve' letter from The Goodyear Fire Department or other fire department approved by Maricopa County staff for fire protection services for the project site. Alternatively, Maricopa County staff may accept alternative means of fire protection deemed acceptable to staff. A copy of the 'will serve' letter or other materials deemed acceptable by Maricopa County staff shall be required as part of the initial construction permit submittal.

- d. The owner shall apply for building permits for all existing structures. The owner shall receive final inspections on all existing structures from Planning and Development within one year from Board of Supervisors approval of Z2016004.
- e. Approval of this Zone Change is contingent upon compliance at all times with all conditions and requirements imposed on the property or applicant by Alcohol, Tobacco, Firearms and Explosives (ATF); Homeland Security (HS); and all U.S. Customs and Border Protection (CBP) requirements for the property, applicant or operations and the associated Foreign Trade Zone. If at any time the property, applicant or operations are not in full compliance with all ATF, HS or CBP requirements or if the applicant uses the property for commercial recreational and sporting purposes (such as charging a fee to allow members of the public to target practice or otherwise use the property), the zoning may be scheduled for public hearing by the Maricopa County Board of Supervisors (Board), upon recommendation by the Maricopa County Planning and Zoning Commission (Commission), to consider revocation of zoning.
- f. The applicant/owner shall submit a written report outlining the status of the development every 2 years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the entitlement remains in compliance with the approved conditions.
- g. The following IND-3 IUPD standards shall apply:
 - 1. Building Height – Maximum 50'
 - 2. Parking – 0 spaces provided
 - 3. Screening – 4' (h) cattle fencing with warning signs
- h. The following Engineering condition shall apply:
 - 1. All development shall include its associated infrastructure, including but not limited to roads, drainage channels and swales, and retention. Each area developed for the purpose of this use shall provide or exceed its required 100-year, 2-hour retention volume. All retained water, up to 100-year, 2-hour storms volume, shall drain within 36 hours of the storm event that provided the retained storm water. All drainage infrastructure shall be connected to its downstream elements so as to create a connected system according to the layout and designs submitted. No drainage infrastructure shall be reduced in capacity or effectiveness going downstream.
- i. 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.
- j. The property owner/s and their successor waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- k. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows

the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, 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.