

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

September 1, 2022
9:39 a.m.

205 W. Jefferson Street, Phoenix, Arizona
and by GoToWebinar

MEMBERS PRESENT:

In-person

Mr. Jimmy Lindblom, Chairman
Mr. Greg Arnett
Mr. Erik Hernandez

GoToWebinar

Mr. Lucas Schlosser, Vice Chairman
Mr. Kevin Danzeisen
Mr. Spike Lawrence
Ms. Kate McGee
Mr. T.J. Mitchell
Mr. Jay Swart

MEMBERS ABSENT:

Ms. Francisca Montoya

STAFF PRESENT:

Mr. Tom Ellsworth, Planning and Development Director
Mr. Darren Gérard, Planning Services Manager
Mr. Matt Holm, Planning Supervisor
Ms. Rachel Applegate, Senior Planner
Mr. Adam Cannon, Senior Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Mr. David Anderson, Business Engagement Manager, OET
Ms. Pearl Duran, Technical Team
Ms. Alisha Bach, Technical Team

CONTINUANCE:

Z2021137, Z2022075

CONSENT:

Z2021075

REGULAR:

CPA2021012, Z2021074, S2021020

Chairman Lindblom made the standard announcements and asked if there were any changes or comments to the July 21 and August 4 minutes. None.

COMMISSION ACTION: Chairman Lindblom approved the minutes from July 21, 2022 and August 4, 2022 minutes as written.

Mr. Gérard announced the new Planning and Zoning Commissioner, T.J. Mitchell representing District 3.

Mr. Gérard said consent agenda items #3, #4, and #5 - Sunrise Mountain Ranch will be moved to the regular agenda.

CONTINUANCE AGENDA

Zoning - Z2021137

District 5

Project name: **Envirotech Group**
Applicant: Arno Naeckel, Davillier Law Group
Request: Zone Change with Overlay from Rural-43 to IND-2 IUPD
Location: SWC of Campbell Ave. & 355th Ave.
Request: The applicant has requested a continuance of this case to the September 22, 2022 Commission hearing.

No action required by the Commission.

Zoning - Z2022075

District 2

Project name: **NWC 202 & Apache Billboard**
Applicant: Jacob Zonn, Becker Boards Small, LLC
Request: Zone Change from R-5 and C-3 to C-3 CUPD to accommodate the relocation and upgrade of a static billboard to digital
Location: Generally located at the NWC of Apache Blvd. and the 202 Freeway in the Mesa area
Request: The applicant requested a continuance of this case to the September 22, 2022 Commission hearing.

No action required by the Commission.

CONSENT AGENDA

Special Use Permit - Z2021075

District 1

Project name: **Bennett Auto**
Applicant: Richard Bennett
Request: Special Use Permit (SUP) for Home Cottage Industry Auto Repair in the Rural-43 zoning district
Location: Generally located at the NWC of Empire Blvd. & 203rd Way

Mr. Gérard presented the consent agenda and noted there is no known opposition to this Special Use Permit although the case is a result of zoning violation from a citizen complaint. Staff has received numerous calls of support of the SUP. Staff recommends approval.

COMMISSION ACTION: Commissioner Hernandez motioned to approve Z2021075 on the consent agenda with conditions 'a'-'i'. Commissioner Lawrence second. Approved 9-0. Ayes: Lawrence, McGee, Mitchell, Swart, Arnett, Hernandez, Danzeisen, Schlosser, Lindblom.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled, "Bennett Automotive" consisting of one full-size sheet dated July 28, 2022, and stamped received August 2, 2022, except as modified by the following conditions. Staff may determine slight refinements to remain in substantial conformance with the approved site plan. Minor and major amendments to the site plan will be determined in accordance with Chapter 3 of the Maricopa County Zoning Ordinance.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled, "Bennett Automotive", consisting of five pages, dated May 2, 2022, and stamped received August 2, 2022, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. The applicant will be responsible for coordinating with the Town of Queen Creek to review any traffic impact, right-of-way dedication, permitting or roadway improvement requirements for Empire Boulevard Avenue in conjunction with this proposed entitlement.
 2. The applicant must work with the County Building Official to remedy unpermitted construction (frame garage) on the site to bring it into compliance within six (6) months of any (zone change) approval.
 3. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
- d. The following SUP standards shall apply:
 1. Min. Front Yard – 12'
 2. Min. Lot Area – 39,559 sq. ft.
 3. Pavement – Pavement permitted to be compacted and rolled decomposed granite with a dust control plan approved by Maricopa County Air Quality Control except for ADA parking

All other development standards per Rural 43 zoning shall apply
- e. All outdoor lighting shall be shielded and directed downward and otherwise in accordance with Section 1112 of the Maricopa County Zoning Ordinance.
- f. The special use permit is valid for a period of 5 years and shall expire 5 years from the date of BOS approval or upon termination of the use for a period of 90 or more days, whichever occurs first. All site improvements associated

with the special use permit shall be removed within 90 days of such expiration or termination of use.

- g. 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.
- h. 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.
- 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.

REGULAR AGENDA

Comprehensive Plan Amendment - CPA2021012

District 5

Project name: **Sunrise Ranch at South Mountain**
 Applicant: Pew & Lake, PLC
 Request: General Comprehensive Plan Amendment (CPA) to change the land use designation in the Laveen Area Plan from Rural Densities (0-1 d.u./acre) and Open Space to Large Lot Residential (1-2 d.u./acre)
 Location: Generally located at the SEC of 35th Ave. & Olney Ave. in the Laveen area

Mr. Cannon presented CPA2021012, Z2021074 and S2021020 and noted this is for a General Comprehensive Plan Amendment, Zone Change with Overlay and Preliminary Plat for Sunrise Ranch at South Mountain for 101 single-family for sale lots. The site is approx. 58.04 gross acres, and 57.42 net acres located currently in the Rural-43 zoning district. For the Comprehensive Plan Amendment, the applicant is requesting to change the land use designation in the Laveen Area Plan from Open Space and Rural (0-1 dwelling units/acre) to Large Lot Residential (1-2 dwelling units/acre). The proposed net density of the site is

1.74 dwelling units per acre. For the companion zone change case, the request is for a zone change from Rural-43 to R1-18 RUPD. The applicant is requesting to vary the standards for lot area, setbacks, lot width and lot coverage. The plat features 101 lots. There are approx. 26.6 acres of open space. These cases were moved to the regular agenda because staff began receiving opposition after the staff report was published. The Commission received a handout including opposition letters. Currently there are 39 individuals opposed in total with a couple of late letters that were unable to be transferred to the Commission in time. The opposition letters are focused on the density proposed and some letters are requesting the applicant cut lots from their proposal. The applicant held a neighborhood meeting earlier this year attended by 35 participants. As a result of the feedback received at the meeting and through public participation, the applicant revised the design to include a minimum of R1-18 RUPD zoning, pattern landscaping in accordance with similar communities, include canal view fencing, provide buffers to the site, rural Laveen wall themes & entry monuments, and committing to the Dark Sky requirements including a 20' buffer for lighting and shielded, downward directed lighting, added a condition that requires notes on the plat that discloses to future tenants their proximity to active agricultural use area and non-domestic animal keeping. They also added a condition requiring the plat to note the proximity of active aviation use at Hangar Haciendas, a private hangar subdivision. Staff received no comments on the proposal from the City of Phoenix. The applicant's narrative did note the applicant spoke with the City of Phoenix regarding potential annexation of the site and utilities following determination of the CPA, Zone Change and Preliminary Plat. Arizona Game and Fish provided comments related to wildlife protection as it relates to construction processes. Staff is in support of the Comprehensive Plan Amendment, Zone Change and Preliminary Plat. The applicant has demonstrated the request represents an overall improvement to the Comprehensive Plan, there are several benefits including additional future revenue and the potential for creation of 290 full-time jobs based upon projections from National Impact of Home Building and Remodeling report. The surrounding developments adjacent to the proposed development such as Carver Canyon and Whispering Hills located within the City of Phoenix have similar densities and similar zoning. Along with the availability of urban services and utilities, the CPA and zone change requests are appropriate. The proposal is respectful of the original Laveen Area Plan Open Space land use designation by preserving a great deal of open space in the hillside portion of the site through the platting process. The applicant's narrative and documents associated with the Preliminary Plat suggests that the community will maintain a relatively rural character in keeping with the original Rural designation while allowing for some additional density. With quality recreational amenities including an outdoor lounge area, park with fruit trees and tot lot among other amenities. While the city has not commented, the applicant has agreed to a staff condition to be applied to the zone change and preliminary plat requiring either a utility services agreement or pre-annexation agreement with the City of Phoenix prior to final plat approval.

Mr. Reese Anderson, the applicant with Pew & Lake said this is a well-designed and thought-out plan with a lot of citizen input. The letters in opposition spoke to density and lot sizes. The site is located on the northeast corner of Carver Road and 35th Avenue which is undergoing a major road improvement by Maricopa County Department of Transportation (MCDOT). They are flattening and straightening out the curve over Carver Mountain. The owner partnered with MCDOT to dynamite that mountain and to allow for

future road widening. This will be the least intrusive and to be the best neighbor they can, so they don't have to shut the road down unnecessarily for additional blasting. He met twice with the Laveen Citizens for Responsible Development (LCRD) group and discussed keeping the density under 2 dwelling units per acre. We're at 1.74 and they want us to stay with R1-18 zoning. That was important because of what's happening in the overall area, and we coordinated the landscaping. The opposition has said these are small lots, but the average lot size is 22,277 square feet and density is 1.74 dwelling units per acre. There are significant perimeter buffers where the lots do not back up to another lot which is a unique design. The dwelling units per acre adjusted is 2.15 which is the area they are preserving for mountain slopes not open space. Carver Canyon is in the City of Phoenix with support at 1.16 d.u./acre and LIV Laveen just north of this site is 17.14 d.u./acre. This is a well thought-out and well-planned design with citizen input.

Ms. Cyd Manning said she has lived in Laveen for 22 years and she can see this property from her home. She does support compatible and responsible development and growth, but this development is incompatible to the area and density is her number one issue. The applicant knows the density is an issue but has ignored it since the January 6 meeting, which is the only neighborhood meeting they've had. She is an educated citizen on planning and zoning matters, but the applicant continues to reiterate about adjusted density. The calculation for density is gross acres and number of lots. Sunrise Ranch at 1.74 dwelling units per acres is incompatible land use. At the southeast corner of Carver and Ceton is RU-35 zoning and is barely over 1 d.u./acre. That is a very compatible with large lots that really match the neighborhood. That developer chose to work with her and the neighbors back when it was approved and platted. It is compatible responsible land use that mirrors the area. The applicants plan has 76 percent small suburban lots and is very pretty, but if they cut this in half it would be more compatible. The LCRD meetings were not public meetings, they were subcommittee meetings. She highly doubts they said to keep it under 2 d.u./acre. These large acre plus lots is what makes Laveen unique, and people come to this area for that. She requests the commission deny all three cases and remand back to the applicant to work with the community for a compatible zoning plan that matches the current Laveen Area Plan designation of 0-1 d.u./acre rural and open space.

Mr. John Komoto said he lives 1/3 mile south of the Sunrise Ranch property and he has been a member of the Laveen community since 1977. He has been involved in the planning efforts in the area. There are some unique features to this proposal where there are no lots back-to-back which creates value and the open space behind the lots, and the 46% open space. Plus, the outdoor usable amenities which is a park-like setting. But these attributes are integrated into a revised lower density and larger lot plan would be a real asset for the neighborhood. This is a tremendous misfit of the Laveen Area Plan and out of sync with the existing adjacent RU-43 zoning in the north, east and south. One of the main focuses of the Laveen Area Plan was to focus on preservation of our rural heritage especially in the valley and slopes by Carver Mountain and Phoenix South Mountain Park. This is a mismatched land use butting against rural properties. He asked the commission to deny these cases and he would like the applicant to continue working with the density that preserves Laveen's heritage.

Vice Chair Schlosser said Mr. Komoto and he go back 25 years planning Laveen together. He asked if he is still part of the LCRD. Mr. Komoto said yes. Vice Chair Schlosser said the applicant noted the LCRD was fine with the density with anything under 2 d.u./acre and asked if he was involved in those meetings. Mr. Komoto said he was involved with the subcommittee meeting early on and that density may have been proposed by some of the other members, but no formal action was taken on that issue. The case was only discussed at a subcommittee level and never brought to the full committee. He is not sure why it wasn't followed through by the Laveen Planning Committee.

Chairman Lindblom asked if anyone from the public wished to speak on this case. Mr. David Anderson said he had two others registered speakers, but they did not appear on the GoToWebinar. He has no one else on-line that wished to speak.

Mr. Reese Anderson said we met with the subcommittee twice and in those meetings, there was a handful of people that met at Burger King and at a pizza place. They talked about the plan with different voices sharing ideas. They asked to keep R1-18 and keep the density less than 2 d.u./acre. They didn't go to the full committee with the LCRD, he didn't think it was necessary because of the multiple conversations in person with the subcommittee and over the phone. Last week he was on the phone with Dan Penton whom he met with twice as was part of the subcommittee. He said he was good and didn't have any concerns and would talk with the rest of the group and get back to him, but he never heard from him after that conversation. We would never try to misrepresent anything we have done. The neighbors that live 0-300 feet from the proposed site there was zero in opposition, from 300-1,000 feet there were two, and 1,000 feet to a ½ mile there were 10 in opposition, and ½ mile to 1 mile there were 4, and beyond one mile there were 4, and 11 didn't provide an address. They have legitimate concerns, and we respect those opinions, but as far as negatively affecting anything that is happening in the area the people right around us are not complaining. This is a fair request that is consistent with what is happening in the overall area, and he asked the commission to support this.

Commissioner Mitchell asked is this a subcommittee of the LCRD. Mr. Anderson said when he reached out to the key leaders of the LCRD they set up the meetings and he attended. He didn't create the invite list.

Vice Chair Schlosser said he worked with Mr. Komoto on the 1998 Southwest Growth study which was incorporated into the Phoenix General Plan and the dividing line at the time was Dobbins Road which is a ½ mile north of this site. The properties south of Dobbins would be the lower density area, but Laveen is a whole is a different place than it was in 1998. Things have evolved with new retail and new subdivisions. He wants to commend the applicant on the density, and they could have proposed more density than 1.74. Whispering Hills is to the west and the average lot size is 75-foot-wide lots and a quarter mile north those lots 8 d.u./acre on the corner of 35th Avenue and Dobbins which are 45' x 75' wide lots. Also, ¼-mile southeast KB Homes has lots 45' x 120', so this area has evolved over time. The density proposed is appropriate for the area and he is in favor of the project.

Commissioner Danzeisen said this is his district and he lives in Laveen. He appreciates this being well thought out and appreciates the input. There's always going to be those that

don't like everything about it, but overall, this is a very nice project. He looks at it on how it fits the area. The development on 19th Avenue came in nice without really noticing a big difference in the density. As we go forward, he sees developments getting denser, but 1.74 is a good density. He is in support of this project.

Commissioner Swart said he never heard Mr. Anderson when giving his presentation talk about being at a Burger King and someone may have said keep it under 2 d.u./acre and we'll be fine. He can't imagine he wouldn't have an e-mail or affidavit that it came officially from the LCRD.

Vice Chair Schlosser said there's been many LCRD meetings held at the Burger King on Broadway. If the community was truly up in arms, we would have a hundred speakers not two or three speakers.

Commissioner Arnett said he lives in the east valley where there used to be the expansive land. This is the battle of development the need for more housing, and this is why we do planning. As long as property owners don't infringe on people's rights. The speakers had great presentations and great points. Half of the land is going to remain wide open, and he appreciates the applicant working with staff to create a feel for an open area. He is in support of this proposal.

Chairman Lindblom said he grew up in Gilbert that once looked like Laveen. He is very sensitive to what projects will do to the community and he doesn't think this is too dense. He appreciates the comments voiced today.

Mr. David Anderson said he received a chat message on the GoToWebinar before they closed the public hearing from Dan Penton that clarified a question that was asked. He said he is on the LCRD, and they met with the applicant, and they are in support of the 1.74 d.u./acre and the R1-18.

COMMISSION ACTION: Commissioner Danzeisen motioned to approve CPA2021012 with conditions 'a'-'c'. Vice Chair Schlosser second. Approved 9-0. Ayes: Lawrence, McGee, Mitchell, Swart, Arnett, Hernandez, Danzeisen, Schlosser, Lindblom.

- a. Development and use of the site shall be in substantial conformance with the Narrative Report entitled "Sunrise Ranch at South Mountain", consisting of 14 pages, dated June 6, 2022, and stamped received June 28, 2022, except as modified by the following conditions.
- b. Development and use of the site shall be in substantial conformance with the land use exhibit entitled "Sunrise Ranch at South Mountain" dated January 4, 2022 and stamped received January 25, 2022, except as modified by the following conditions.
- 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 the 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 the application. It is, therefore, stipulated and agreed that 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 the value of the property from the value it held on the date of application due to such revocation. The Comprehensive Plan Amendment enhances the value of the property above its value as of the date the Comprehensive Plan Amendment is granted and changing to the prior land use designation results in the same value of the property as if the Comprehensive Plan Amendment had never been granted.

Zoning - Z2021074

District 5

Project name: **Sunrise Ranch at South Mountain**
Applicant: Pew & Lake, PLC
Request: Zone Change with Overlay from Rural-43 to R1-18 RUPD
Location: Generally located at the SEC of 35th Ave. & Olney Ave. in the Laveen area

COMMISSION ACTION: Commissioner Danzeisen motioned to approve Z2021074 with conditions 'a'-s'. Commissioner Lawrence second. Approved 9-0. Ayes: Lawrence, McGee, Mitchell, Swart, Arnett, Hernandez, Danzeisen, Schlosser, Lindblom.

- a. Development of the site shall comply with the Legal Description entitled "Exhibit A – Sunrise Ranch at South Mountain", consisting of 3 pages, dated August 11, 2021, and stamped received September 19, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Sunrise Ranch at South Mountain", consisting of 12 pages, dated August 23, 2022, and stamped received August 23, 2022, except as modified by the following conditions.
- c. The following R1-18 RUPD Zoning District standards shall apply:
 - 1. Min. Front Yard: 15'
 - 2. Min. Side Yard: 5'
 - 3. Min. Rear Yard: 20'
 - 4. Min. Lot Area: 8,750 sq. ft.
 - 5. Min. Lot Width: 70'
 - 6. Average Lot Area: 22,277 sq. ft.
 - 7. Max. Lot Coverage: 50%
 - 8. Max. Dwelling Units: 101 dwelling units
 - 9. Sight Visibility Triangles (SVT): 1 SVT waived on the northeast corner of Olney Ave. & 35th Ave., all others required

- d. Concurrent with submittal of the initial Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.
- e. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- f. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- g. The following Planning Engineering conditions shall apply:
 - 1. Care shall be taken when aligning Olney Avenue on the east and west sides of 35th Avenue. Final plans shall show improvements on the west side of 35th Avenue and demonstrate how the intersection will be aligned. This may require coordination with the developer on the west side of 35th Avenue.
 - 2. The final design shall include detailed plans for the widening of 35th Avenue to a Minor Arterial section per Figure 5.9 of the Roadway Design Manual.
 - 3. The Olney Avenue site frontage shall be developed to Rural Local Roadway classification- reference cross section 5.6 MCDOT Roadway Design Manual. Olney improvements are as indicated below:
 - a. Segment of Olney Avenue from 35th Avenue to approximately 616 east of 35th Avenue - 25 foot R/W half street local roadway dedication containing 20 feet of pavement with 2 ½ shoulders each side.
 - b. Segment east of first ±616' from 35th Avenue - 25 foot R/W half street local roadway dedication containing 26 feet of pavement width plus southern shoulder per typical RDM cross section standard for local rural roadway. The 26 foot pavement will encroach on parcel to north. MCDOT will assist in determining legal owner of this parcel and obtaining right to pave/improve in this parcel. This roadways section shall taper from the western point of new pavement to meet pavement the width of the west portion of existing Olney Avenue.
 - c. Prior to final plat/infrastructure approval, a Design Exception will be required from MCDOT for the substandard improvement of Olney Avenue.
 - 4. To satisfy safe sight distance requirements at the southern road access to 35th Avenue (Capistrano Drive), the roadway profile of Capistrano Drive

east of 35th Avenue must be designed such that Capistrano Drive is sloped towards 35th Avenue for a distance of at least 20 feet.

5. Channel side slopes of 2:1 can only be stabilized with grouted rip rap or concrete; side slopes of 1:1 or steeper can only be stabilized with concrete. Channel grades and resultant velocities within the channels exceed those which would allow for unlined systems. As noted in the Drainage Report, final design will warrant stabilization. The use of vertically placed rip rap for scour protection is prohibited. Subsurface scour protection must be placed at a maximum 2:1 slope.
6. Final design plans shall indicate retention of the site's half-width frontage of 35th Avenue.
7. Retention and spreader basins must drain within 36 hours.
8. Berms used for storm water retention, conveyance of storm water or a combination of the two, must have a minimum top width of eight feet (8').
9. A geotechnical analysis addressing the stability of cut slopes in excess of 2:1 must be submitted as part of the subdivision's infrastructure permit application.
10. The need to address erosion setback requirements from new drainage infrastructure will be further evaluated as part of the final design, pending channel stabilization requirements.
11. The need for drainage easements within HOA tracts must be further evaluated as part of the final plat preparation.
12. A Storm Water Pollution Prevention Permit (SWPPP), issued by the County (PND), will be required prior to issuance of any building/grading permits required for site development.
13. Engineering review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and Drainage Policies and Standards; Floodplain Regulations for Maricopa County; and the MCDOT Roadway Design Manual.
14. 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.
15. Detailed Grading and Drainage (Infrastructure) Plans must be submitted with the application for Final Plat Approval and Building Permits.

- h. The final plat construction documents shall restrict traffic exiting from Olney Avenue onto 35th Avenue to right out only movement until such time that Olney Avenue is fully developed with half street improvements on the northern side of the mid-section line or the interim design of the intersection allows for the appropriate sight visibility triangle on the adjacent northern property. If the developer cannot demonstrate appropriate safety or visibility with the design of Olney Avenue, a splitter island shall be required in the final plat construction documents to MCDOT specifications.
- i. The Owner or Developer shall address and respond to all recommendations of the Arizona Game and Fish Department (AZGFD) included in the letter dated November 10, 2021 at the time of final plat infrastructure permits. The response shall be sent to AZGFD for review and consideration. The Zoning Inspector and/or their designee shall review the applicant's response, and any subsequent comments received from AZGFD, to determine whether the response issued by the Owner or Developer addresses AZGFD comments in good faith. Should the Zoning Inspector and/or their designee decide that the Owner or Developer has not substantially addressed AZGFD comments in good faith, the Owner or Developer shall be required to propose and implement alternatives to the recommendations made by AZGFD.
- j. Sunrise Ranch will be a "dark skies" community. Any county required outdoor lighting shall be shielded so as not to direct or reflect light upon adjoining land, shall not be constructed within 20 feet of any adjoining property under other ownership, and shall not exceed 18 feet in height.
- k. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
- l. Two required parking spaces on all lots will be provided within garages with a minimum of 9'x18' per space in addition to having two parking spaces available on driveways with a minimum of 9'x18' per parking space
- m. Prior to approval of the initial Final Plat, the applicant shall provide the Maricopa County Planning and Development Department with an executed pre-annexation service agreement with the City of Phoenix that identifies when the proposed project will be annexed and the provision of water, and sewer, police, fire, and related services and infrastructure. In lieu of a pre-annexation service agreement the developer must provide a 'will serve' letter from the City of Phoenix for water, sewer, fire and police services. 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 letters or pre-annexation service agreement.
- n. Prior to Final Plat approval, the property owner shall add a note on the plat that discloses to tenants of the site or purchasers of property within the site,

the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping.

- o. Prior to Final Plat approval, the property owner shall add a note on the plat that discloses to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active aviation uses in the Hangar Haciendas Units One, Two, and Three subdivisions located approximately 750 feet to the east of the subject property in Maricopa County.
- p. Amendments to the zone change shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
- q. 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).
- r. 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.
- s. The granting of this Zone Change 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 the 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 the application. It is, therefore, stipulated and agreed that 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 the value of the property from the value it held on the date of application due to such revocation. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and changing to the prior land use designation results in the same value of the property as if the Zone Change had never been granted.

Preliminary Plat - S2021020

District 5

Project name: **Sunrise Ranch at South Mountain**
Applicant: Pew & Lake, PLC
Request: Preliminary Plat for 101 Lots in the R1-18 RUPD zoning district
Location: Generally located at the SEC of 35th Ave. & Olney Ave. in the Laveen area

COMMISSION ACTION: Commissioner Danzeisen motioned to approve S2021020 with conditions 'a'-'r'. Commissioner McGee second. Approved 9-0. Ayes: Lawrence, McGee, Mitchell, Swart, Arnett, Hernandez, Danzeisen, Schlosser, Lindblom.

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Sunrise Ranch at South Mountain" consisting of four full-size sheets, dated July 28, 2022, and stamped received August 6, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Sunrise Ranch at South Mountain", consisting of 12 pages, dated July 28, 2022, and stamped received August 2, 2022, except as modified by the following conditions.
- c. Development of the site shall be generally consistent with the Landscape Plan entitled "Sunrise Ranch", consisting of 7 pages, dated May 24, 2022, and stamped received May 25, 2022, except as modified by the following conditions.
- d. Concurrent with submittal of Final Plat, Improvement Plans shall be submitted to the Planning and Development Department.
- e. After Final Plat recordation and prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- f. Prior to Final Plat approval, Water and Wastewater Plans shall be submitted to and approved by the Maricopa County Department of Environmental Services (MCESD) subject to their procedures.
- g. The following Planning Engineering conditions shall apply:
 1. Care shall be taken when aligning Olney Avenue on the east and west sides of 35th Avenue. Final plans shall show improvements on the west side of 35th Avenue and demonstrate how the intersection will be aligned. This may require coordination with the developer on the west side of 35th Avenue.
 2. The final design shall include detailed plans for the widening of 35th Avenue to a Minor Arterial section per Figure 5.9 of the Roadway Design Manual.
 3. The Olney Avenue site frontage shall be developed to Rural Local Roadway classification- reference cross section 5.6 MCDOT Roadway Design Manual. Olney improvements are as indicated below:
 - a. Segment of Olney Avenue from 35th Avenue to approximately 616 east of 35th Avenue - 25 foot R/W half street local roadway

dedication containing 20 feet of pavement with 2 ½ shoulders each side.

- b. Segment east of first ±616' from 35th Avenue - 25 foot R/W half street local roadway dedication containing 26 feet of pavement width plus southern shoulder per typical RDM cross section standard for local rural roadway. The 26 foot pavement will encroach on parcel to north. MCDOT will assist in determining legal owner of this parcel and obtaining right to pave/improve in this parcel. This roadways section shall taper from the western point of new pavement to meet pavement the width of the west portion of existing Olney Avenue.
 - c. Prior to final plat/infrastructure approval, a Design Exception will be required from MCDOT for the substandard improvement of Olney Avenue.
4. To satisfy safe sight distance requirements at the southern road access to 35th Avenue (Capistrano Drive), the roadway profile of Capistrano Drive east of 35th Avenue must be designed such that Capistrano Drive is sloped towards 35th Avenue for a distance of at least 20 feet.
 5. Channel side slopes of 2:1 can only be stabilized with grouted rip rap or concrete; side slopes of 1:1 or steeper can only be stabilized with concrete. Channel grades and resultant velocities within the channels exceed those which would allow for unlined systems. As noted in the Drainage Report, final design will warrant stabilization. The use of vertically placed rip rap for scour protection is prohibited. Subsurface scour protection must be placed at a maximum 2:1 slope.
 6. Final design plans shall indicate retention of the site's half-width frontage of 35th Avenue.
 7. Retention and spreader basins must drain within 36 hours.
 8. Berms used for storm water retention, conveyance of storm water or a combination of the two, must have a minimum top width of eight feet (8').
 9. A geotechnical analysis addressing the stability of cut slopes in excess of 2:1 must be submitted as part of the subdivision's infrastructure permit application.
 10. The need to address erosion setback requirements from new drainage infrastructure will be further evaluated as part of the final design, pending channel stabilization requirements.
 11. The need for drainage easements within HOA tracts must be further evaluated as part of the final plat preparation.

12. A Storm Water Pollution Prevention Permit (SWPPP), issued by the County (PND), will be required prior to issuance of any building/grading permits required for site development
13. Engineering review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and Drainage Policies and Standards; Floodplain Regulations for Maricopa County; and the MCDOT Roadway Design Manual.
14. 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.
15. Detailed Grading and Drainage (Infrastructure) Plans must be submitted with the application for Final Plat Approval and Building Permits.
 - h. The final plat construction documents shall restrict traffic exiting from Olney Avenue onto 35th Avenue to right out only movement until such time that Olney Avenue is fully developed with half street improvements on the northern side of the mid-section line or the interim design of the intersection allows for the appropriate sight visibility triangle on the adjacent northern property. If the developer cannot demonstrate appropriate safety or visibility with the design of Olney Avenue, a splitter island shall be required in the final plat construction documents to MCDOT specifications.
 - i. The Owner or Developer shall address and respond to all recommendations of the Arizona Game and Fish Department (AZGFD) included in the letter dated November 10, 2021 at the time of final plat infrastructure permits. The response shall be sent to AZGFD for review and consideration. The Zoning Inspector and/or their designee shall review the applicant's response, and any subsequent comments received from AZGFD, to determine whether the response issued by the Owner or Developer addresses AZGFD comments in good faith. Should the Zoning Inspector and/or their designee decide that the Owner or Developer has not substantially addressed AZGFD comments in good faith, the Owner or Developer shall be required to propose and implement alternatives to the recommendations made by AZGFD.
 - j. Sunrise Ranch will be a "dark skies" community. Any county required outdoor lighting shall be shielded so as not to direct or reflect light upon adjoining land, shall not be constructed within 20 feet of any adjoining property under other ownership, and shall not exceed 18 feet in height.
 - k. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.

- l. Prior to approval of the initial Final Plat, the applicant shall provide the Maricopa County Planning and Development Department with an executed pre-annexation service agreement with the City of Phoenix that identifies when the proposed project will be annexed and the provision of water, and sewer, police, fire, and related services and infrastructure. In lieu of a pre-annexation service agreement the developer must provide a 'will serve' letter from the City of Phoenix for water, sewer, fire and police services. 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 letters or pre-annexation service agreement.
- 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 parcels within the area of this subdivision plat without approval by the Board of Supervisors.
- p. Prior to Final Plat approval, the property owner shall add a note on the plat that discloses to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active agricultural uses and non-domesticated animal keeping.
- q. Prior to Final Plat approval, the property owner shall add a note on the plat that discloses to tenants of the site or purchasers of property within the site, the existence, proximity, and operational characteristics of active aviation uses in the Hangar Haciendas Units One, Two, and Three subdivisions located approximately 750 feet to the east of the subject property in Maricopa County.
- r. Two required parking spaces on all lots will be provided within garages with a minimum of 9'x18' per space in addition to having two parking spaces available on driveways with a minimum of 9'x18' per parking space.

Chairman Lindblom adjourned the meeting of September 1, 2022 at 10:45 a.m.

Prepared by Rosalie Pinney
Recording Secretary

September 1, 2022