

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

July 21, 2022
9:30 a.m.

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

MEMBERS PRESENT:

In-person

Mr. Lucas Schlosser, Vice Chairman
Mr. Erik Hernandez

GoToWebinar

Mr. Jimmy Lindblom, Chairman
Mr. Greg Arnett
Ms. Kate McGee
Mr. Jay Swart

MEMBERS ABSENT:

Mr. Kevin Danzeisen
Mr. Spike Lawrence
Ms. Francisca Montoya

STAFF PRESENT:

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

COUNTY AGENCIES:

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

CONSENT:

Z2022053, Z2022066, Z2022076, Z2022122

REGULAR:

CPA2021009, Z2021133

Vice Chair Schlosser made the standard announcements.

CONSENT AGENDA

Zoning - Z2022053

Project name: **US 60 & Country Club Dr.**
Applicant: **Becker Boards Small, LLC**

District 2

Request: Zone Change Modification of Conditions to raise billboard height to 70' from 48' and eliminate top down illumination in anticipation of future digital conversion of both billboard static faces.
Location: Generally located at the SEC of US-60 & Country Club Dr. in the Mesa area.

Special Use Permit - Z2022066

District 1

Project name: **CCO I-10 & Chandler**
Applicant: Taylor Earl, Earl & Curley, PLLC
Request: Special Use Permit for Digital Conversion of a Legal Non-Conforming Static Billboard
Location: Generally located at the NEC of I-10 and Pecos Rd. in the Chandler area

Zoning - Z2022076

District 1

Project name: **202 & Higley Digital Billboard**
Applicant: Jessica Sarkissian, Upfront Planning & Entitlements
Request: Zone Change with Overlay from C-2 to C-2 CUPD
Location: Approx. 500' east of the NEC of Higley Rd. & Loop 202

Zoning - Z2022122

District 1

Project name: **Gross Voluntary Rezone**
Applicant: Holly Gross
Request: Request for Commission initiation, and rezone from R1-35 RUPD to Rural-43 RUPD
Location: APN 304-89-048V @ 18820 E. Lawndale Pl. - Generally located 1,140 feet south of the SEC of Riggs Rd. and Mandarin Dr. in the Queen Creek / Chandler Heights area

Mr. Gérard presented the consent agenda.

Vice Chair Schlosser asked if anyone from the public wished to speak on the consent agenda. None.

COMMISSION ACTION: Commissioner Swart motioned to approve the consent agenda – Z2022053 with conditions ‘a’-‘l’, Z2022066 with conditions ‘a’-‘g’, Z2022076 with conditions ‘a’-‘f’, and Z2022122 with condition ‘a’, Commissioner Hernandez second. Approved 6-0. Ayes: McGee, Swart, Arnett, Hernandez, Schlosser, Lindblom.

Z2022053 conditions;

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled “Plan of Development Request to Rezone from C-3 to C-3 with Commercial Unit Plan of Development”, consisting of 6 full-size sheets, dated January 10, 2014, and stamped received January 17, 2014. Except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Country Club Store, LLC Comprehensive Sign

Package Zone Change to CUPD", consisting of 10 pages, dated January 14, 2014, and stamped received January 22, 2014, except as modified by the following conditions.

- c. The C-3 CUPD zoning district shall observe the following amended development standards:

Sign 'C' – New Holland freestanding sign

1. 30' height
2. Sign to be located 192' north of existing sign B, and 66' south of proposed new sign D

Sign 'D' – New multiple tenant freestanding sign

1. Maximum sign area of 122 sq. ft. per face
2. 25' height
3. Sign to be located 66' north of sign 'C' and 258' north of existing sign 'B'

Sign 'E' – New billboard

1. Distance of 531' from existing billboard to the east.
2. 672 sq. ft. for each sign face.
3. 70' maximum height, inclusive of all billboard embellishments

- d. The following condition shall apply from Arizona Department of Transportation:

1. A new ADOT Outdoor Advertising Sign Permit will be required due to the change in the location of the replacement billboard.

- e. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.

- f. Development of the site shall be in compliance with all applicable Maricopa County Air Quality rules and regulations.

- g. The following Drainage Review conditions shall apply:

1. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
2. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards, and best practices at the time of application for construction.

- h. Variations to the development standards as indicated in the approved Unit Plan of Development (UPD) table may be varied by the Board of Adjustment in accordance with Article 303.2.2 of the Maricopa County Zoning Ordinance (MCZO).
- i. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance Article 304.9.
- j. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- k. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- l. The property owner/s and their successor waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.

Z2022066 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Site Plan", consisting of one full-size sheet, dated July 2021, and stamped received March 28, 2022 , except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Clear Channel Outdoor Northeast corner of I-10 and Pecos Road", consisting of four pages, dated March 21, 2022, and stamped received June 28, 2022, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 - 1. Applicant shall be responsible for coordinating any requirements that may be imposed by ADOT (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 at the time of application for construction.

- d. The digital billboard shall be in conformance with Article 1403.3.1.J. of the Maricopa County Zoning Ordinance.
- e. All outdoor lighting shall comply with Section 1112 of the Maricopa County Zoning Ordinance.
- 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.

Z2022076 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled, "Loop 202 Freeway and Higley Road" consisting of 3 pages dated May 24, 2022, and stamped received June 17, 2022, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "202 & Higley Digital Billboard CUPD", consisting of 5 pages, dated revised June 13, 2022, and stamped received June 13, 2022, except as modified by the following conditions.
- c. The following C-2 CUPD Zoning District standards shall apply:
 - 1. Min. Lot Area – 5,520 sq. ft.
 - 2. Min. Off-Site Sign Distance from Another Off-Site Sign within 3 Miles of a Municipality – 522'

3. Min. Setback for Non-Illuminated Off-Site Signs from Rural or Residential Zoning – 1'
 4. Min. Setback for Illuminated Off-Site Signs from Rural or Residential Zoning – 1'
 5. Uses Permitted – All uses are prohibited except for off-site signs
- d. The following Planning Engineering conditions shall apply:
1. Applicant shall be responsible for coordinating any requirements that may be imposed by ADOT (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 at the time of application for construction.
- e. 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.
- f. The granting of this Zone Change has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of the application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of the application. It is, therefore, stipulated and agreed that revocation due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in the value of the property from the value it held on the date of application due to such revocation. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and changing to the prior land use designation results in the same value of the property as if the Zone Change had never been granted.

Z2022122 condition;

- a. Subject to all conditions of case Z2005006, including the following Rural-43 RUPD development standards:
1. Average lot area per dwelling unit: 43,560 sq. ft.
 2. Minimum lot area: 35,000 sq. ft.
 3. Minimum lot width: 120'
 4. Maximum lot coverage: 20%
 5. Minimum Distance between buildings: 15'
 6. Minimum Front setback: 20'
 7. Minimum Rear setback: 25'

8. Minimum Side setback: 5'
9. Minimum Street-side setback: 10'
10. Maximum building height: 30'
11. Accessory Dwelling Units: One (1) secondary dwelling unit allowed with MCESD approval of liquid waste disposal system.

REGULAR AGENDA

Comprehensive Plan Amendment - CPA2021009

District 4

(Remanded to PZ from 5/18/22 BOS)

Project name: **Santa Barbara Ranch**
 Applicant: Tiffany & Bosco
 Request: Major Comprehensive Plan Amendment (CPA) to change the land use designation in the White Tank/Grand Avenue Area Plan from Rural Residential (0 – 1 d.u./ac.) to Single-Family Transitional Lot (3 – 5 d.u./ac.)
 Location: Generally located north of the U.S. 60, south of Hwy 74, west of the 243rd Ave. road alignment, and east of the 251st Ave. road alignment in the Morristown area

Mr. Gérard presented CPA2021009 and noted the City of Surprise supports this request and made comment they intend to annex. The city is willing to enter into an agreement for services prior to annexation. This removes all of staff's chief concerns. There are 66 letters in opposition including a petition with 163 signatures. Staff's recommendation is for approval.

Mr. Bill Lally with Tiffany & Bosco said this is a Major Comprehensive Plan Amendment that was before the commission November 2021 and at that time there were several unresolved issues related to access, sewer, water, police and fire. At the time we were working with our companion zoning case; we were doing a lot of work with the City of Surprise to understand what their capabilities are for services in the area. The City of Surprise asked us to adhere to their open space requirements and to their commercial support uses. The application was from large lot residential to medium residential. There was no commercial added to it, but we then worked with staff to get the zoning case submitted. There were a lot of questions if this was right for development and is this too far out and not have services. We worked with the City of Surprise and discussed all of these issues. We came back to the planning staff and had conversations about what kind of residential density transitions make sense, and what kind of commercial uses, and a pre-annexation agreement to provide services ahead of annexation. We have letters from the mayor, the water services director, and planning director all supporting specific functions they would commit to providing. When it went to the Board of Supervisors, they said it was a completely different application and they remanded it back to the commission. This is just a CPA case and it doesn't guarantee zoning. There will be two access points, there is an existing state land easement that connects to Carefree Highway and have freeway access on the north, and future connection points to Grand Avenue. After the commission heard this case last year, Burlington Northern and Santa Fe (BNSF) Railway purchased state land property to do a large terminal for logistics services with a

minimum of 6,000 jobs. Also, the Grand Vista property nearby was purchased for proving ground use for autonomous vehicles, both will be large employment uses. These two commercial uses will have a residential demand in the area that will far exceed any of the master plan communities. This CPA doesn't guarantee water and it doesn't take water from any other sources in the area. We will have to prove up our own water. The city will provide a water system with this property and other properties in the area, and water credits that are generated by the sewer credits. A water system is the very best way to preserve and utilize water.

Vice Chair Schlosser asked how many acres and employees for the BNSF project. Mr. Lally said a total of 4,000 acres and 6,000 employees. Santa Barbara Ranch has a cap of 5,000 homes.

Vice Chair Schlosser said this makes good long-term planning sense and he is favor of it.

Ms. Sheryl Hamlin said the City of Surprise does not have enough wastewater capability and another plant will be necessary. Wickenburg Ranch was required to build a smaller plant that cost \$7 million dollars for 1,750 homes, and 5,000 homes would cost \$20 million dollars. She is wondering who will pay for this, the HOA or all the citizens in Surprise. You will also need to build a water treatment facility that could cost another \$20 million dollars. The plan is light on details, and it is hard for her to imagine the Planning Commission could approve this. She would like to see them go away and study more about these issues. The citizens of Surprise need to know how much this is going to cost them.

Mr. Lally said this is not a zoning case or approval of infrastructure improvements, this is the very first step in regional planning. There is a piece of property owned by the City of Surprise that is their future wastewater and water treatment plant surrounded by state land. It is in the 30 to 50-million-dollar range to build both facilities. The City of Surprise and the citizens of Surprise would be paying for these plants. This is how Verrado got started. Today we are looking at the Comprehensive Plan Amendment.

Commissioner Hernandez said this is the first step for approval and he supports this project.

Vice Chair Schlosser asked if anyone from the public wished to speak on this case. None.

COMMISSION ACTION: Commissioner Hernandez motioned to approve CPA2021009 with conditions 'a'-'d'. Commissioner Swart second. Approved 6-0. Ayes: McGee, Swart, Arnett, Hernandez, Schlosser, Lindblom.

- a. Development and use of the site shall be in general conformance with the narrative report entitled "Santa Barbara Ranch" consisting of 24 pages, dated stamped received on October 15, 2021, except as modified by the following conditions. Within 30 days of approval, the applicant shall provide staff with an updated narrative report covering the changes as discussed within the applicant provided memo dated April 21, 2022.
- b. The land use designation of Single-Family Transitional Lot (3 – 5 d.u./ac.) approved as part of case CPA2021009 shall be subject to any time limits set

forth in the subsequent zone change. The following requirements shall be applied to any future development for this site:

1. Minimum 80 gross acres to be used for commercial land uses.
 2. Minimum 150 gross acres to be reserved for open space. No less than 30 gross acres to be dedicated for active/recreational open space.
 3. Maximum residential dwelling units shall not exceed 5,000.
 4. Maximum of 832 gross acres to be used for residential land uses.
- c. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the uses 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 land use designation 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 change of the land use. The land use enhances the value of the property above its value as of the date the land use change is granted and reverting to the prior land use designation results in the same value of the property as if the land use change had never been granted.
- d. The following Luke Air Force Base condition shall apply:

The owner or developer shall notify future occupants/tenants that they are located near a military airport with the following language:

“You are locating in a residential dwelling inside the “territory in the vicinity of a military airport,” however aircraft flying in this area are authorized to fly as low as 1,500 feet above the ground. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes an average of approximately 165 overflights per day. Although Luke’s primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be permanently posted on not less than a 3 foot by 5 foot sign in front of all leasing or home sales offices and be permanently posted on the front door of all leasing offices on not less than 8½ inch by 11 inch sign.

Zoning - Z2021133 (Cont. from 6/16/22)

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

Mr. Johnson presented Z2021133 and noted the request includes a rezone from Rural-43 to C-2 CUPD overlay. In addition to the change in zoning, the proposal also requests the following development standards - minimum distance between billboard and rural/residential zone boundary of 100' but not to include zoning within street right-of-way or any open space that is zoned rural or residential but is only being used for a golf course. The minimum distance between illuminated billboard and rural/residential zone boundary of 150' but not to include zoning within street right-of-way or any open space that is zoned rural or residential but is only being used for a golf course. The site also includes a waiver for site enclosure and screening. The C-2 uses will be prohibited with this request - adult oriented facilities, bars, liquor stores, recreation centers with pool halls or billiards, theaters, and RV & boat storage facilities.

The requests would accomplish the following: rezone the property to C-2 and vary development standards for billboards as well as prohibit certain uses allowed in the C-2 zone and allow the development of an illuminated billboard. The site appears appropriate for commercial development fronting an arterial adjacent to a railroad and between existing industrial zoning to the south and commercial zoning to the north. The applicant complied with public participation requirements. The Town of Gilbert has submitted opposition to the request, stating that they do not support billboards within their municipal planning area. To help lessen the potential impacts of illumination of the billboard, the applicant has agreed to time of use for illumination with top-down illumination being extinguished between 11 p.m. and dusk. Staff recommends approval.

Commissioner McGee asked were the efforts to mitigate the lighting still leave the Town of Gilbert in opposition to the request. Mr. Johnson said that is correct.

Mr. Garry Hayes said he is speaking on behalf of the applicant. The Town of Gilbert's opposition is about a billboard because they don't allow billboards inside the town where

they used to. This is in Maricopa County that is why the planning staff has recommended approval. We tried to mitigate any of their concerns.

Commissioner McGee asked with whom in the Town of Gilbert were you dealing with. Mr. Hayes said the mitigation was done with the planning staff to work on the stipulations. He also met with council members and the town manager.

Chairman Lindblom asked what the height is on this billboard. Mr. Hayes said 30 feet.

Chairman Lindblom said he is very familiar with this site and location, it's up against the railroad and across from the golf course which doesn't concern him. The illumination can be an issue if it were taller. The timing of shut down and the height only at 30 feet, he is more inclined to support this.

Vice Chair Schlosser asked if anyone else from the public wished to speak on this case. None.

COMMISSION ACTION: Commissioner Hernandez motioned to approve Z2021133 with conditions 'a'-'n'. Commissioner Arnett second. Approved 5-1. Ayes: Swart, Arnett, Hernandez, Schlosser, Lindblom. Nays: McGee.

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Zoning Exhibit for Brenlynn LLC", consisting of 1 full-size sheets, dated March 22, 2022, and stamped received April 4, 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 "Rezone and CUPD Narrative for Val Vista 1", consisting of 8 pages, dated March 2022, and stamped received April 4, 2022, 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. Any development must ensure that historic drainage patterns are maintained at the up and downstream limits of development.
 3. All Commercial Development will be required to retain onsite the 100 year 2 hour storm event. All retention basins are required to provide percolation results that show the basin(s) will drain within 36 hours.
 4. Provide Ingress and Egress for Fire Access and fire access route.

PND Transportation Comments

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1. A traffic impact study must be submitted with any future entitlement application (i.e. plan of development).
2. Access to site is proposed from Val Vista Dr which is a public right of way that has not been adopted by the County, therefore not maintained by the County. MCDOT has no comments.
3. Val Vista Drive: Access, driveway Plans and traffic impact study to be submitted to Jurisdictional agency for approval and permission to work within their right of way.

Storm Water Quality (SWPPP) – Pre-Construction

1. The subject premises is located within the County's Urbanized Area and will disturb more than one (1) acre (Common Plan of Development). 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.

General

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 Maricopa County Environmental Services Department (MCESD) conditions shall apply:
1. ATC must be obtained prior to construction permit approval.
 2. Abandonment of the existing septic system also must be obtained.
- e. The following C-2 CUPD standards shall apply:
1. Minimum billboard distance separation to a rural or residential zone boundary: 100 feet (but not include zoning within street right-of-way, or any open space that is zoned rural or residential but is only being used for a golf course)
 2. Minimum illuminated billboard distance separation to a rural or residential zone boundary: 150 feet (but not to include zoning within street right-of-way, or any open space that is zoned rural or residential but is only being used for a golf course)
 3. Shade structures and or coverings shall not exceed a height of 20'. Site screening requirement for off-site advertising signs waived.
- f. The CUPD overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.

- g. The following C-2 uses are prohibited:
 - 1. Adult Oriented Facilities
 - 2. Bars
 - 3. Liquor Stores
 - 4. Recreation Centers with pool halls or billiards
 - 5. Theaters
 - 6. RV & Boat Storage Facilities
- h. 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.
- i. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- j. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- k. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, 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.
- l. Billboard illumination shall be extinguished/turned off between 11pm and dusk.
- m. Billboard illumination and outdoor lighting must comply with Section 1112 of the MCZO.
- n. Billboard illumination shall be top down and shielded so as to mitigate light trespass onto adjacent properties.

Vice Chair Schlosser adjourned the meeting of July 21, 2022 at 10:08 a.m.

Prepared by Rosalie Pinney
Recording Secretary

July 21, 2022