

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

June 16, 2022  
9:44 a.m.

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

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**MEMBERS PRESENT:**

**In-person**

Mr. Jimmy Lindblom, Chairman

**GoToWebinar**

Mr. Greg Arnett  
Mr. Erik Hernandez  
Mr. Spike Lawrence  
Ms. Kate McGee  
Ms. Francisca Montoya  
Mr. Jay Swart

**MEMBERS ABSENT:**

Mr. Lucas Schlosser, Vice Chairman  
Mr. Kevin Danzeisen

**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. Ray Banker, Senior Planner  
Mr. Adam Cannon, Planner  
Mr. Daniel Johnson, Planner  
Mr. Martin Martell, Planner  
Mr. Joseph Mueller, Planner  
Ms. Paola Jaramillo, Planner  
Mr. Nicholas Schlimm, Planner  
Ms. Rosalie Pinney, Recording Secretary

**COUNTY AGENCIES:**

Mr. Nikolaus Decker, County Attorney  
Mr. David Anderson, Business Engagement Manager, OET  
Ms. Alisha Bach, Technical Team  
Ms. Pearl Duran, Technical Team  
Mr. Martin Camacho, Technical Team

**CONTINUANCE:**

**Z2021133, Z2021162**

**CONSENT:**

**S2021035, Z2022047, Z2022049, Z2022050, Z2022059,  
Z2022027, MCP2022001**

**REGULAR:**

**CPA2022004, CPA2022005, CPA2022006, CPA2022007,  
CPA2022008, Z2021150, Z2021127**

Chairman Lindblom made the standard announcements and asked if there were any changes or comments to the May 12 minutes. None.

**COMMISSION ACTION: Chairman Lindblom approved the minutes from May 12, 2022 minutes as written.**

### **CONTINUANCE AGENDA**

#### **Zoning - Z2021133**

**District 1**

Project name: **Val Vista 1**  
Applicant: Jessica Sarkissian, Upfront Planning & Entitlements, LLC  
Request: Zone Change with Overlay from Rural-43 to C-2 CUPD  
Location: Generally located 1,500' south of the SEC of Warner Rd. and Val Vista Dr. in the Gilbert area  
Request: Applicant has requested a continuance to the July 7, 2022 Commission hearing.

Continued to the July 7, 2022 Commission hearing. No action required.

#### **Zoning - Z2021162**

**District 1**

Project name: **Brown Family Project**  
Applicant: Jessica Sarkissian, Upfront Planning & Entitlements, LLC  
Request: Zone Change with Overlay Rural-43 to C-2 CUPD  
Location: Approx. 1,640' east of the NEC of 144<sup>th</sup> St. and Willis Rd.  
Request: Applicant has requested a continuance to the July 7, 2022 Commission hearing.

Continued to the August 4, 2022 Commission hearing. No action required.

### **CONSENT AGENDA**

#### **Preliminary Plat - S2021035**

**District 5**

Project name: **Sunset Ridge**  
Applicant: Dan Auxier, EPS Group, Inc  
Request: Preliminary Plat with 354 lots in the R-5 zoning district  
Location: Generally located at the SWC of Broadway Rd. and 83<sup>rd</sup> Ave.

#### **Special Use Permit - Z2022047**

**District 4**

Project name: **Crown 826869 Minshall**  
Applicant: Crown Castle by Campbell A&Z, LLC  
Request: Special Use Permit (SUP) for existing Wireless Communication Facility in the Rural-43 zoning district  
Location: Generally located approx. 808' northwest of the NWC of Citrus Rd. & Harrison St. in the Goodyear Area

#### **Special Use Permit - Z2022049**

**District 4**

Project name: **Castle Hot Springs – Morristown WCF**

Applicant: Mike Campbell, Campbell A&Z, LLC  
Request: Modification of Condition of a Special Use Permit (SUP) for an existing Wireless Communications Facility (WCF) in the Rural-43 WHSC zoning district, to extend validity of special use Z 97-36 for an additional 25 years  
Location: Generally located ¼ mile northwest of the NWC of Gates Rd. and the Wickenburg Highway in the Morristown area.

**Special Use Permit - Z2022050**

**District 4**

Project name: **Crown Castle 879296 Snow**  
Applicant: Michael J Campbell, Campbell A&Z, LLC on behalf of Crown Castle  
Request: Modification of Condition of a Special Use Permit (SUP) for an existing Wireless Communications Facility in the Rural-190 zoning district to extend the validity of the permit for an additional 25 years  
Location: Generally located 1 ¾ miles south of the SEC of SR 74 & 211<sup>th</sup> Ave. in the Morristown area.

**Special Use Permit - Z2022059**

**District 1**

Project name: **Creamline Dairy East – Digital Billboard**  
Applicant: Jacob Zonn, Becker Billboards  
Request: Special Use Permit (SUP) to convert a Legal Non-Conforming Static Billboard to Digital  
Location: Approx. 1,800' west of the SWC of Loop 202 and McQueen Rd.

**Special Use Permit - Z2022027**

**District 3**

Project name: **The Enclave at Anthem**  
Applicant: Cassandra Ayres, Berry-Riddell, LLC  
Request: Special Use Permit (SUP) Major Amendment to develop 10 additional rowhome casitas and parking in the C-O SUP zoning district  
Location: Generally located approx. 1,322' southwest of the intersection of Anthem Way & Venture Dr.

**Military Compatibility Permit - MCP2022001**

**District 4**

Project name: **RV Storage – Dysart**  
Applicant: Taylor Earl, Earl & Curley  
Request: Military Compatibility Permit (MCP) with Plan of Development (POD) for an RV and boat storage facility in the Rural-43 MAAMF zoning district with existing SUP  
Location: Generally located at the southwest corner of Olive Ave. and Dysart Rd. (APN#501-47-015A)

Mr. Gérard presented the consent agenda.

Commissioner Montoya asked the timeframe of phase 1 and phase 2 for case S2021035 Sunset Ridge. Mr. Gérard said the preliminary plat is valid for a two-year period and can be extended for an additional year. Both phases could be concurrent. Commissioner Montoya asked if the 83<sup>rd</sup> alignment is scheduled in phase 1 or phase 2. Mr. Gérard said

he believes it's in phase 1. Commissioner Montoya asked if the traffic signal includes a left turn lane. Mr. Gérard said if there is a signal it would certainly be full turn movements.

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

**COMMISSION ACTION: Commissioner McGee motioned to approve the consent agenda – S2021035 with conditions 'a'-'l', Z2022047 with conditions 'a'-'i', Z2022049 with conditions 'a'-'f', Z2022050 with conditions 'a'-'f', Z2022059 with conditions 'a'-'e', Z2022027 with conditions 'a'-'g', and MCP2022001 with conditions 'a'-'j'. Commissioner Swart second. Approved 7-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Montoya, Lindblom.**

**S2021035 conditions;**

- a. The Final Plat shall be in substantial conformance with the Preliminary Plat entitled "Preliminary Plat for Sunset Ridge" consisting of 4 full-size sheets, dated February 1, 2022, and stamped received April 14, 2022, except as modified by the following conditions.
- b. Development and use of the site shall in substantial conformance with the Narrative Report entitled "Preliminary Plat Project Narrative for Sunset Ridge", consisting of 4 pages, dated February 1, 2022, and stamped received April 14, 2022, except as modified by the following conditions.
- c. Development of the site shall be generally consistent with the Landscape Plan entitled "Sunset Ridge Preliminary Landscape Design Package", consisting of 8 pages, dated April 12, 2022, and stamped received April 14, 2022, except as modified by the following conditions.
- d. Concurrent with submittal of the initial Final Plat, Improvement Plans shall be submitted to and approved by 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 initial 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. Specific roadway cross-sections and pavement sections are not approved as shown on the Preliminary Plat. The number and width of lanes, including turn and auxiliary lanes, as well as pavement thickness, will be approved on construction improvement plans in conjunction with the Final Plat, in compliance with the Traffic Impact Statement (TIS) approved by the Maricopa County Department of Transportation (MCDOT).

- h. Prior to Final Plat approval or issuance of a grading permit, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the applicable Fire District servicing the project. 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 letter.
- i. The applicant/owner shall comply with the standard assurance provisions as set forth in the Maricopa County Subdivision Regulations.
- j. This 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.
- k. 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.
- l. Subject to the following PND Engineering conditions:
  - 1. Drainage Plan Review Comments: - These comments can be addressed with subdivision infrastructure permitting:
    - i. Retention Disposal – Per the Drainage Report the retention basin will be drained using drywells. Provide retention drain down times.
    - ii. Onsite Hydraulic Calculation – Calculation for all culverts and inlets.
    - iii. Cross Sections – Culvert profiles with inert elevations diameter, material, cover and water surface profile.
    - iv. Finished Floor Elevations – finished floors will be reviewed with the first Building permit submittal.
    - v. Topography – Label the existing contours for the first Building permit submittal.
    - vi. Floodplains – This site is in a Zone X Floodplain. No further comments from FCD.
  - 2. MCDOT Comments – These comments can be addressed with subdivision infrastructure permitting:

- i. 55 ft. dedicated for full half street improvements will be required on Broadway Road based upon the ultimate cross section for an arterial roadway. Improvements to include 2 through lanes and one two way left turn lane and curb, gutter and sidewalk per figure 5.9 of the Roadway Design Manual.
  - ii. Full street improvements will be required for 83<sup>rd</sup> Avenue based upon Figure 5.9 of the Roadway Design Manual.
  - iii. The offset of 83<sup>rd</sup> Avenue will need to be evaluated and a realignment to accommodate full intersection improvements will need to be considered.
  - iv. Any realignment of 83<sup>rd</sup> Avenue will need to accommodate access for neighboring parcels including and commercial or residential development.
  - v. Applicant to work with Maricopa County Department of Real Estate in coordination with obtaining fee for the Bureau of Reclamation land/irrigation canal crossing 83<sup>rd</sup> Avenue.
  - vi. The developer will be responsible for design and installation of the traffic control signal prior to the completion of phase 2. If additional development is identified the cost would be shared.
  - vii. Applicant is to contact the City of Phoenix to notify them of work adjacent to their jurisdiction and requirements for 87<sup>th</sup> Ave.
  - viii. Applicant is to notify ADOT about development through the Red Letter Process due to proximity of the SR30 alignment and potential interchange, [RedLetter@azdot.gov](mailto:RedLetter@azdot.gov)
3. Compliance to additional Planning and Development Engineering stipulations:
  - i. 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.
  - ii. 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.

- iii. 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.
- iv. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for the acquisition of building permits.

**Z2022047 conditions;**

- a. Development of the site shall be in substantial conformance with the Site Plan entitled, "R and J Minshall (826869)" consisting of ten full-size sheets dated May 9, 2022, and stamped received May 16, 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, "CROWN CASTLE # 826869 MINSHALL", consisting of nine pages, dated May 9, 2022, and stamped received May 16, 2022, except as modified by the following conditions.
- c. The following Planning Engineering condition shall apply:
  - 1. 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. Max. WCF Tower Height – 66'
  - 2. Min. WCF Setback from Rural/Residential Zoning – 64' except for federal eligible colocation facilities
  - 3. Max. Diameter of Antenna Arrays – 12' except for federal eligible colocation facilities
  - 4. Parking – 1 space required

5. Pavement – ABC pavement or other acceptable pavement required for access easement and parking space with a dust-control plan approved by Maricopa County Air Quality Control
6. Screening – 8' chain-link fencing with privacy slats is permitted

All other development standards per Rural 43 zoning shall apply

- e. The wireless communication tower shall retain the monopole properties as originally designed. Any damaged or missing fronds or branches shall be replaced within 60 days of such damage occurring.
- f. The special use permit is valid for a period of 25 years and shall expire 25 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.

**Z2022049 conditions;**

- a. Development of the site shall be in substantial conformance of the narrative report entitled "Special Use Permit Modification of Condition Project Narrative", consisting of seven pages dated revised May 10, 2022, and stamped received May 10, 2022.



- b. The Special Use Permit shall expire on July 27, 2047, or upon cessation of the use for 90 consecutive days, whichever occurs first. The site improvements, including the monopole, shall be removed within 60 days of termination of expiration of the lease.
- c. Maximum height for a lattice tower of 188 feet in Class 2 of the Wickenburg Highway Scenic Corridor for the Wireless Communication Facility.
- d. Allow an existing Wireless Communication Facility with a 188-foot-tall lattice tower to be setback a minimum of 16 feet from the east property line.
- e. The following Planning Engineering condition shall apply:
  - 1. 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.
- f. Continued compliance with relevant conditions/stipulations of Z97-36, Z20000028 and Z2002103.

**Z2022050 conditions;**

- a. Development of the site shall be in substantial conformance with the Narrative Report entitled "Special Use Permit Modification of Condition Project Narrative", consisting of 7 pages, dated March 9th, 2022, and stamped received March 11th, 2022, except as modified by the following conditions.
- b. This special use permit is valid for a period of 25 years and shall expire 25 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.
- c. 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.
- d. 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.

- e. All necessary building permits must be obtained for proposed changes and any existing unpermitted changes to the site.
- f. The following Maricopa County Planning & Development Engineering condition shall apply:
  - 1. 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.

**Z2022059 conditions;**

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Loop 202 and Willis Rd", consisting of 2 full-size sheets, dated April 28, 2022, and stamped received May 13, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Narrative Report / Special Use Permit for Digital Billboard", consisting of 5 pages, dated May 5, 2022, and stamped received May 6, 2022, except as modified by the following conditions.
- c. Subject to the following PND Engineering conditions:
  - 1. Applicant shall be responsible for coordinating any requirements that may be imposed by ADOT ([redletter@azdot.gov](mailto:redletter@azdot.gov)).
  - 2. 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
- d. 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.

- e. 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.

**Z2022027 conditions;**

- a. Development of the site shall be in substantial conformance with the Site Plan entitled, "The Enclave at Anthem Senior Living Casitas" consisting of nine pages dated May 10, 2022, and stamped received May 13, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled, "Enclave at Anthem", consisting of 7 pages, dated, revised May 2, 2022, and stamped received May 2, 2022, except as modified by the following conditions.
- c. The Owner or Developer shall address and respond to all recommendations of the Daisy Mountain Fire District (DMFD) included in the correspondence dated March 7, 2022 at the time of construction permitting. A 'will serve' letter shall be required prior to approval of construction permits.
- d. Prior to final approval of construction permits, the Owner or Developer shall process a lot combination or record a cross-access easement between APN 203-04-481 and APN 203-04-549. Recordation of a cross-access easement may alter required setbacks on the site and require a SUP Modification of Conditions.
- e. The following Planning Engineering conditions shall apply:
  - 1. Off-site Hydrology – The grading plans submitted for building permit acquisition shall identify the peak run-off flow rate for the wash adjacent to the site.
  - 2. Onsite Hydrology – The onsite hydrology calculations shall utilize County values as indicated in Table 6.3 of the *Maricopa County Drainage Policies and Standards Manual*. A value of 0.95 shall be

used for commercial/industrial areas. For first flush, a coefficient of 1.0 shall be used for the entire site.

3. Onsite Retention – The required retention volume for the site shall be the first flush volume or the pre vs post runoff volume, whichever is greater.
4. Retention Disposal – All retention must drain within 36 hours. Bleed-off to the existing drainage channel along the southeast side of the site may be used in lieu of drywells to drain the underground retention. Drywells are required to drain the first flush volume of runoff unless a storm water quality device is provided on the bleed-off.
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.
7. Detailed Grading and Drainage (Improvement) Plans must be submitted with the application for Building Permits.
8. Work within N Venture Drive (sidewalk, utility connections, and landscaping) will require a MCDOT ROW permit issued concurrent with the building permit. Any landscaping within the MCDOT right-of-way must meet the applicable standards listed in the MCDOT Roadway Design Manual.
9. The subject premises is located within the County's Urbanized Area and will disturb more than one (1) acre. A Storm Water Pollution Prevention Permit (SWPPP), issued by the County (PND), will be required prior to issuance of any building permits required for site development.
10. If the entitlement is approved, existing building permits B202105759 & B201905761 will need to be terminated and new building permits will need to be applied for the construction of the improvements contemplated with this submittal. Review fees must be paid prior to termination.

- f. 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.
- g. 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.

**MCP2022001 conditions;**

- a. Development of the site shall be in substantial conformance with the Site Plan entitled, "RV Storage - Dysart" consisting of eight full-size sheets dated April 29, 2022, and stamped received May 13, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled, "RV & Boat Storage - Dysart", consisting of ten pages, dated May 31, 2022, and stamped received June 1, 2022, except as modified by the following conditions.
- c. The Military Compatibility Permit shall be limited to the following uses:
  - 1. Recreational vehicle and boat storage facility with canopies
  - 2. Existing caretaker residence and office
- d. The following Planning Engineering conditions shall apply:
  - 1. 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.

2. 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.
  3. Detailed Grading and Drainage (Site Infrastructure) Plans must be submitted with the application for Building Permits.
  4. The south half of Olive Avenue along the project frontage shall be developed to the ultimate street cross-section to meet the City of El Mirage requirements, including any required right-of-way dedication at the time of initial phase construction permitting.
  5. 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.
  6. The entire site and adjacent half-streets' runoff shall be retained onsite. If portions of adjacent right-of-way are controlled by other jurisdictions, the adjacent half-streets' runoff shall be retained unless separately addressed by the other jurisdictions.
  7. Sufficient retention volume shall be provided onsite to retain the required 100-year, 2-hour runoff from all contributing areas. Retention basins with stormwater depths exceeding one foot shall provide one foot of freeboard.
  8. All retention basins shall drain within 36 hours per County requirements.
- e. Prior to initial phase construction permitting, the owner/developer shall submit a traffic study to the City of Glendale for approval and incorporate any City of Glendale requirements, including any required right-of-way dedication.
- f. All new 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. Max. Lot Coverage – 55%
  2. Signage – Chapter 14, Section 1401 and 1403 regulations apply
  3. Pavement – Pavement may consist of rolled and compacted decomposed granite with a dust control plan approved by Maricopa County Air Quality Control or asphalt.

All other development standards of the underlying zoning shall remain.

- h. 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.
- i. 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.
- j. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the 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.

### **REGULAR AGENDA**

- CPA2022004: Laveen Area Plan**
- CPA2022005: Estrella Area Plan**
- CPA2022006: Mobile Area Plan**
- CPA2022007: East Mesa Area Plan**
- CPA2022008: Queen Creek Area Plan**

Mr. Banker said this is staff's proposal to decommission five area plans - CPA2022004: Laveen Area Plan, CPA2022005: Estrella Area Plan, CPA2022006: Mobile Area Plan, CPA2022007: East Mesa Area Plan and CPA2022008: Queen Creek Area Plan. Staff previously introduced this topic last year during the August ZIPPOR meeting where staff presented our current area plan analysis and research. This research established several criteria which staff evaluated the status of each area plan, this included how much of each plan area has been annexed into municipalities, the number of CPA's and DMP's approved in each area, also growth potential and unique factors to each area plan. The easiest to identify was how old these plans are and when the most recent update to each one occurred. Our general findings were that the five subject area plans are very outdated with the latest update adopted over 30 years ago. These plans do not represent the existing conditions of these area plan boundaries given that 58%-89% of these plan areas have since been annexed into cities or towns. Annexation continues to happen and is not controlled by the County but by the municipalities. If these plans are

decommissioned, an important fact would be that County jurisdiction properties within these area plan boundaries would be changed to Rural Development Area or RDA with a density range of 0–1 dwelling units per acre. These unincorporated areas would remain with the lowest intensity and density land use designation which would require a public hearing process for requested changes including zoning and land use proposal that may not fit within the RDA land use designation category. This would not affect existing zoning. Staff would like to do a county island study with the future update to the Comprehensive Plan which should be starting in the next 2-3 years. This study would focus on the following and include the unincorporated lands within these subject area plan boundaries:

- Provide up to date information on existing conditions including utilities and services within these areas;
- Analysis of future development requests to understand what, if anything, is feasible within existing county islands and how to encourage annexation when needed;
- Set specific strategies and policies for different types, sizes, and locations of these county islands. This will help guide proposals to viable development options if available based on particulars of each area; and
- Promote a comprehensive approach to understanding the current state of county islands, and to outline possible solutions for the future from a policy and guideline perspective for these areas of the County.

Chairman Lindblom asked if the comprehensive plan is a county as a whole or be separate plans for these areas. Mr. Banker said there will be a comprehensive plan update soon and a county island study within that plan. We would make sure to cover existing conditions, policies and goals that would represent these specific areas. Mr. Gérard said we do not foresee new plans specific to these areas, and there may be policies that address these specific areas of the county.

Commissioner Arnett said we are going from decommissioning these plans to policies and asked what this would look like going forward. Mr. Gérard said if someone comes in with any type of proposal and they require a change in zoning we are going to review that against our comprehensive plan and applicable land use plan for compatibility to make sure the goals and policies are met. There will not be a specific land use plan subject to most of these areas. If they weren't already subject to a DMP or CPA case in the past, they will default to a Rural Development Area which essentially requires development to remain one dwelling unit per acre. Any rezone of these areas is likely to trigger some type of comprehensive plan amendment to go along as a companion to the rezone.

Commissioner McGee said she really likes the idea shifting from the plans to a county island study. She asked when that will be completed, and would they be across the county or only these areas. Mr. Gérard said we will start study's over the next year and it will be a couple year process, approximate one to three years. Commissioner McGee asked will the commission be receiving updates. Mr. Gérard said yes, the commission would be involved in the comprehensive plan and be given drafts and updates at our ZIPPOR work session meetings. The review process for development proposals within these geographic areas will be as they are for most of Maricopa County. You will still see anything that has a change in zoning entitlement, and we will review that against the existing policies and the comprehensive plan, if not you will see comprehensive plan



amendments companion to the zoning cases. That is the same thing that happens today in most of Maricopa County.

Chairman Lindblom asked if anyone from the public wished to speak on any of these proposed changes. None.

**Area Plan - CPA2022004**

**District 5**

Project name: **Laveen Area Plan**  
Request: Decommission the Laveen Area Plan (staff initiated)

Mr. Banker said the Laveen Area Plan was adopted back in 1992 and has not been updated since. This plan encompasses 27 square miles with 70-71% has already been annexed into the City of Phoenix with only approximately 8 square miles remaining within County jurisdiction. We see mostly rural densities and open space land use designations south of Dobbins Rd. as well as small lot residential near 67th Ave. and Baseline. But the remaining unincorporated land is mostly north of Southern Ave. near the river where we see open space and industrial zoning as well as related land uses.

**COMMISSION ACTION: Commissioner Montoya motioned to approve CPA2022004. Commissioner Swart second. Approved 7-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Montoya, Lindblom.**

**Area Plan - CPA2022005**

**District 5**

Project name: **Estrella Area Plan**  
Request: Decommission the Estrella Area Plan (staff initiated)

Mr. Banker said the Estrella Area Plan was adopted in 1992 and has also not been updated since that year. This plan is approximately 25 square miles where approximately 60% has since been annexed into multiple jurisdictions including Phoenix to the east, Avondale to the west, and portions of Tolleson to the north. A major portion of the 10 or square miles left within County jurisdiction is along the southern portion of the plan boundary. Which is also adjacent to the Salt River to the south. These properties consist mainly of open space and rural densities including mostly vacant and undeveloped or agricultural land uses.

**COMMISSION ACTION: Commissioner Hernandez motioned to approve CPA2022005. Commissioner Montoya second. Approved 7-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Montoya, Lindblom.**

**Area Plan - CPA2022006**

**District 5**

Project name: **Mobile Area Plan**  
Request: Decommission the Mobile Area Plan (staff initiated)

Mr. Banker said the Mobile Area Plan is one of the most remote area plans at the southern portion of the County which was adopted in 1991 and has around 89% of the total land area annexed into the City of Goodyear. It appears that a large amount of land was annexed in 2007 for a master planned community that hasn't been developed. Only

around 4 square miles remain within County jurisdiction and this includes an approximate 1,000-acre landfill site which is entitled through a Special Use Permit.

**COMMISSION ACTION: Commissioner Montoya motioned to approve CPA2022006. Commissioner Swart second. Approved 7-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Montoya, Lindblom.**

**Area Plan - CPA2022007**

**District 2**

Project name: **East Mesa Area Plan**

Request: Decommission the East Mesa Area Plan (staff initiated)

Mr. Banker said the East Mesa Area Plan was adopted in 1992 this plan has also not been updated since the original adoption date. The total 96 square miles of the plan has since seen around 58% land annexed mostly into City of Mesa jurisdiction with a portion of the southwest plan area now within the Town of Gilbert jurisdiction. We see most activity around the Apache Trail area of the plan where there is strip commercial zoning along the arterial. Although there is still approximately 40 square miles of unincorporated lands within the plan area, it should be noted that a good portion of this land includes the Userly Mountain Regional Park at the northeast quadrant of the plan area as you can see on the map, which is an approximate 3,650- acre park.

**COMMISSION ACTION: Commissioner Arnett motioned to approve CPA2022007. Commissioner Hernandez second. Approved 7-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Montoya, Lindblom.**

**Area Plan - CPA2022008**

**Districts 1 & 2**

Project name: **Queen Creek Area Plan**

Request: Decommission the Queen Creek Area Plan (staff initiated)

Mr. Banker said the Queen Creek Area Plan was adopted back in 1992. This plan includes several annexing municipalities that include Queen Creek, Mesa, Gilbert, and Chandler. Only around 14 square miles of the 92 square mile plan remains within County jurisdiction. This equates to approximately 85% of the plan area already incorporated. There are portions along San Tan Blvd. and Riggs Road that include commercial and residential land uses and zoning still within County jurisdiction.

**COMMISSION ACTION: Chairman Lindblom motioned to approve CPA2022008. Commissioner Swart second. Approved 7-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Montoya, Lindblom.**

**Special Use Permit - Z2021150**

**District 3**

Project name: **Desert Hills RV & Boat Storage Facility**

Applicant: Troy Burleson, Desert Hills RV Storage LLC

Request: Special Use Permit (SUP) for commercial storage of RVs and boats in the Rural-43 zoning district

Location: Generally located at the northeast corner of Carefree Highway & Central Ave. in the New River/Desert Hills area

Mr. Gérard presented Z2021150 and noted the proposal includes 88 uncovered parking spaces with an 8-foot wall and access will be off Central Avenue with an 8-foot high sign approximate to the driveway. There will be a 5-foot strip of natural desert landscaping along Carefree Highway. There is one letter of opposition with a general concern. The New River/Desert Hills community association had concerns and have all been addressed in the proposed site plan. Staff recommends approval subject to the conditions in the staff report.

Commissioner McGee asked how the concerns from the opposition are being addressed. Mr. Gérard said the opposition was a general concern for development in the area. The applicant submitted drainage reports and transportation impact reports, in this instance they are going to pave their access within the right-of-way. The improvements on Carefree Highway and Central Avenue that exist today are sufficient to accommodate this facility.

Mr. Troy Burleson, the property owner said they tried to address the opposition's concerns and they were not specific to the site. He felt staff did a great presentation and he had nothing else to share.

Chairman Lindblom asked if anyone from the public wished to speak on this case. None.

**COMMISSION ACTION: Commissioner Swart motioned to approve Z2021150 with conditions 'a'-'l'. Commissioner McGee second. Approved 7-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Montoya, Lindblom.**

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Desert Hills RV and Boat Storage", consisting of 3 full-size sheets, dated May 9, 2022, and stamped received May 12, 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 "Special Use Permit Narrative for Desert Hills RV & Boat Storage Facility", consisting of 6 pages, dated revised May 10, 2022, and stamped received May 25, 2022, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
  1. 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.

2. Based upon 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.
  3. Detailed Grading and Drainage (Infrastructure) Plans and a Drainage Report must be submitted with the application for Final Plat Approval and Building Permits.
- d. This special use permit is valid for a period of 10 years and shall expire on July 27, 2032 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.
  - e. The facility will operate 7 days a week with hours of operation limited to 6 a.m. to 10 p.m.
  - f. There shall be no repair of RVs, boats, or other equipment on the site.
  - g. All materials and colors used in screening walls and office building, must be muted and compatible with the desert environment.
  - h. All outdoor lighting shall be dark sky compliant, low intensity, fully shielded, and directed downward at least 20% below the horizontal plane at bottom of light fixture so that no illumination occurs off site. All light poles or standards shall have a maximum height of 16-feet from surface grade of the parking lot, treated to minimize glare, placed at intervals, and setback a minimum of 20-feet from adjacent properties.
  - i. Prior to issuance of the initial 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.
  - j. 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.
  - 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, 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.

**Special Use Permit - Z2021127**

**District 3**

Project name: **Isfan Residence**  
Applicant: Daniel Istrate, Kontexture, LLC  
Request: Special Use Permit (SUP) for home occupation/cottage industry in the Rural-43 Zoning District  
Location: Approximately 630 ft. north of the NEC of Irvine Road and 15<sup>th</sup> Avenue, in the Phoenix area

Mr. Gérard presented Z2021127 and noted the proposal is for a granite countertop cutting business, storage of granite and quartz slabs, and polishing. A 6-foot CMU wall to surround the property. There are 35 letters in opposition, and 9 properties within 300 feet. Staff is not aware of any project support and staff's recommendation is for denial. This is an industrial operation surrounded by single-family residences on one-acre lots. The sound generated by the stone cutting is by a generator, there is a shop building that was permitted as a residential garage for storage without utilities or electric. The opposition concerns consist of excessive noise, humming and vibration associated with the generator, material handling activity, frequent semi-truck traffic including horn honking, reverse gear alarms, and backing onto 15<sup>th</sup> Avenue from the property. Silica dust exposure to workers and neighbors, excessive water use, noise from scrap material being dropped into dumpster, possible occupied RV on the property. The neighbors indicate the wall has been increased to a height of 8 feet and block top pavement without permits. The granite materials are being loaded by use of crane and forklifts. Public safety is a concern with trucks entering and exiting the facility. Traffic is blocked with semi-trucks backing into the facility. 15<sup>th</sup> Avenue isn't suited for the heavy truck traffic, and school age children walk along this street which puts them at risk. Excessive smells from the diesel trucks with the engines running. The diesel generator runs 8 to 9 hours a day and emits fumes. Foam sheets used to protect the stones get blown by the wind and end up throughout the neighborhood. The property is on a shared well, not the City of Phoenix as indicated by the applicant. The New River/Desert Hills Association issued a letter stating similar concerns, and concerns from county reviewing agencies. No county review agency has signed off for an approval to this request. County Engineering indicated the applicant has not submitted the required grading and drainage plan and Environmental Services noted the discrepancies that water services to be provided by City of Phoenix and sewer by an unknown provider where the site is a on a shared well

and the only wastewater available would have to be on site. The Daisy Mountain Fire Department has not received any contact with Exquisite Stone for fire coverage and indicated an operation permit for fire safety inspections would be required. This appears to be a very intensive industrial use that does not fit in the low-density land use patterns. The owner continues to operate the business in violation of the County zoning ordinance. There is a verified zoning violation on the property. The hearing officer established a deadline of August 17, 2022 to obtain a Special Use Permit approval by the Board of Supervisors, or to cease and desist the use. Staff listed 32 reasons to deny this SUP request.

- Reviewing County agencies which include Planning, Engineering and Environmental Services all have objections to this application.
- This appears to be a commercial/industrial use framed as a Home Occupation in a low density rural/residential area.
- The owner continues to operate the business in violation of the MCZO without obtaining entitlement.
- The owner has made no attempt to work with the neighbors to cease/desist operation of the business until determination is made on the SUP.
- The use is too intense for a cottage industry.
- Due to the number of delivery trucks, operation of the business, manufacturing, waste disposal, cutting and sawing stone using an on-site generator the use is associated with an Industrial zoning district (comparable to an IND-2 zoning), not Rural-43 zoning designation.
- The MCZO defines Rural-43 to conserve and protect farms and other open land uses, foster orderly growth in rural areas, prevent urban and agricultural land use conflicts, and encourage sustainable development.
- Staff is not able to confirm the owner resides on-site with the cottage industry request.
- Unclear on the number of deliveries per week and times for deliveries, number of projects being worked on per day/week.
- The hours of operation and days of operation are not identified.
- Waste disposal and water filtration system is not clearly addressed.
- No discussion on chemicals and materials being used on site.
- Excess waste and roll-off dumpster how many times is this cleared from the property.
- Additional on-site improvements without obtaining permitting. Increase to CMU walls, wooden pallets to screen southern region of site.
- RV on-site, application does not address if there is someone residing on-site.
- Additional right-of-way dedication would be required along 15<sup>th</sup> Ave. The site plan does not account for future MCDOT right-of-way for the mid-section alignment.
- Arizona Registrar of Contractors identify two licenses with physical address of the subject site.
- Staff finds the intensity of the business activities are incompatible with the existing land use patterns even if the generator is replaced with a higher amperage electrical service panel.
- The existing use is industrial and nature and does not meet the SUP standards for a business that is compatible in the Rural-43 zoning district.
- The application is also deficient in grading/drainage plans, retention and existing water/wastewater services.

- Public opposition to the request due to the on-going granite shop operations and excessive noise and impacts to the residents.
- Opposition from the New River Desert Hills Community Association.
- The narrative and site plan discrepancies with the explaining the business operation and identifying structures on-site.
- Potential for water use not established with the well water agreement with the neighbors.
- Discrepancies with utility services for water and wastewater.
- Grading/drainage plan not submitted with the three applications for Planning Engineering review. Aerial imagery of the site shows disturbance exceed 1,500 sq. ft. that requires engineered plans for review that identify parking, driveways, and retention basins.
- Daisy Mountain Fire has not received any contact for fire coverage and permitting.
- Mid-section alignment would require 40' half-width dedication, site plan does not account for future right-of-way.
- Staff not able to confirm existing uses with the regulations of MCZO Chapter 13 1301.1.18.
- Non-compliance with MCZO Article 1502.2, unlawful use land within the Rural-43 zoning district.
- The existing industrial use is not suitable in the existing Rural zoned community with single family residential housing, the use has resulted in a direct impact to the neighbors and rural community as a nuisance with noise, dust and traffic. The use is an industrial use that should be established within an Industrial zoning district, not within Rural-43 zoning.
- The use does not protect that character of the rural community and does not promote peace, safety and welfare as defined in the purpose statement of the MCZO.

Mr. Gérard said for these reasons staff recommends denial of this case. Staff is unable to offer conditions because no reviewing agency has signed off on this proposal and remains administratively incomplete.

Mr. Daniel Istrate with Kontexture, said he is the architect and applicant on the project. When the owner purchased the property, the existing garage was already built. The previous owner was operating it as a shop to fix cars. The owner investigated the county rules and regulations and there were no exceptions that a granite shop was not a permitted use. The owner does live on the property with his daughter and son-in-law. This is a family-owned and family run business with only three employees - the father, the son and son-in-law. This is hardly an industrial business by any standard with only three people working. They have been trying to get electric from the power company but were told they needed to get a permit. When they applied for the permit, they were told they need an SUP. The intent was never to run the generator full time, but they were trying to get a permit to allow them to get power. These past few weeks the owner was able to modify and install a motor inside the facility so the generator will no longer being used. The granite is cut with a water jet and not a dry cut to make dust. It is just water pressure and the dust is dissolved with the water and not a fine dust as described. All the horse properties emit more dust than the cutting. Deliveries are received once a month or

every two months. They deliveries are unloaded with a forklift, not a crane. Once the slabs are cut, they are put on smaller trucks and delivered to the jobsites. When working on the application we were given paperwork to submit. We first need a Special Use Permit approved then we can submit the construction documents which would entail the grading and drainage. The building is existing, so no work was done on the property to require a grading and drainage plan and all the buildings on the property were already existing. The building was built with a permit back in 2019 by the previous owner.

Chairman Lindblom said in these types of cases we are talking about people's livelihoods and we need to find the right balance and how the use of the property infringes on another. He asked staff if there has been communication with the applicant and the county. Mr. Gérard said there has been a lot of communication and reiterations. Staff believes we haven't received enough information that allows us to come up with alternative stipulations for approval. Regardless, this would be a proposal that staff is unlikely to recommend approval. Staff is recommending denial.

Ms. Sandra Luedke said they have called this place home for the past 14 years and have enjoyed the rural lifestyle that has been protected and preserved. She owns horses and mules and she is out almost everyday riding. Her home is directly across the street from this business Exquisite Stone and she doesn't believe the property owner Leo Isfan lives there. She sees him come and go every day. He once told them one of the sons was going to live there. He has owned the place since December 2020 and since then he has made many changes, and several violate the ordinances and are not permitted. He has no disregard for laws in the neighborhood and does not promote the peace that we all moved there for. She protests this SUP. One shouldn't have exceptions made to the zoning ordinances, they should have to cease and desist and move to a location where this type of industrial business is acceptable. This business has created a lot of turmoil in the neighborhood. The last time she heard from the applicant was on January 10 when he responded to a letter of concern but hasn't communicated with her since then, and they never stopped operating the business. This business used to be in an industrial area where she took the time to drive past there one day. It was an intense area and she would hate for their neighborhood to look like that, but it was the kind of place you expect that type of business to be located. Someone that has been in business for 20 years should know something about ordinances. The previous owners had that building built which was permitted and did not include utilities. The property used to have gravel, but the owner put in black top, and the fence on the west side was a typical horse fence and now a 7-1/2-foot block wall. There are concerns with the drainage and permitting. When she reviewed the SUP submittal there were so many omissions. The generator was omitted in the plans, and it is a hospital size generator that you could hear over her diesel truck. They put plywood around the generator which is possibly a fire hazard. They took wood pallets and added it to the fence on the south side. A rental forklift arrived on June 2 and it was there for two weeks. He has a total disregard and lack of respect for the law and the neighbors. Not asking for permission in the beginning where they think it is better to ask for forgiveness than permission. The rules and guidelines provide boundaries to keep us safe and to live in a community where it is respected and promote peace. Their peace has been disrupted.



Mr. Charles Filipek said this was a very quiet neighborhood and a neighborhood of pride where people raise families and take care of each other and he loves this community. Now there is so much conflict. This operation is in full swing and the noise is disruptive. The kids are getting dropped off at 15<sup>th</sup> Avenue and Irvine where the trucks come and go. There is no schedule for the delivery trucks but there is a schedule for school buses. The kids walk up and down that street and there are no sidewalks. When the trucks come in with a delivery, they pull the air horn and when you are on a mule, you're going to get a nice ride. He is ready to trade conflict with peace, clarity, and insight.

Mr. Mark Wright said he lives within 300 feet from this business and it has significantly diminished his neighbor's and his quality of life. He spoke with the owner before to voice his concerns with the generator about 6 to 9 months ago. The owner did tell him he lives at 27<sup>th</sup> Avenue and Carefree Highway. The industrial size generator can be heard while he is working in his home office and in his bedroom. It is very disappointing that the owner now decided to do something about the generator a week before this meeting and it's disappointing how he handled the neighbor's concerns. He is requesting the commission deny the Special Use Permit for this business.

Mr. David Ellis said he owns a property just south of the proposed business and he is opposed to this SUP. He had to listen to this generator for over a year, and they have no regard for anybody in the neighborhood.

Mr. Leo Isfan said he is the owner of Exquisite Stone. A couple of years ago they purchased the property with the shop on it. He did his research on what could be upgraded with a family business. They didn't see anything that specified they aren't allowed to have a granite shop. The granite is delivered on pallets and we unload the pallets then we deliver them out. A small part of the business they do the fabrication where they cut and polish. Before we opened the shop, we made sure there was no problem with water, dust, and noise. We applied several times to get more power to the property. The county gave them the okay and the day before APS was to come out, they stopped us. The business is owned by him and he works with his sons, daughter and one other employee. He met the neighbors and there was no issue at that time, and he explained the intent of his business and they had no problem. He took all the precautionary measures and built a fence and he put another fence in front. The county came out a few times and they couldn't find anything wrong with the noise. He has been trying to work through the process to continue the business as this is their livelihood. He didn't break any law, and it didn't specify you can't have a granite shop at that location. He upgraded the property spending over \$200,000 where he added black top to minimize the dust. In the mornings they load up the trucks which takes 1 to 1-1/2 hours from 7 a.m. to 8:30 a.m. or sometimes in the afternoons around 3:00 to 4 or 4:30 p.m. He did everything that he could not to upset the neighbors. Two weeks ago, he was able to get a motor that transforms from one phase to three phases, so there is no more generator. They work with the doors closed and only when they use the forklift the door is open. The walls are very secure with insulation and at 40 feet from the shop you won't hear a thing. The livelihood of his family and children are in this business he someday he will leave it to them. He did have another location where it was a bigger operation. He cut back due to the economy and COVID, and he was just going to work with his kids. He believes all the concerns are being addressed. We don't discharge any water into

the sewer, we cut up the pallets and dispose of them. We maintain our property and it is very clean. He never complains about the neighbor's mules making noise at midnight waking the grandkids at night, and all the fleas their animals bring. He feels he is being punished and not being able to operate his business, and he is doing everything he knows according to the rules and followed their direction. If this request is denied you put his livelihood and his family with 13 grandchildren without income from one of the parents. His son lives in the house with his daughter-in-law and three grandchildren. His daughter and husband also live in the house. We get a delivery with the pallets once every two to three months, it is not every day or every week. The size and weight of these trucks are comparable to the garbage truck that comes by. He would like the commission to approve this request. They are running this business; it is their livelihood.

Chairman Lindblom said he does recognize they have tried to be a good neighbor with screened walls and adding the pavement. The generator was a big issue, but it sounds like it has been resolved.

Chairman Lindblom asked was is permitted in a cottage industry. Mr. Gérard said the proprietor must reside on site. The level of this business triggers the need for industrial zoning, and we do not support this as a cottage industry for a home-based business.

Commissioner McGee asked are you attesting you do reside on the property. Mr. Isfan said he doesn't live there but he is at the property 12 to 14 hours every day. Commissioner McGee asked you have family members that live on the property and work at the business. Mr. Isfan said yes, three of them.

Commissioner McGee said you checked but the ordinance didn't specify granite production and asked what and how did you check. Mr. Isfan said he checked on what businesses were allowed, and how many people could be allowed to work, and he communicated with Maricopa County twice. He was never told he can't have that type of business. He was advised to get the SUP and was told he didn't have to stop operating. He was following the procedures the county recommended.

Commissioner McGee said we have a number of these types of issues where the property owner is operating, and they don't realize they are in violation of the ordinance. She asked if there is any record of these conversations with the county. Mr. Gérard said there is an open violation case due to complaints and after that they came in for a pre-application meeting in August 2021. They were told to obtain a SUP or cease and desist. They applied for a special use application in October 2021, but due to lack of progress the violation case was taken to a hearing six months later in April 2022. We expect a SUP process within a six-month timeframe. There is a judgment and he was found responsible for the violation and ordered a non-compliance fine of \$100 and \$100 per day. The daily fines will be dismissed if they obtain compliance either through ceasing and desisting the use or a Special Use approval with the Board of Supervisors before August 17.

Commissioner Swart said he agrees with staff far beyond the 32 reasons they gave for denial in this case. He listened very carefully to every witness, the architect, and the owner. For the owner to say he has a great relationship with the neighbors is outrageous. The neighbors talked about all the disruption this has caused to their neighborhood. Staff

pointed out all these reasons and the applicant says he never did anything wrong and it is all the county's fault. It is nobody's fault but his own. He would like to be the one to make the motion for a strong denial in this case.

Chairman Lindblom said when you look at this case and how it is impacting the neighbors, and how are you going to impact them is to how he will make a decision. It's not so much what has happened in the past but is there a way this could move forward.

Commissioner McGee asked if we look at the ordinance clearly this business does not meet the home occupation/cottage industry. This commission respects the rights of each property owner to use their property the way they intend. This goes beyond the conditions in the ordinance and is in violation by the operation of this business. Mr. Gérard said if you are within those parameters you are entitled for a home-based business. Staff determined the existing operation is not within those parameters, therefore they must get a Special Use Permit. Commissioner McGee said they still will not be in conformance with the things they need to do to operate this business to respect their neighbors. This is in her district and she would like to make a motion for denial.

Chairman Lindblom said the applicant has not established a way to run their business and to not impact the neighbors. It is not a compatible business in this neighborhood.

Commissioner Arnett said he sympathizes with the landowner since this is his livelihood, but this business feels industrial. If it were a quieter business and the deliveries were less frequent, but it is too intense, and he can't support this.

**COMMISSION ACTION: Commissioner McGee motioned to deny Z2021 127. Commissioner Swart second. Denied 7-0. Ayes: Lawrence, McGee, Swart, Arnett, Hernandez, Montoya, Lindblom.**

Chairman Lindblom adjourned the meeting of June 16, 2022 at 11:40 a.m.

Prepared by Rosalie Pinney  
Recording Secretary

June 16, 2022