

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

January 13, 2022
9:32 a.m.

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Phoenix, Arizona

MEMBERS PRESENT:

Mr. Greg Arnett, Chairman
Mr. Jay Swart, Vice Chairman
Mr. Erik Hernandez (left at 9:56 a.m.)
Mr. Spike Lawrence
Mr. Jimmy Lindblom (left at 10:50 a.m.)
Ms. Kate McGee
Mr. Lucas Schlosser

MEMBERS ABSENT:

Mr. Kevin Danzeisen
Mr. Matt Gress
Ms. Francisca Montoya

STAFF PRESENT:

Mr. Tom Ellsworth, Planning & Development Director
Mr. Darren Gérard, Planning Services Manager
Ms. Rachel Applegate, Senior Planner
Mr. Jose Castañeda, 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

CONSENT:

Z2021098

REGULAR:

Z2021051, Z2021096, Z2021129

ELECTION OF OFFICERS

Commissioner Schlosser nominated Commissioner Lindblom to serve as Chairman for 2022, and Chairman Arnett nominated Vice Chair Swart to serve as Chairman for 2022.

COMMISSION ACTION: By a vote of 5-2 Commissioner Lindblom was elected to serve as Chairman. Ayes: McGee, Schlosser, Hernandez, Lindblom, Arnett. Nays: Swart, Lawrence.

Commissioner Hernandez nominated Commissioner Schlosser to serve as Vice Chairman for 2022.

COMMISSION ACTION: By a vote of 7-0 Commissioner Schlosser was elected to serve as Vice Chairman for 2022. Ayes: Arnett, Swart, Lindblom, Lawrence, McGee, Schlosser, Hernandez

Chairman Lindblom thanked Commissioner Arnett and Commissioner Swart for their roles as Chairman and Vice Chair and the great work handling the virtual meetings. He appreciates the opportunity to serve as Chairman and he doesn't take this position lightly as we impact people with our decisions every day. He looks forward to serving as Chairman.

Chairman Lindblom asked Vice Chairman Schlosser to run the hearing since he is in a remote area and needs to leave early.

Vice Chairman Schlosser made the standard announcements and asked if there were any changes or comments to the minutes for the November 4 and November 18 meeting. None.

COMMISSION ACTION: Vice Chairman Schlosser motioned to approve the minutes from November 4, 2021 and November 18, 2021 minutes as written.

Mr. Gerard said Commissioner Hernandez left the hearing.

CONSENT AGENDA

Special Use Permit - Z2021098

District 3

Project name: **Carefree Crossings RV & Boat Parking Extension**
Applicant: Casey Mahoney
Request: Special Use Permit Major Amendment for Carefree Crossings RV & Boat Storage Extension
Location: Generally located at the NWC of 10th St. & Carefree Hwy.

Mr. Gerard presented the consent agenda.

COMMISSION ACTION: Commissioner Swart motioned to approve the consent agenda, Z2021098 with conditions 'a'-'k' Commissioner Arnett second. Approved 6-0. Ayes: Lindblom, Lawrence, McGee, Schlosser, Swart, Arnett.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled, "Carefree RV Center Expansion" consisting of one full-size sheet dated December 21, 2021, and stamped received December 21, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled, "Special Use Permit Major Amendment to Z2015014 for Carefree Crossings RV & Boat Extension", consisting of 11 pages, dated, revised December_17, 2021, and stamped received December 17, 2021, except as modified by the following conditions.
- c. The property owner shall submit a 'will serve' letter from the Daisy Mountain Fire District for fire protection services for the project site. A copy of the 'will

serve' letter shall be required as part of the initial construction permit submittal.

- d. Deleted.
- e. The following Maricopa County Environmental Services Department (MCESD) conditions shall apply:
 - 1. The owner will abandon the septic systems and connect to a public sewer system when one is available, and participate in a fair share of the public sewer system funding.
 - 2. Development and engineering design shall be in conformance with the Maricopa County Stormwater Quality Management and Discharge Control Regulation. The owner/developer shall prepare a Stormwater Site Plan (SWPP) and obtain approval by MCESD prior to construction (a separate submittal to MCESD is required).
 - 3. Upon completion of construction, the owner shall fulfill MCESD post-construction requirements. This will include appropriate operation and maintenance requirements.
- f. The following Planning Engineering conditions shall apply:
 - 1. The site contains a small area of regulated floodplain and jurisdictional washes in its southeast corner. Floodplains must be clearly mapped on construction plans. Any disturbance to the floodplain will require a floodplain use permit concurrent with building permit(s). Owner/Applicant is responsible for identifying and procuring any permit(s) for disturbance of, or work within delineated jurisdictional (404) washes.
 - 2. Detailed Grading and Drainage (Site Infrastructure) Plans must be submitted with the application for Building Permits indicating that the site will drain to an existing retention basin.
 - 3. No new driveways to Carefree Highway or 7th Street are included with this entitlement. Access to the development site shall be via the existing driveway located on 7th Street.
 - 4. The subject site is located within the County's Urbanized Area. A Storm Water Pollution Prevention Permit (SWPPP) from the County will be required prior to issuance of any construction permits.
 - 5. 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.

6. 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.
- 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 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.
- i. The drainage channel included within the SUP area shall be maintained in perpetuity by the property owners of all parcels within the C-2 CUPD zoning district.
- j. GSA Pavement shall be permitted as an acceptable pavement for parking spaces and internal driveways with the approval of a dust control plan in accordance with the requirements of Maricopa County Air Quality Control.
- k. Development of the site shall comply with all conditions of Z2015013 except that the undulating setback shall comply with the Site Plan entitled "Carefree RV Center Expansion" consisting of one full-size sheet dated December 21, 2021, and stamped received December 21, 2021.

REGULAR AGENDA

Zoning - Z2021051 (Cont. from 12/9/21)

District 3

Project name: **Bungalows at 19th Ave. & Parsons Road**
Applicant: Felipe Zubia, Beus Gilbert McGroder PLLC

Request: Zone change from Rural-43 to R-2
Location: Generally located on the SEC of 19th Ave. and Parsons Rd. in the Phoenix area

Mr. Castañeda presented Z2021051 and noted the applicant is not requesting any changes to the base R-2 development standards. The applicant has provided correspondence from the City of Phoenix noting the in progress annexation, and the city is amicable to the request. There are no known violations on the property. Staff has received 30 letters of opposition from 18 residents of the area, four of the individuals are opposed that live within 300 feet of the subject site. Staff also received a petition from the residents in the area in opposition to the request. The opposition concerns are with the change and character to the area, the higher density, increase in traffic, and the potential impact of property values. Since the publishing of the staff report, the City of Phoenix has rescinded their continuance request and the applicant has discussed the project with city and they have no concerns. The area has rapidly urbanized and has developed with similar densities as what is being proposed. Staff is of the opinion that the proposed rezone would facilitate the annexation of the site in order for it to be developed in the City of Phoenix. The site will gain access to city utilities and services which is a more desirable condition as opposed to remaining unincorporated and dependent on private wells and septic. The request for the change in zoning is in line with the existing development patterns of the area. Staff recommends approval of this case.

Commissioner McGee said in an earlier write up it said the proposed rezone of the site from RU-43 to R2 is inconsistent with the Maricopa County Comprehensive Plan use designation for the site, and asked does the annexation overcome the objection. Mr. Castañeda said he noted it was inconsistent with the county designation for the area, but the character of the area has changed drastically from when it was originally established.

Mr. Paul Gilbert, the applicant said this project is supported both by the county and the City of Phoenix. It will be eventually annexed in to the City of Phoenix and they will then have jurisdiction over this. They are proceeding in the county because the City of Phoenix would not let us process a zoning case until we were first annexed. We decided to proceed this in the county which has the support from the City of Phoenix. This is a rapidly growing area with commercial development near I-17 and Happy Valley Road. The Norterra development is adjacent to the site and has equal or larger density to what is proposed. The Toll Brothers project is 30 units per acre adjacent to the site to the south. Immediately across the street is the Norterra project with 12 units per acre. We have initiated the annexation process and it is moving forward. The City of Phoenix is in support of the annexation as well as the rezoning case. The Bungalows is a small scale, single-story units that are designed to resemble a single-family community with private back yards. The two and three bedroom units are free-standing detached units with no adjoining walls, and the one bedroom is a duplex with only one common wall with private fenced back yards. This will be well landscaped and very much like a single-family community and a very popular rental project. The site plan is a total of 170 units and the density is 11.3 dwelling units per acre, well below the density of the project adjacent to the south and slightly below the density of the project being built across the street. We are well below the height of what has been approved across the street and to the south.

The City of Phoenix has a major shortage of housing and has created a goal of creating 50,000 homes by the year 2030 and this project supports that initiative. Many of the opposition letters are opposed to the Toll Brothers proposal to the south is 3-4 stories, a 470-unit apartment complex much denser than what we are proposing. The primary concerns from the neighbors is the density, traffic, preference for single-family development, the height of the development, and preservation of livestock and rural lifestyle. We are surrounded by higher density than what we are proposing and there is precedent for R-2 in the neighborhood. This project will improve both 19th Avenue and Parsons Road consistent and exceeding the City of Phoenix standards. We are providing full turn movements at 19th Avenue, and we are working with Toll Brothers to the south so that we can provide full turn movements at Desert Hollow. Parsons is a dirt road, so we are improving Parsons Road by paving it and putting in turn lanes with a second entrance at 19th Avenue. There will be a total of six lanes on 19th Avenue, three in each direction and complying will all of the requirements with the City of Phoenix. This development is single-story which is consistent with the surrounding homes in the neighborhood. He believes the opposition is confusing their project with Toll Brothers with 3 to 4 story units. Their project is consistent with the neighborhood. The neighbors will be able to continue their rural lifestyle in the county and the livestock will not be threatened. The north half of Parsons Road will remain unpaved for equestrian use. The only area that will experience an increase in traffic is a short distance along Parsons Road to the north which is about 500 feet. He asks the Commission to concur with the recommendation from county staff and the City of Phoenix.

Mr. Peck said a rezoning needs to be consistent and conformed to the adopted comprehensive plan and he doesn't believe this proposal does that. Mr. Gilbert said as staff pointed out, the comprehensive plan on this site is very old and has not been followed. There is precedent up and down 19th Avenue for this density or more. The comprehensive plan has been ignored for many years.

Mr. Gerard said the county comprehensive plan doesn't have a land use plan component for this region and defaults to rural development. The city's plan has much more detailed localized land use designations. It doesn't comply with the city's plan, however, it is considered consistent with adjacent recent development and proposals. The city is supportive with annexing the project. The county has a directive clarifying we don't look to the land use plan for any site less than 40 acres, we look to the preponderance of land use planning goals. That is the reason for staff's support. Mr. Peck said he is concerned we were not following what the statute requires. Mr. Gerard said we do not require that for sites less than 40 acres.

Mr. Ellsworth said the state statute does require compliance with the comprehensive plan. The comprehensive plan is bigger than the land use element. The comprehensive plan puts in requirements for amendments to that plan. When amendments are required, as Mr. Gerard was describing the size and location of this request wouldn't constitute the need for an amendment to that general plan. It allows the board the ability to take into consideration the context of development of the site due to the size. It would be fulfilling the goals and objectives of the comprehensive plan.

Vice Chairman Schlosser said James Whatley and Laurel Brodie express their opposition but do not wish to speak and request their time be donated to Melissa Crawford. Ms. Crawford never got on the call to speak.

Mr. Richard Hill said he is opposition of this zone change. He owns the property directly in front of the proposed Bungalows, and the on and off ramps of the new Parsons Road is 37 feet from his driveway. This will bring in various traffic 24/7 and headlights will hit his house in the evenings. The people in this community have been here for a long time with various farm animals. We walk and exercise our animals on the dirt roads. This zone change is not in character with the county island neighborhood. This is going to change the value of his home, and the crime rate will increase, along with noise, air pollution and density. He bought his property to be on a dirt road and he does not like the idea that they will pave it because it will change the character of the neighborhood. The traffic is going to cause serious grid lock with the amount of cars that will be added. It is already a serious problem.

Ms. Julie Burns said she lives 300 feet from the proposed site. She has tried to hire attorneys in the valley and no one will take her case because they all want to represent developers. She likes the height of the project and uncertain what will happen once annexed into the City of Phoenix. The traffic coming off of Parsons Road is a big concern, she is not sure what will happen after they pave the 500 feet. There is no stopping the traffic on Parsons Road and they will keep going through our neighborhood. We are responsible for the dust control and this will put a burden on the homeowners, and they won't be able to walk their horses and keep their windows open. She loves living in the county, but won't be able to handle the dust and traffic which is a huge concern.

Ms. Alison McKee said the applicant mentioned the development won't impact the rural lifestyle of our county island, but the traffic is going to be a huge concern and they will see traffic on their dirt road from this proposed community. We already have problems entering and exiting our community with the traffic. She noticed on the plans the bridle path is gone, and they use it regularly for their horses and donkeys. We purchased our property in the county because we knew we could do what we wanted to and the Toll Brothers and Bungalows is going to impact their lifestyle greatly. It will put their rural lifestyle at risk and she wants this area to remain RU-43. We expect this body to help preserve what we have and to stick with the master plan in this area.

Mr. Gilbert said this proposal is constantly referred to as high density and it is not, it is 11.3 units per acre, but the Toll Brothers project is 30 units per acre, and the Norterra project is 50 units per acre. The only thing that changed on the plan is they are providing an access on Desert Hollow and that's what the neighbors asked them to do. The dirt road will still be in place. Parsons Road will only be paved 500 feet and be used by their traffic. The traffic report indicates we will be improving the situation, and most of their residents won't use the dirt road. The dirt road on the north side of the street will remain the same. They will have direct access to 19th Avenue and won't be adding to the dust. The bridle path is in place along the north side of Parsons Road and they did away with it on 19th Avenue, a requirement from the City of Phoenix. Their master plan has been gone for a long time, and staff is well justified in the recommendation for approval.

Commissioner Arnett said the staff report he reviewed recommended a continuance, and he would like some clarification. Mr. Gerard said originally staff's recommendation was for approval, and we changed it to a continuance only because the City of Phoenix concerns. The concerns have been rescinded and the city is supportive, therefore staff is back to their recommendation for approval.

Chairman Lindblom said these cases are difficult because they impact the neighbors, and it is a balance. It is our job to find the right balance and the right uses for land. The applicant has done a good job in showing how to find the right balance. We care and take these cases very seriously.

COMMISSION ACTION: Chairman Lindblom motioned to approve Z2021051 with conditions 'a'-'h'. Vice Chairman Schlosser second. Approved 6-0. Ayes: Lindblom, Schlosser, Lawrence, McGee, Swart, Arnett.

- a. Development of the site shall be in conformance with the Zoning Exhibit entitled "Bungalows at Norterra", consisting of 1 full-size sheet, stamped received October 12, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Bungalows at Norterra", consisting of 5 pages, dated October 8, 2021, and stamped received October 12, 2021, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. Without the submittal of a precise plan of development, no development approval is inferred by this review, including, but not limited to drainage design, access and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.
 2. The applicant will be responsible for coordinating with the City of Phoenix to review any traffic impact, right-of-way dedication, permitting or roadway improvement requirements for 19th Avenue in conjunction with this and future entitlement(s).
 3. Design for site development must ensure that historic drainage patterns are maintained at the up and downstream limits of development.
 4. A traffic impact study must be submitted with any future entitlement application (i.e. plan of development).
 5. Design for site development must provide for at least two (2) paved points of access to existing and improved public roads.

6. The site is encumbered by Federal Patent easements which must be abandoned prior to site development. <https://www.maricopa.gov/775/Abandonment-of-Patent-Easements>
 7. 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. Prior to approval of the initial final plat or 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 City of Phoenix 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 providers.
 - e. 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.
 - f. 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.
 - g. 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.
 - 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.

Chairman Lindblom said he apologizes as he needs to leave early.

Vice Chairman Schlosser said we lost our quorum and case Z2021096 and Z2021129 will need to be heard at our next Planning and Zoning Commission meeting on January 27, 2022.

Special Use Permit - Z2021096 (Cont. from 12/9/21) **District 4**

Project name: **Crossriver RV Storage**
Applicant: Gary McCoskey
Request: Special Use Permit (SUP) for an RV storage facility in the Rural-43 zoning district
Location: Generally located 300' east of the SEC of Harmony Ln. and 119th Ave. in the Sun City area

Due to loss of quorum, case is scheduled for the January 27, 2022 Commission hearing.

Zoning - Z2021129 **District 1**

Project name: **194th Street & Riggs Rd.**
Applicant: Zachary Pebler, Pebler Equities, LLC
Request: Zone Change from Rural-43 to R1-35
Location: Generally located at the SEC of 194th St. & Riggs Rd.

Due to loss of quorum, case is scheduled for the January 27, 2022 Commission hearing.

Vice Chairman Schlosser adjourned the meeting at 10:51 a.m.

Prepared by Rosalie Pinney
Recording Secretary

January 13, 2022