

**MINUTES OF THE REGULAR MEETING**  
**OF THE**  
**PLANNING AND ZONING COMMISSION**

May 12, 2022  
9:31 a.m.

Hybrid In-Person & Gotowebinar.com  
Phoenix, Arizona

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**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  
Ms. Francisca Montoya  
Mr. Jay Swart

**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, Planner  
Mr. Daniel Johnson, Planner  
Mr. Martin Martell, Planner  
Mr. Joseph Mueller, Planner  
Ms. Rosalie Pinney, Recording Secretary

**COUNTY AGENCIES:**

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

**CONSENT:**

**MCP2020003, Z2021118, Z2022015, Z2022058**

**REGULAR:**

**Z2021155**

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

**COMMISSION ACTION: Chairman Lindblom approved the minutes from April 21, 2022 minutes as written.**

## CONSENT AGENDA

### Military Compatibility Permit - MCP2020003

District 4

Project name: **Freedom Boat & RV Storage**  
Applicant: Mario Mangiamele, AICP - Iplan Consulting  
Request: Military Compatibility Permit (MCP) with Plan of Development (POD) for an RV and boat storage facility in the C-2 MAAMF zoning district  
Location: Generally located at the southeast corner of 137<sup>th</sup> Ave. and Glendale Ave. (APN#501-57-933D)

### Zoning - Z2021118 (Cont. from 4/21/22)

District 1

Project name: **Shappell Family Project**  
Applicant: Jessica Sarkissian, Upfront Planning & Entitlements, LLC  
Request: Zone Change with Overlay from Rural-43 to C-2 CUPD  
Location: Approximately 530' east of the SWC of Germann Rd. and Lindsay Rd. in the Gilbert area

### Special Use Permit - Z2022015

District 4

Project name: **Arlington Valley Solar Energy**  
Applicant: Marilyn Burke, ConEdison  
Request: Special Use Permit Modification of Conditions of case Z2009063, as amended via Z2012043, Z2013102 and Z2016059, to modify condition 'j' to preserve ROW for 395<sup>th</sup> Ave, and modify condition 'x' to extend the SUP to 5/11/2027  
Location: Generally located 7,900 feet south of the SWC of Elliot Rd. & 387<sup>th</sup> Ave. in the Arlington area.

### Zoning - Z2022058

District 5

Project name: **55<sup>th</sup> & Baseline**  
Applicant: Ashley Marsh, Gammage & Burnham  
Request: Zone Change with Overlay from C-2 to C-2 CUPD  
Location: Generally located at 56<sup>th</sup> Ave. & Baseline Rd. in the Laveen area.

Mr. Gérard presented the consent agenda.

Chairman Lindblom asked if anyone from the public wished to speak on the consent agenda. None.

**COMMISSION ACTION: Commissioner Arnett motioned to approve the consent agenda – MCP2020003 with conditions 'a'-'k', Z2021118 with conditions 'a'-'h', Z2022015 with conditions 'a'-'bb' and Z2022058 with conditions 'a'-'f'. Commissioner Hernandez second. Approved 9-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Montoya, Danzeisen, Schlosser, Lindblom.**

#### **MCP2020003 conditions:**

- a. Development of the site shall be in substantial conformance with the Site Plan entitled, "Freedom RV & Boat Storage" consisting of three full-size

sheets dated March 17, 2022, and stamped received April 2, 2022, except as modified by the following conditions.

- b. Development of the site shall be in substantial conformance with the Narrative Report entitled, "Freedom Boat & RV Storage", consisting of 14 pages, dated, revised March 28, 2022, and stamped received April 2, 2022, except as modified by the following conditions.
- c. Development of the site shall be in substantial conformance with the Landscape Plan, consisting of 6 pages, entitled "Freedom Boat & RV Storage" dated December 7, 2021, and stamped received April 2, 2022, except as modified by the following conditions.
- d. The Military Compatibility Permit shall be limited to the following uses:
  - 1. Recreational vehicle and boat storage facility with associated office space
  - 2. Mini warehouse self-storage facility
- e. The following Planning Engineering conditions shall apply:
  - 1. At the time of the Building Permit, retention basins must drain within 36-hours.
  - 2. At the time of application for building permits, the owner/applicant must demonstrate that Retention Basin C and the existing underground retention basin contains the required volume to store the runoff from their contributory areas. The construction plans must demonstrate how runoff enters the underground retention basin via Retention Basin C.
  - 3. At the time of the Building Permit, the plans must be updated per the Traffic Study for the current MCP with POD.
  - 4. At the time of the Building Permit, the steepest side slopes of the retention basin is 4:1. Update the contour lines around the headwall in Retention Basin B to be 4:1. The pipe length may need to be extended.
  - 5. The length of longest flow path for the ration method could not be duplicated. In the Building Permit Review, re-evaluate the length of longest flow path and provide them on the On-Site Map.
  - 6. At the time of the Building Permit, the curb openings must be sized according to the 100-year peak flow rate.

7. Any work within the City of Glendale R/W will require a City of Glendale R/W Permit.
  8. 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 Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
  9. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
- f. All buildings are subject to noise attenuation as per ARS § 28-8482(B).
- g. The following Military Airport and Ancillary Military Facility Overlay Zoning District standards shall apply:
1. Lot Width – 30'
  2. Screening – A solid wall, not less than 6' in height, shall be required along and adjacent to any side or rear property line abutting any rural or residential zone boundary except sides abutting property boundaries interior to the site
  3. Landscaping – 5' landscaping strip not required with approval of landscaping plan
  4. Loading Spaces Required – None required
- h. Artisan Holdings, LLC shall notify future occupants/tenants that they are located within the High Noise or Accident Potential Zone of Luke Air Force Base with the following language:

Luke Air Force Base executes an average of approximately 165 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 <https://www.luke.af.mil/Units/Community-Initiatives-Team/> or contact the Maricopa County Planning and Development Department."

- i. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Military Compatibility Permit as set forth in the Maricopa County Zoning Ordinance.
- j. 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.
- 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, and at the time of expiration of the Military Compatibility 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 Military Compatibility 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 Military Compatibility Permit. The Military Compatibility Permit enhances the value of the property above its value as of the date the Military Compatibility Permit is granted and reverting to the prior zoning results in the same value of the property as if the Military Compatibility Permit had never been granted.

**Z2021118 conditions;**

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Shappell & Germann Road", consisting of 1 full-size sheet, dated November 4, 2021, and stamped received November 23, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Rezone with Overlay Narrative for Germann 4", consisting of 7 pages, dated February 2022, and stamped received February 8, 2022, except as modified by the following conditions.
- c. CUPD Overlay shall prohibit the following uses:
  - 1. Adult oriented facilities
  - 2. Bars
  - 3. Drive-in or drive-thru restaurants

4. Retail sales of gas (butane or propane)
  5. Liquor stores
  6. Recreation centers with pool halls or billiards
  7. Theaters
  8. Self-storage
  9. Medical Marijuana Dispensaries and/or Marijuana Establishments
- d. The following Planning Engineering conditions shall apply:
1. 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 Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards. No entitlement is inferred by this review.
  2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
  3. Any site development must include a grading and drainage plan prepared by a licensed civil engineer in accordance with Drainage Review Requirements for Precise Plans (Planning Phase) and the Engineered Plan Submittal Requirements (Building Phase).
  4. The site is not located in a Special Flood Hazard Area. The Flood Control District has no comments on this application.
  5. A Traffic Impact Study to address traffic impacts and roadway improvements required to support the proposed development must be submitted with the Plan of Development application(s) or other future entitlement applications. Applicant to contact the Town of Gilbert to coordinate any offsite improvements within their jurisdiction along Germann Road.
  6. The subject premise is NOT located within the County's Urbanized Area. A Storm Water Pollution Prevention Permit (SWPPP) is not required for the development of this site.
- e. Prior to the initial precise plan of development approval, the applicant shall provide the Maricopa County Planning and Development Department with an executed pre-annexation service agreement with the Town of

Gilbert that identifies the detail for when the proposed project will be annexed and the provision of water and sewer service. In lieu of pre-annexation service agreement the developer must provide a 'will serve' letter from the certificated water and sewer provider(s).

- f. Approval of a Plan of Development will be required prior to approval and issuance of construction permits to develop and establish use of the site. Prior to issuance of any building permit, written confirmation will be required from the emergency fire protection jurisdiction having authority that the facility has been designed in accordance with their regulations and requirements, and that emergency fire protection service will be provided to the facility. Prior to issuance of the certificate of occupancy, local fire protection jurisdiction review and approval will be required.
- g. 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.
- h. 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.

**Z2022015 conditions;**

- a. Development of the site shall be in substantial compliance with the Site Plan entitled "Arlington Valley Solar Energy, LLC", consisting of twelve (12) full-size sheets, dated February 22, 2022, and stamped received February 28, 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 "Arlington Valley Solar Energy project Narrative Report", consisting of 35 pages, dated February 11, 2022, and stamped received February 28, 2022, except as modified by the following conditions.

- c. Any special events as described in the narrative report shall be limited to 30 people. The groundbreaking event will exceed this maximum number; however, the developer will make provisions for off-site parking and shuttle service.
- d. Prior to zoning clearance for any permit, legal access documentation shall be provided for both the main and emergency access points.
- e. To the extent possible, the applicant shall accommodate Maricopa County's regional trail system which traverses their site generally along the 387th Ave. alignment adjacent to Winters Wash as may be deemed necessary by Maricopa County Parks.
- f. Any existing vegetation along 395th Avenue shall be maintained through construction and revegetation efforts shall be generally consistent with the vegetation along the west side of said alignment.
- g. Revegetation along and within Winters Wash shall be consistent with the US Army Corps of Engineers permitting requirements. In the event that this permit is not pursued, revegetation along Winters Wash shall be consistent with the Arlington Valley Energy Land Management Plan approved with CPA200004.
- h. All trees shall be double staked when installed.
- i. 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.
- j. Preservation of a right-of-way area to bring the total half-width to 65' for 395<sup>th</sup> Ave. shall be maintained in project design.
- k. Prior to zoning clearance, 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.
- l. The following Maricopa County Environmental Services [MCESD] stipulations shall be met:
  - 1. Prior to issuance of the first facility building permit, all required permits for any required drinking water, sanitary, and industrial wastewater permits by MCESD and ADEQ must be submitted to the appropriate agency.



2. No facility operation can begin prior to the approval of the above permits (issuance of an Approval to Construct) and a construction approval (Approval of Construction) of the required facilities signed by MCESD.
- m. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- n. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.
- o. 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 prior to zoning clearance for any building permits.
- p. 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.
- q. As part of the building permit process, a Floodplain Use Permit will need to be obtained from the Floodplain Management and Services Division of the Flood Control District.
- r. Development and use of the site shall comply with requirements for fire protection measures as deemed necessary by the Arizona Fire & Medical Authority. 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.
- s. The applicant or his successor shall obtain approval of any development plans from the applicable Fire Marshall prior to any construction.
- t. This Special Use Permit shall expire forty (40) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 90 days of such termination or expiration.
- u. The applicant shall submit an annual written report 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 stipulations including maintenance of drainage facilities.

- v. 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.
- w. 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).
- x. If a building permit for the facility has not been issued by May 11, 2027, this SUP and the related Comprehensive Plan Amendments (CPA200808, CPA2009016, CPA200917, and CPA200919) 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 reverting the zoning to Rural-190 and the related land use designations to Open Space and Rural respectively. Additionally, in the event of reversion, the Land Management Plan associated with CPA200004 shall be implemented.
- y. 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 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.
- z. 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 Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- aa. Prior to any ground disturbance activities and prior to the issuance of any construction permits, the developer shall provide assurance in an amount and form acceptable to the Maricopa County Planning & Development

Department sufficient to restore or stabilize the entire site in the event the project is abandoned, expires, or otherwise becomes defunct. Additionally, in the event of reversion, the Land Management Plan associated with CPA200004 shall be implemented.

- bb. Continued compliance with the conditions of approval for Z2009063 as applicable.

**Z2022058 conditions;**

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled 'Proposed Site Plan' consisting of 1 page, dated March 17, 2022, and stamped received April 15, 2022, except as modified by the following conditions. Staff may determine slight refinements to remain in substantial conformance with the approved narrative. Minor and major amendments to the narrative will be determined in accordance with Chapter 3 of the Maricopa County Zoning Ordinance.
- b. The following CUPD standard shall apply:
  - 1. Menu-boards for drive-thru restaurants containing speakers shall not be located any closer than 50 feet to a Rural or Residential zone.
- c. Administrative approval of a Plan of Development will be required prior to approval and issuance of construction permits to develop and establish use of the site. Prior to issuance of a building permit, written confirmation will be required from the emergency fire protection jurisdiction having authority that the facility has been designed in accordance with their regulations and requirements, and that emergency fire protection service will be provided to the facility. Prior to issuance of the certificate of occupancy, local fire protection jurisdiction review and approval will be required.
- d. Continued compliance with the conditions of approval for Z2021035 as applicable.
- 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.

**REGULAR AGENDA**

**Zoning - Z2021155**

**District 4**

Project name: **Indicap – Olive & Reems**  
Applicant: Kurt Jones, Tiffany & Bosco, P.A.  
Request: Zone change major amendment to the IND-2 IUPD development standards to accommodate an industrial development, along with a precise plan of development  
Location: Generally located ¼ mile northwest of the NWC of Olive Ave. and Reems Rd. in the Glendale area

Chairman Lindblom said he has a conflict with this case and is recusing himself.

Chairman Lindblom asked Commissioner Hernandez to be acting Chairman.

Mr. Martell presented Z2021155 and noted the request is for light industrial and manufacturing distribution. Indicap will be an industrial park with three separate buildings which will be speculative office and warehousing structures. This proposed amendment will be in conformance with CPA2020005 and Z2020102 except for the requested modifications. This amendment request is to vary one of the group IND-2 IUPD development standards and two of the IND-2 base development standards on this site. The primary request is to vary the maximum structure height from the required 40-feet to 49-feet to accommodate a manufacturing distribution center to be constructed to today's industrial standards. Another request is to eliminate the screen requirements along the sites eastern and southern boundary where planned industrial uses will be developed. There is a request to allow industrial uses within the required yards of the site adjacent to any street or reserved right-of-way. The applicant notified all property owners within 300 feet of the site and the area interested parties. During the applicant's Citizen Participation process staff received eight letters of opposition by adjacent neighbors, and two live within 300 feet of the site with concerns of increased height of the structure and privacy concerns. The developer is not planning to add windows on the north side of the north building, and with the buffering measures implemented this will have a minimal impact on the adjacent existing and planned residential uses. Other opposition has concerns with the potential noises with the loading and unloading while others are opposed to potential light pollution from the site. Luke Air Force Base has no objections to the proposed height increase of the new structures. Staff is in support of the major amendment. The plan to develop the site as an industrial park with structures ready for industrial tenant's will be appropriate for an area with existing and planned industrial uses. This type of development will add skilled manufacturing and employment opportunities that will foster a strong regional economy in this part of the County.

Commissioner Arnett asked what triggers this a major amendment. Mr. Martell said we are adding two extra conditions and need a precise plan of development, therefore it will be a major amendment. Mr. Gérard said we are varying a development standard of the underlining zoning district that was not varied with the IUPD and will always be a major amendment.

Commissioner McGee asked the location of the residential area Twelve Oaks. Mr. Martell said to the north there will be a residential subdivision and in the northwest is an existing Twelve Oaks residential subdivision. The buffering would be 100 feet from the adjacent residential where the retention basins are, and Building A will be pushed further from that north property line to act as a buffer.

Vice Chair Schlosser asked what the average height of the buildings to the east of the site are. Mr. Martell said he would defer to the applicant.

Commissioner McGee asked if 49 feet is a standard height. Mr. Martell said he would defer to the applicant. Acting Chair Hernandez said the applicant is here and he can clear up some of these questions.

Mr. Bill Lally with Tiffany & Bosco said he is here representing the applicant. A year ago, they came before the commission and rezoned part industrial and the north part residential. Today there is a 25-foot landscape setback requirement industrial adjacent to rural, and we increased that to 100 since they didn't know where the buildings were going to be in the prior case. The buildings across the street to the east is the Wolf Center, it is 700 acres of industrial buildings. The City of Glendale approved 100 feet of height for many of the buildings, and 135 feet of height on the north end, and at the very bottom closer to Luke they are limited to 35 feet. We are asking for nine feet in additional height. To the east of this property is a large Flood Control Regional basin and it is zoned Rural-43, but there will not be any residential homes on that property. The parcel to the south is under contract with a zoning case for industrial. Eliminating the screening makes a lot of sense. The first property from the building is 175 feet away and the line of sight is blocked by landscaping or the distance between future buildings and residential homes. This is an industrial building and there are windows up top for lighting purposes only. There will not be any offices or people up there to peer down on to residences.

Commissioner McGee asked where the loading dock will be located. Mr. Lally said the loading is facing east and west, it does not face north to any existing residential. The property to the west will likely be developed into industrial as well.

Acting Chair Hernandez asked if anyone from the public wished to speak on this case. None.

Vice Chair Schlosser said this isn't an unreasonable request for an additional nine feet considering the buildings across the street are up to 135 feet. He is in favor of the amendment.

Acting Chair Hernandez said he echoes Vice Chair Schlosser's comments. The line of sight exhibit shows the building is 10 feet lower than the adjacent parcel. Increasing the

building by nine feet doesn't change it much to what was originally approved and given the distance from the property line, it is not an unreasonable ask. The applicant has gone above and beyond to be a good neighbor and move their buildings further away from the property line.

Commissioner Swart said he agrees, and he is prepared to make a motion.

**COMMISSION ACTION: Commissioner Swart motioned to approve Z2021155 with conditions 'a'-'l'. Commissioner McGee second. Approved 8-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Montoya, Danzeisen, Schlosser. Chairman Lindblom recused.**

- a. A Plan of Development is approved subject to site plan entitled "Indicap – Olive and Reems" consisting of ten full-sized sheets, dated March 28, 2022, and stamped received March 29, 2022. The Plan of Development may be amended administratively under separate application as long as the amendment complies with the established IND-2 IUPD development standards approved by the Board of Supervisors. Staff may determine slight refinements to remain in substantial conformance with the approved site plan. Minor and major amendments to the approved 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 "Indicap, Inc. – Olive Ave. & Reems Rd.", consisting of ten pages, dated March 28, 2022, and stamped received March 29, 2022, except as modified by the following conditions.
- c. Development of the site shall be generally consistent with the Landscape Plan entitled "Indicap – Olive and Reems", consisting of nine pages, dated March 28, 2022, and stamped received March 29, 2022, except as modified by the following conditions.
- d. The following Planning Engineering comments shall apply:
  1. Earthen berms used to retain or convey runoff must contain an eight-foot-wide top width. Use of concrete lined channels negate this requirement.
  2. Surface retention basins deeper than one foot must contain one foot of freeboard.
  3. Retention basins, including underground retention systems, must drain within 36 hours.
  4. The areas identified to provide access from Reems Road contain Special Flood Hazard Areas (FEMA Zone A); and also contain lands owned or encumbered by the Flood Control District (FCD). In addition to floodplain use permitting, ROW permitting will be required by the FCD,

see <https://www.maricopa.gov/5657/Permits#row> for more information. The FCD ROW permit must be procured prior to issuance of any building permit(s).

5. Access to the site will be through a private easement through Maricopa County Flood Control District property. The applicant must demonstrate it has legal access to the site prior to the issuance of building permit(s).
6. Access to 159th Avenue shall be gated and be used only for emergency access.
7. Prior to issuance of building permit(s), the owner/ developer must contribute \$118,820.00 towards the cost of new traffic signal at the Olive Avenue / Reems Road intersection which is planned to be part of MCDOT TIP Project TT0562.
8. A dedicated southbound right-turn lane and northbound left-turn lane at Access A (Reems Road & Hatcher Road alignments) must be constructed as part of the site's development. MCDOT permit(s) for said work shall be issued prior to or concurrent with any building permit(s).
9. The owner/developer must coordinate with MCDOT and City of Glendale DOT for the new traffic signal design and installation along with the final geometry of Access A and Hatcher Road alignment for review and approval. Traffic signal design and installation will be based on the approval from the City of Glendale. Such approvals (emails, letters etc.) must be demonstrated prior to building permit issuance.
10. Detailed Grading and Drainage (Site Infrastructure) Plans must be submitted with the application for Building Permits to demonstrate how flow from each respective drainage area will be directed to its designated retention basin. This shall include the requirement to provide calculations to substantiate the storm drain design; and retention basin slope protection at areas that will receive direct inflow from paved areas and at concentrated inflow locations.
11. Based on the conceptual design nature of the information submitted, changes to the site layout may be necessitated by the final engineering design of the site's drainage infrastructure.
12. Engineering review of planning and/or zoning cases is for conceptual design only. 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.

- e. All buildings are subject to noise attenuation as per ARS § 28-8482(B).
- f. The master developer shall notify future tenants or owners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Structures 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.

- g. The following IND-2 IUPD development standards shall apply:
  - 1. There shall be a maximum height of 49' for any building/structure.
  - 2. There shall be no screening required along the site's eastern and southern boundaries.
  - 3. Outdoor industrial uses or enclosures shall be permitted to encroach into any required street side yard.
  - 4. There shall be a minimum side yard of 25-feet adjacent to any rural or residential zoning district.
  - 5. All structures shall be prohibited within 100-feet from both the R1-35 and R1-6 RUPD zoning boundary to the north portion of the site.
  - 6. Any outdoor light sources within the 100-foot buffer area shall have a maximum height of 12-feet and fully shielded.
  - 7. There shall be a minimum 25-foot deep landscape buffer along the length of the northern site boundary.



8. Adult oriented businesses, retail cannabis businesses, and residential uses shall be prohibited.
- h. The developer shall create a lot re-delineations of the southern portion of parcel 501-41-006N with a lot combination of parcel 501-41-006U prior to issuance of permits.
- i. Continued compliance with the approval of CPA2020005 and Z202012 as applicable.
- 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. 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.
- l. 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 amendment. The Zone Change amendment enhances the value of the property above its value as of the date the Zone Change amendment is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change amendment had never been granted.

Mr. Gérard said the May 26, 2022 ZIPPOR meeting has been cancelled.

Chairman Lindblom adjourned the meeting of May 12, 2022 at 10:01 a.m.

Prepared by Rosalie Pinney  
Recording Secretary

May 12, 2022