



**PLANNING AND ZONING COMMISSION
MARICOPA COUNTY, ARIZONA**

250 W. Jefferson Street, Phoenix and by GoToWebinar

MINUTES
January 8, 2026

CALL TO ORDER: Chairman Lindblom called the meeting to order at 9:35 a.m.

MEMBERS PRESENT: **In-person**
Mr. Jimmy Lindblom, Chairman
Ms. Linda Milhaven, Vice Chair
Ms. Jan Leighton
Mr. Mihai Toma
Mr. Derrik Rochwalik
Mr. Warren Whitney
GoToWebinar
Mr. Alex Finter
Mr. Erik Hernandez
Mr. Spike Lawrence (left @ 10:15 a.m.)

MEMBERS ABSENT: Mr. Kevin Danzeisen

STAFF PRESENT: Mr. Tom Ellsworth, Planning & Development Director
Mr. Darren Gérard, Planning Division Manager
Ms. Rachel Applegate, Planning Supervisor
Mr. Ron Quarles, Senior Planner
Ms. Paola Jaramillo, Planner
Mr. Joel Landis, Planner
Mr. Martin Martell, Planner
Mr. Nick Schlimm, Planner
Ms. Nadia Barragan, Management Analyst
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES: Mr. Max Carpinelli, County Attorney
Mr. Scott Konicke, Media Specialist
Mr. David Anderson, OET

CONTINUANCE: Z250021

CONSENT: CPA250009, Z250027, MCP250010, Z250018

REGULAR: Z250035, Z250023, TU250049

Chairman Lindblom made the standard announcements and asked if there were any changes to the November 6, 2025, P&Z minutes and November 2025 ZIPPOR minutes. None.

COMMISSION ACTION: Chairman Lindblom approved November 6, 2025, P&Z minutes and November 2025 ZIPPOR minutes as written.

2026 PLANNING AND ZONING ELECTION OF OFFICERS:

COMMISSION ACTION: Commissioner Whitney nominated Commissioner Milhaven to serve as Chair, second by Commissioner Rochwalik. 8-0. Ayes: Finter, Hernandez, Lawrence, Leighton, Lindblom, Rochwalik, Toma, Whitney. Milhaven abstained.

COMMISSION ACTION: Commissioner Lindblom nominated Commissioner Hernandez to serve as Vice Chair, second by Commissioner Rochwalik. 9-0. Ayes: Finter, Hernandez, Lawrence, Leighton, Lindblom, Milhaven, Rochwalik, Toma, Whitney.

PLANNING AND ZONING BYLAWS:

Draft version of the Bylaws to include the addition of Temporary Use Permits to “Matters Pending before the Planning and Zoning Commission”.

Mr. Gérard said the only changes we have inserted language about temporary use permits which are now coming to the commission for disposition but previously they went to the Board of Adjustment. Now part of the MCZO update where we are now bringing them to the commission since you meet twice a month. Then there's other language updating how the chair could create special committees for special studies.

COMMISSION ACTION: Commissioner Lindblom voted to approve the Bylaws second by Commissioner Whitney. Approved 9-0. Ayes: Finter, Hernandez, Lawrence, Leighton, Lindblom, Milhaven, Rochwalik, Toma, Whitney.

CONTINUANCE AGENDA

Zoning - Z250021

District 2

Project name: **Royal Landscaping**
Applicant: Jason Sanks, IPLan Consulting
Request: Zone change from R1-8 to C-3
Location: Generally located 335 feet west of the SW Corner of Apache Trl. and Meridian Rd. in the Apache Junction area
Continuance: Continue to 1/22/26 hearing

Mr. Gérard presented the continuance agenda. No action required by the Commission.

CONSENT AGENDA

Comprehensive Plan Amendment - CPA250009

District 5

Project name: **NEC 491st Ave & Thomas Rd**
Applicant: Jason Morris, Withey Morris Baugh, PLC
Request: General Comprehensive Plan Amendment (CPA) of the Maricopa County Vision 2030 Comprehensive Plan’s land use designation from Rural Development Area (RDA) to Utilities.
Location: Generally located NEC of Thomas Rd & 491st Ave in the Harquahala Valley area.

Zoning - Z250027

District 5

Project name: **NEC 491st Ave & Thomas Rd**
Applicant: Jason Morris, Withey Morris Baugh, PLC
Request: Zone change with overlay from Rural-43 to IND-2 IUPD
Location: Generally located NEC of Thomas Rd & 491st Ave in the Harquahala Valley area.
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Military Compatibility Permit - MCP250010

District 4

Project name: **All Things Metal 15-Acre Expansion**
Applicant: Jack Gilmore, Gilmore Planning and Landscape Architecture
Request: Military Compatibility Permit (MCP) for steel fabrication and storage of structural steel components in the Rural-43 MAAMF zoning district
Location: Generally located approximately 400’ west of the SWC of 195th Ave. & Jomax Rd. in the Wittmann area

Zoning - Z250018

District 4

Project name: **Calvary Chapel Arise** (Continued from December 4, 2025)
Applicant: Randy L. Barnes, RBA Architecture
Request: Zone change from Rural-43 to C-2
Location: Generally located approx.355 feet SE of the SEC of 203rd Ave. & U.S Hwy 60 in the Wittmann area

Mr. Gérard presented the consent agenda and noted item #6 – Z250035 is being moved to the regular agenda due to opposition received.

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

COMMISSION ACTION: Commissioner Toma adopted a motion recommending the Board of Supervisors approve the consent agenda. Z250027 with conditions ‘a’-‘j’, MCP250010 with conditions ‘a’-‘h’, and Z250018 with conditions ‘a’-‘h’. Commissioner Lindblom second. Approved 9-0. Ayes: Finter, Hernandez, Lawrence, Leighton, Lindblom, Milhaven, Rochwalik, Toma, Whitney.

Z250027 conditions;

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled “Z250027 Zoning Exhibit”, consisting of 1 full-size sheet, dated November 3, 2025, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled “NEC 491st Ave & Thomas Rd Rezone Project Narrative”, consisting of 10 pages, dated November, 2025, and stamped received December 11, 2025, except as modified by the following conditions.
- c. The following IND-2 IUPD standards shall apply:
 - 1. Maximum Height – 80’
 - 2. Minimum Parking - 1 space per 9000 sq ft
 - 3. Minimum Screening - A 6’ metal security fence. Chain-link fencing with razor wire is prohibited
 - 4. Permitted uses - All uses permitted in the IND-2 Zoning District including Data Centers and accessory uses, electric substations and battery storage, and Power generation facilities for on-site utilization or sale to a utility or other off-site users. 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 shall be required prior to establishment of any non-residential use that requires potable water.

- d. The following engineering conditions:
1. Without the submittal of a precise plan of development, no development approval is inferred by this review, including, but not limited to number of proposed building lots/units, 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. A Traffic Study/Statement must be submitted with future entitlement (POD) application(s). See following link to MCDOT Traffic Impact Manual. (RDM 7.1.4) <https://www.maricopa.gov/DocumentCenter/View/303>
 3. Engineering review of re-zone cases is conceptual in nature. 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. Unless waived or modified by the County, the applicant or developer shall implement the best practices and any recommendations by the Arizona Game and Fish Department (AZGFD). The Zoning Inspector and/or their designee shall review whether these best practices are being implemented in accordance with the letter following the issuance of relevant permits and periodically as needed through either the inspection process or communication with AZGFD. Should the Zoning Inspector and/or their designee decide that the owner or developer has not substantially undertaken these best practices in good faith, the owner or developer shall not receive final permits or certificate of occupancy until the best practices are implemented.
- f. 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.
- g. 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.
- h. The developer must submit any project narrative to the Department of Defense Siting Clearinghouse for Energy, Installations, and Environmental for review at the following site: osd.dod-siting-clearinghouse@mail.mil prior to the submittal of any Plan of Development.
- 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, the property may be considered for revocation 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.

MCP250010 conditions;

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "All Things Metal: Master Land Use Plan," consisting of two pages, dated October 30, 2025, and stamped received November 3, 2025, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Application for a Military Compatibility Permit for All Things Metal 15 Acre Expansion," consisting of 12 pages, dated October 30, 2025, and stamped received November 3, 2025, 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. Sealed Grading and Drainage (Site Infrastructure) Plans and a sealed drainage report must be submitted with further entitlements. Design must address the floodplain that traverses throughout the site and other offsite flows, onsite retention requirements, retention percolation, and finish floor elevations of any structure in a floodplain.
 3. This site did not include a plan of development nor did it include any details of the potential layout of expansion therefore, 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.
 4. Further entitlements will require the submittal of a traffic impact study and specific use of site.
 5. Maricopa County does not supply water, fire or sewer services. It is the applicant/owner's responsibility to coordinate and secure water, fire and sewer services for this site.
- d. All buildings are subject to noise attenuation as per ARS § 28-8482(B).
- e. The following MCP standards shall apply:
 1. Maximum Building Height: 45'.

2. Maximum Height of Building Appurtenances: 1' for each 1' setback from the MCP area perimeter, up to 100'.
 3. Minimum Setbacks from the MCP area perimeter: 20'.
 4. Minimum Setbacks from lot lines and noise contours within the interior of the MCP area: 0'.
 5. Maximum Lot Coverage: 30% of the MCP area.
 6. Minimum Parking Spaces required: 1 per 900 SF of floor area.
 7. Minimum Screening: minimum 6' wall with steel panels along perimeter or temporary chain-link fencing along interior phase lines until built out with perimeter screening; otherwise, screening interior to the MCP area is waived.
 8. Minimum Surfacing for onsite driveways and parking: pavement or stabilized DG.
- f. Approval of a Plan of Development will be required prior to approval and issuance of construction permits to develop and establish use of the site. The Plan of Development shall incorporate the risk and hazard mitigation actions recommended by Luke Air Force Base in the Use Compatibility and Consistency Determination (UC250009) dated August 4, 2025, or in any subsequent communications from Luke Air Force Base to the applicant, developer, or property owner.
 - g. 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.
 - h. The granting of this change in use of the property has been at the request of the applicant with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property may be considered for revocation to the zoning that existed on the date of 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 value of the property from the value it held on the date of application due to such revocation of the MCP. The MCP enhances the value of the property above its value as of the date the MCP is granted and reverting to the prior zoning results in the same value of the property as if the MCP had never been granted.

Z250018 conditions;

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Calvary Chapel Arise", consisting of one full-size sheet, stamped received September 17, 2025, 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 "Calvary Chapel Arise", consisting of four pages, dated August 15, 2025, and stamped received September 17, 2025, except as modified by the following conditions.
- c. Any amendments to the Plan of Development shall be processed administratively through a new Plan of Development application with Maricopa County Planning & Development.
- d. The following Planning Engineering conditions shall apply:
 - 1. Plans submitted for building permit issuance must show that a minimum 25-foot separation between septic facilities (including reserve area) and the retention basin(s) is maintained.
 - 2. The subject site is not located within the County's Urbanized; and thus will not require a Storm Water Pollution Prevention Permit (SWPPP) from the County. This does NOT preclude the requirement to obtain a Notice of Intent to Discharge (NOID) from the State (ADEQ), as may be required.
 - 3. A Traffic Study must be approved by MCDOT prior to Application for Building Permit. Any stipulations of approval of the Traffic Study must be incorporated into plans prior to Building Permit Issuance.
 - 4. If any additional right-of-way dedication is required, applicant, at their own expense, must provide Maricopa County with Owner's ALTA Title Insurance for ROW dedication prior to Building Permit approval.
 - 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 permit.
 - 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 drainage infrastructure
 - 7. Detailed Grading and Drainage (Infrastructure) Plans and Final Drainage Report must be submitted with the application for Final Building Permits.
- e. Prior to issuance of a building permit, written confirmation will be required from the emergency fire protection jurisdiction having authority that the facility has been designed in accordance with their regulations and requirements, and that emergency fire protection service will be provided to the facility. Prior to issuance of the certificate of occupancy, local fire protection jurisdiction review and approval will be required.

- f. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- g. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

REGULAR AGENDA

Zoning - Z250035

District 4

Project name:	99th Ave & Olive Ave. Modification of Conditions
Applicants:	Ashley Z. Marsh and Michelle Santoro, Gammage & Burnham, P.L.C.
Request:	Modification of Conditions to approval of the R1-6 RUPD zoning district
Location:	Generally located at the northeast corner of Olive Ave. and 99 th Ave. in the Sun City/Peoria area

Mr. Landis presented Z250035 and noted this item is a request for a modification of conditions associated with a previously approved R1-6 RUPD zoning case, known as Riverwalk, located at the northeast corner of 99th Avenue and Olive Avenue. The applicant is requesting primarily to remove condition ‘g’ which requires the subdivision to be age-restricted, with at least one household member being 55 years of age or older. No other conditions of approval are proposed to be changed. This site was rezoned in 2021 under case Z2021003 and subsequently platted in 2024 for 89 single-family lots. The subdivision is currently under active development. While the project was approved with an age-restriction condition, the site is not located within the Senior Citizen Overlay as established under MCZO Section 1006. The age-restriction condition that was approved with Z2021003 is not the same standard that applies within the Senior Citizen Overlay. As written, it only requires one household member to be 55 or older and does not restrict the presence of minors. That condition was added to better align the project with nearby Sun City neighborhoods. Since the original approval, the White Tank Grand Avenue Area Plan was updated in 2023. As part of that update, the prior “Retirement Community” land use designation was removed entirely. The site is now designated Single Family – Transitional Lot, and there is no longer a policy basis in the Area Plan for requiring age-restricted housing at this location. Removal of this condition would not affect Sun City’s Senior Citizen Overlay, nor would it undermine age-restricted requirements elsewhere. Staff also notes that no changes are proposed to the previously approved site plan, subdivision layout, or development standards. Engineering has reviewed the request and raised no objections. For those reasons, staff recommends the Commission make a recommendation of approval to the Board of Supervisors, subject to the modified condition ‘a’ and removal of condition ‘g’, with the remaining conditions renumbered accordingly.

Ms. Ashley Marsh with Gammage & Burnham said she is happy to run through a couple of slides to respond to any opposition at your preference. Chair Milhaven said we can hear comments from the public then we can bring it back to you.

Ms. Caroline Campos said she is speaking on behalf of Brook Hollow Apartments and Donald Berg, the owner of the property. Our consensus is that we have the adjacent property line to the new project and on the corner of 99th and Olive. On 99th Avenue there is a huge sign that says welcome to Sun City. Then east of the property going toward the freeway, there is also another sign as you're going westbound with the same thing. Our complex is a 55 and over and the one next door Sunwood is also. We are opposed to changing the status.

Chair Milhaven asked what the reason is you feel it'll change the nature of the community or what's the concern. Ms. Campos said when she leases the apartments, she often gets asked if it's a 55 and over community. If there are families on the other side of the fence from us, it will probably hurt our business.

Commissioner Rochwalik asked for clarification, the stipulation is just that one home has to be somebody that is 55 or older or is it that all homes have to be 55 or older. Ms. Marsh said the stipulation right now condition 'g' is that one household resident be 55 or older. Commissioner Rochwalik asked how many homes are being proposed. Ms. Marsh said 89 lots, and theoretically, 89 homes could still have families as long as one household resident is 55 or older. It's unlike other properties in the area, it's not subject to that Senior Citizen Overlay. There will be children here. We are just trying to remove that one household member being 55 or older.

Mr. Gérard said one resident of each household is stipulated to be at least 55. They may have kids. There's an age restriction on every house in this zoning district. That's different than the Senior Citizen Overlay, which applies to the majority of Sun City to the northwest and north, where every house is expected to have at least one resident at 55 years or greater, and no dwellings are to have anyone under 19. It's a different age restriction because it is a deed restriction requirement that was a condition of the zoning approval and it's not part of the Senior Citizen Overlay zoning district. This is the very southeast corner of what people are calling Sun City. If you go to the south or east there's no age restrictions per zoning. Commissioner Rochwalik said the opposition was that there would be kids in the community and it sounds like from your explanation and the applicant's description that theoretically 89 homes could be late-in-life families and kids are still allowed within the community. Mr. Gérard said there is nothing to prevent children being in this specific zoning district and this specific subdivision today. Commissioner Lindblom asked if this is the only objection to this case we received. Mr. Landis said yes.

Mr. Gérard said this does not impact or negate the Senior Citizen Overlay in those neighborhoods to the northwest and north.

Commissioner Lindblom said he is very supportive of this at a time where housing is increasingly expensive.

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

COMMISSION ACTION: Commissioner Toma adopted a motion recommending the Board of Supervisors approve Z250035 with conditions 'a'- 'h'. Commissioner Rochwalik second. Approved 9-0. Ayes: Finter, Hernandez, Lawrence, Leighton, Lindblom, Milhaven, Rochwalik, Toma, Whitney.

- a. Development of the site shall be in substantial conformance with the Narrative Report entitled "Riverwalk", consisting of 25 pages, dated April 23, 2021, and stamped received April 23, 2021, Maricopa County Planning and Zoning Commission Minutes

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except as modified by the following conditions and removing minimum age requirements with a revised narrative dated October 28, 2025.

- b. The following Planning Engineering conditions shall apply:
 - 1. No development approval is inferred by this review, including, but not limited to number of proposed building lots, drainage design, access and roadway alignments. These items will be addressed as development plans progress and are submitted to the County for further review and/or entitlement.
 - 2. The traffic study is under review at MCDOT. MCDOT comments will be provided to the applicant as part of the preliminary plat review (case number S2021007).
 - 3. Engineering review of re-zone cases is conceptual in nature. 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.
- c. All buildings subject to noise attenuation as per State law and Maricopa County requirements.
- d. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

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

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

For further information, please check the Luke Air Force Base website or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- 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 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.
- 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, 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.
- h. The following R1-6 RUPD standards shall apply:
 1. Minimum Lot Area: 3,600 sq. ft.
 2. Minimum Lot Width: 45'
 3. Maximum Lot Coverage: 60%
 4. Minimum Front Yard Setback: 10'
 5. Minimum Street Side Setback: 5'
 6. Minimum Rear Yard Setback: 5'

Commissioner Lawrence left the hearing.

Zoning - Z250023

District 4

Project name:	Sonoran Serenity
Applicant:	Michael Ripson, Ripson Homes
Request:	Zone change with overlay from Rural-43 to R1-35 RUPD
Location:	Generally located ½ mile east of NEC Patton Rd. and Crozier Rd. in the Wittmann area

Mr. Martell presented Z250023 and noted the applicant is requesting a zone change with overlay from Rural 43 to R 1-35 RUPD for a future residential subdivision on a 97-acre site. The site is impacted by a wash with floodways and a floodplain making development on site difficult. The developer will be channelizing the wash incorporating flood mitigation defenses. According to the applicant, this type of development will greatly improve the flow of stormwater and mitigate area flooding, especially with newly added flood retention basins throughout the future subdivision. The plan on this site is to subdivide up to 97 single-family residential lots for a density of approximately one acre, one dwelling unit per acre. The RUPD overlay is to allow for smaller and narrow lots to maintain this density despite a wash traversing the site. After determination of the zone change application, the applicant will start a preliminary plat process. During this process, CLOMRs and LOMRs will be processed with FEMA and the County's Flood Control District. At this time, there is no subdivision layout and the only amenity proposed is natural open space, which will be the wash area. Water services are provided by a private utility provider, but wastewater will be treated by private septic systems on each lot, even though the county subdivision

regulations mentions that septic systems on individual lots less than one acre is not preferred. Since the publishing of the staff report, staff discovered a mapping error for the parcel directly to the north of the site. The true zoning of the site is not Rural 43, but in fact is a R 1-6 RUPD and is part of the Walden Ranch Future Development Community that's entitled to place lots with densities of three to five dwelling units per acre. During the public participation process, staff received nine letters of opposition, most of which were from neighboring residences. Opposition focuses on concern about density on the site, water concerns, flooding concerns, and possible increase of area traffic. Staff are in support of this zone change request, even though the R1-35 RUPD zoning district could pragmatically raise the overall residential density of the site. The constraining layouts of the site and existing floodway floodplain size will limit the density of this site to approximately one acre, one dwelling unit per acre. This density can only be achieved by engineering the natural wash traversing the site and allowing for smaller and narrower lots. The rezoning request, while not necessarily inconsistent with policies of the county is arguably not furthering the goals and policies. The reason for this rezoning would seem to be to ensure a certain lot yield on this site. The R1-35 zoning will remain the area's large lot aesthetics. Staff recommend the commission recommend approval of this request subject to conditions listed in the staff report.

Commissioner Rochwalik asked when taking out the open space what is the density. Mr. Martell said if you remove the open space and remove the wash, theoretically with R1-35 you could probably go to about two dwelling units per acre. However, with that wash it's going to be really restricted the way the lot is currently laid out. Commissioner Rochwalik asked with the current lot sizes you're saying without the open space the current lot sizes are two dwelling units per acre. Mr. Martell said it could potentially be that and if you go by these lot sizes that are being requested but due to the wash on the site and due to the way the site is uniquely shaped it'd be very hard to try to do that in a plot it would really remain at the one acre one dwelling unit per acre and it's 97 acre lot. Commissioner Rochwalik asked so are there 97 homes. Mr. Martell said it would be 97 homes but due to the lots they are going to have 30,000 square feet minimized lot sizes.

Chair Milhaven said in the current zoning if you build every parcel it would be one acre, but what we're saying here is a parcel could be less than one acre but overall, it won't be more than one home per acre. Given the open space which would not be part of anybody's individually owned parcel. Mr. Martell said since it is floodway it would not be possible to build. Chair Milhaven said it would be designated open space that would belong to nobody or belong to the community. Commissioner Rochwalik said he understands there are 97 acres, but not all 97 acres are developable, and it's one dwelling unit per acre. Chair Milhaven said the individual parcels are not one acre. Commissioner Rochwalik asked when taking out the open space what would the density be. You have smaller homes than theoretically you have a denser product than one dwelling unit per acre. Mr. Gérard said correct. Commissioner Rochwalik asked how many acres are being designated as open space. Mr. Gérard said we don't have the subdivision plat, but it is the natural wash, the floodway and floodplain are undevelopable. They're going to engineer to make it smaller and they're going to call that common open space, but it is a wash only. It's not a recreational amenity. They are maintaining the gross one unit per acre but it's net of roads. In a regular lot split area, that's Rural 43, you tend to have an acre and a quarter lot to meet that size. These are going to be under three quarter acre lots, so it is about 50%. It's not double, but it's probably 1.5 buildings to the acre.

Mr. Michael Ripson, the applicant said what this request does versus does not do. It restores what's already allowed, 97 homes, one per acre is currently entitled under the Grand Avenue Area Plan. It does not add density, people, traffic, or water demand. What it does do, it makes the property buildable again by solving the floodway problem and protecting the neighbors. It adds open space and preserves the large lot rural horse-friendly character this community values. Here's the issue. A FEMA floodway now

bisects the property diagonally. That's the red area on the map with a large portion of the site has become unbuildable. Under RU-43 zoning, which requires one acre lots, and houses cannot be built in that floodway, this floodway has eaten at least 20% of the original number of houses that was entitled. By rezoning to R1-35, we reduced the minimum lot size, but only modestly, to 80% of an acre, which are still very large lots. This slightly smaller lot size, along with the RUPD flexibility, makes it possible to fit the original 97 lots. Restoring the lot count makes the project financially feasible. This enables the wash to be channelized, which protects both the site and the neighbors, and it also creates valuable open space. A handful of neighbors have expressed some concerns about this rezoning. We understand those concerns but the concerns stem from misconceptions so we want to clear those up. The biggest concern is that smaller lots won't fit the space and won't fit the general area of the site and they will harm large lot integrity and will lower property values. It is key to remember that we have exactly the same density as the neighbors, one unit per acre. Our lot size is only slightly smaller, 80 percent of an acre versus one acre, and that missing 20 percent is what the neighbors have already lost in their own lot retention basins. The blue areas shown in the image are the rear of each of those lots are retention basins. The neighbors cannot build anything in those basins, which are basically unusable gravel pits. Instead of each home having its own retention basin, we create shared open basins, and the wash becomes a channelized green corridor, all maintained by an HOA. The result is better flood management, large lot appeal, horse rights are preserved under R1-35 RUPD, and open areas look better, work better, and increase visual and recreational value for everyone. We're not the only folks who believe this zoning request fits the area. Two expert planning agencies agree. You just heard staff's report endorsing this and we maintain the rural large lot feel. In addition, the planning manager of the City of Surprise has also said that this rezoning is consistent with the rural character of the area. Right now, neighbors are being flooded by that uncontrolled wash, and they think we will make it worse. In reality, this rezoning is the only practical path to fix that flooding problem and it does so without any costs to the county. County engineering staff have told us that the fix is to channelize that wash, but the problem is the huge cost to channelize it, and the only way to do it without taxpayer dollars is through private development of this property. Under the existing RU-43 zoning, this housing project is just not viable and there are simply not enough houses to justify that cost. The R1-35 RUPD restores the 97 entitled lots, which makes housing projects viable. The channel can be funded privately and the neighbors benefit directly. Their properties are removed from the floodplain. Their flood risk is dramatically reduced, and their flood insurance requirements go away. We actually improve the neighbors' property values and their peace of mind. Some neighbors have also expressed concern about stress on infrastructure, water, roads, and so forth. This rezoning does not change the density. There is no change to the Grand Avenue Area Plan. We are not asking for more houses than we're entitled, and this request does not impact the infrastructure. This rezoning doesn't add density. It simply restores our rights under the area plan, and it financially enables the flood channel that will protect the neighbors, turning a recurring problem into a lasting solution and it creates open space that is useful while enhancing the look of the community. The rural lifestyle that people love here stays here. Large lots, open space, and the right to keep horses. Because the floodplain is removed, properties next door becomes safer, more secure, and more valuable. This is a balanced neighborhood focus plan that fixes flooding, preserves rural character, and adds value. We respectfully ask for your support.

Commissioner Leighton said she's very familiar with Mr. Ripson's work, and he is an excellent professional builder. One of the things he did not bring up was that he built the development that is next door immediately to the west where people are complaining about this. Walden Ranch is in the area which is going to go directly north of this parcel with three to five houses per acre. In the industry, a 35,000 square foot lot is considered a commercial acre. She is very familiar with that type of build, and she doesn't see this being a detriment whatsoever to the community.

Commissioner Toma said he's also supportive of this rezoning. He can appreciate the arguments, but just that it's 30,000 to 35,000 square feet, the likelihood is that this will actually increase property values, not decrease property values. He doesn't find the economic argument around 97 homes particularly convincing, but there are many other reasons to approve this.

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

COMMISSION ACTION: Commissioner Toma adopted a motion recommending the Board of Supervisors approve Z250023 with conditions 'a'-'j'. Commissioner Leighton second. Approved 8-0. Ayes: Finter, Hernandez, Leighton, Lindblom, Milhaven, Rochwalik, Toma, Whitney.

- a. Development of the site shall be in substantial conformance with the Zoning Exhibit entitled "Sonoran Serenity", consisting of one full-size sheet, dated November 9, 2025, and stamped received November 10, 2025, 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 compliance with the Narrative Report entitled "Sonoran Serenity", consisting of nine pages, dated November 9, 2025, and stamped received on November 10, 2025, except as modified by the following conditions.
- c. The following Planning Engineering comments 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 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 must be submitted with the application for Final Plat Approval and Building Permits.
- d. The following Maricopa County Department of Transportation's Planning comments shall apply:
 1. Patton Rd. is classified as a principal arterial roadway requiring a fee dedication of 65' half-width right-of-way from the section line, as per Section 804 of the updated Zoning Ordinance.
 2. The applicant is required to provide, at their expense, an American Land Title Association (ALTA) Owner's Policy of Title Insurance illustrating title vested in Maricopa County, a political subdivision of the State of Arizona. It is the

developer's responsibility to determine if the existing right-of-way fee is simple, if it is not then the developer shall provide the right-of-way in said form.

3. The developer shall be required to improve Patton Rd. to the ultimate classification as described in Section 303 of the County's Subdivision Regulations. Since 215th Ave. along the site's eastern boundary and Peak View Rd. along the site's northern boundary is not proposed to be a MCDOT roadways, the requirement for street improvements will be determined by the County's Planning & Development Department. However, if the roadways of this future subdivision are to be MCDOT maintained roadways, then these roadways shall be improved to the standards outlined in the MCDOT Roadway Design Manual.
 4. Any additional dedication and/or offsite improvement requirements shall be determined by MCDOT Traffic based on the required Traffic Impact Analysis/ Study. If a Traffic Impact Analysis/Study has been previously submitted, then approval is only valid for one year and if construction is not underway within this time period, then MCDOT reserves the right to request an updated traffic report to assess any changes in conditions.
 5. Per the approved Right-of-Way Reservation Action Request, 215th Ave. along the eastern boundary of the site and Peak View Rd. along the northern boundary of the site shall have a reserved half-width right-of-way of 25', instead of 40'.
 6. These comments do not include identification of utilities or underground facilities within or adjacent to the required right-of-way that may have prior rights and/or require relocation.
 7. Prior the submittal of any subdivision plat on this site, the applicant shall notify ADOT via the Red Letter Process, RedLetter@azdot.gov, since this site is proximate to the future White Tanks Frwy.
- e. All buildings are subject to noise attenuation as per ARS § 28-8482(B).
- f. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct overflights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

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

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

Luke Air Force Base Auxiliary Field 1 located approximately 15 miles to the northwest of Luke Air Force Base is a site of intense instrument procedure landing approaches, with approximately 12,000 flight operations per year. Aircraft will descend down to 200 feet above the ground over the Auxiliary Airfield and will create severe noise in that area.

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

For further information, please check the Luke Air Force Base website or contact the Maricopa County Planning and Development Department.”

- g. Prior to initial Final Plat approval or initial precise plan of development approval, the applicant shall submit to the Maricopa County Planning and Development Department confirmation of service by Liberty Utilities and an approved Certificate of Convenience and Necessity (CC&N) issued by the State of Arizona.
- h. The following R1-35 RUPD development standards shall apply:
 - 1. Minimum 30,000 sq. ft. lot area.
 - 2. Minimum 120' lot width (except 80' minimum for lots at a cul-de-sac, street knuckle or street eyebrow).
 - 3. Minimum 30' front setback.
 - 4. Minimum 30' rear setback.
- 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, the property may be considered for revocation 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.

Temporary Use Permit - TU250049

District 2

Project name: **Lin Property Caretaker Quarters**
Applicant: Li Lin
Request: Temporary Use Permit (TUP) Caretakers Quarters
Location: APN 219-25-106B @7419 E. Culver St. in the Mesa area

Mr. Schlimm presented TU250049 and noted this is a request for a temporary caretaker's quarters in the east Mesa area. According to the property owner, a caretaker is needed to assist a family member with a disability with activities of daily living. Per the owner, the caretaker currently requires a separate living arrangement that an RV can provide. This request follows three code violations that have been opened on the property since the current owner took possession in January 2021. The first violation was opened in early March of that year and alleged multiple occupied RVs and an occupied garage, implying that either the attached or the detached garage was being used as habitable space. A second violation was opened in December 2023 with a complaint alleged that the owner was running a trailer park on the lot, accumulating junk, trash, and debris, storing inoperable vehicles, and making unpermitted building additions to the detached garage. These first two violations were each closed upon initial inspection. However, the third violation, reported last October, was verified by Code Compliance staff. A notice and order to comply confirmed that multiple rental rooms were added to the home without required permits, that garages were being occupied, that inoperable vehicles were being stored onsite, and that junk, trash, and debris were accumulating. This violation was still open when the owner submitted this TUP request but was closed on December 16 upon an inspection showing that the junk, trash, and debris had been removed and that the RVs onsite were not being occupied. Nevertheless, staff received four letters of opposition during the required posting period. The consensus of the opposition parallels the complaints made in the preceding code violations and argues that a TUP would be inappropriate for a property with such violations. Based on the complaints received with these opposition letters, staff opened a new code violation for investigation on December 29. As alleged in two of the letters, staff research confirmed that at least one room inside the home is being listed for rent online. Altogether, the history of code violations on the property, the photographic evidence showing current or recent site conditions as documented in the staff report, and the online listings for rooms within the home being made available for rent, are concerning to staff. One recent complaint alleged that the primary residence included as many as 12 bedrooms that were being illegally made available for rent. Although site inspections did not confirm the number of bedrooms in the home, there appears to be sufficient evidence that, if the use of the site as a lodging space ceases, there will be sufficient room in the primary residence for the owner, the owner's patient family member, and a caretaker to live. The owner's narrative confirms that a caregiver will be needed for the patient's lifetime and yet requests the caretaker quarters for only a year. To staff, this implies that the circumstances preventing the caregiver from living in the primary residence are avoidable and could be negated by ceasing the illegal use of the property for lodging. For these reasons staff recommends that the Commission motion to deny TU250049.

Ms. Li Lin, the applicant said she is requesting a temporary use permit for an RV so a full-time caretaker can live there and assist in the care of her daughter, who is handicapped and requires ongoing support. To effectively perform those duties, the caretaker must reside on the property and have a separate independent living space. An RV is proposed as the caretaker living arrangement provides a self-contained temporary housing solution. The caretaker, Lisa Rush, will assist her daughter with her daily needs as necessary and watch over the property. This arrangement ensures continuous care, safety and on-site supervision when maintaining privacy.

Chair Milhaven asked to explain how you could rent out a room at the same time you would be needing additional capacity to house folks. Ms. Lin said she is no longer renting out the room, it's only the two of

them living in the house. Chair Milhaven asked is there not sufficient space in your home to accommodate a caregiver. Ms. Lin said the caregiver requests a separate living space for privacy.

Chair Milhaven asked if anyone else from the public wished to speak on this case. Mr. Anderson said we have Mr. Randy Hinckley with his hand raised on the GoToWebinar, but it looks like he is unmuted on his end, but we're not able to hear him. Chair Milhaven said since we can't hear him we'll have to move forward.

Commissioner Rochwalik asked, you said you are currently not renting out any spaces in your house. Is that correct. Ms. Lin said yes. Commissioner Rochwalik said he did a quick search of your property address and as of January 5, there is a listing for a casita rental at your property. He asked is your caretaker not able to live in that casita. Ms. Lin said that's an old ad. Commissioner Rochwalik asked, so it was taken down in the last three days. Ms. Lin said the ad is still there and she just didn't take it down and it's not available.

Commissioner Lindblom asked why couldn't your caretaker live in that casita and why do you need an RV. Ms. Lin said the RV is located on the side of the house and the caretaker wants to be on the side of the house. Commissioner Rochwalik said the casita that's being advertised online is listed as a private room with private bath, laundry, and kitchen access so if the caretaker requires private access, this casita should suffice.

Commissioner Lindblom noted Mr. Hinckley did submit a letter of opposition and it was in our commission packet, but we didn't get to hear from him today.

Commissioner Finter said he had the chance to talk with staff at length about this case. He is concerned with one of the provisions to move one of those RVs or trailers up to the front. He had several other concerns - is there a sewer connection, is there an appropriate electrical connection and it's located dangerously close to the house. He also read all of the opposition from the surrounding neighbors; he is reluctant to ever suggest a denial when we're talking about caring for someone with a handicap. Staff did a good job in their presentation and in their written staff report suggests that there's other options. We heard from the owner that Ms. Rush prefers to be out in an RV, but with some of the challenges in the past, maybe some of the circumstances regarding location, and how the neighbors have been impacted. He is in support of staff's recommendation for denial of this request.

COMMISSION ACTION: Commissioner Finter made a motion to deny TU250049. Commissioner Rochwalik second. Denied 8-0. Ayes: Finter, Hernandez, Leighton, Lindblom, Milhaven, Rochwalik, Toma, Whitney.

Chair Milhaven adjourned the meeting of January 8, 2026, at 10:35 a.m.

Prepared by Rosalie Pinney
Recording Secretary

January 8, 2026