



PINAL COUNTY
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**PINAL COUNTY PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES OF January 19, 2012**

PRESENT: Mr. Hartman, Chairman Ms. Aguirre-Vogler, Member
Mr. Salas, Member Mr. Brown, Member
Mr. Gutierrez, Member Ms. Moritz, Member
Mr. Faucette, Member

ABSENT: Mr. Ellis, Member
Mr. Riggins, Vice-Chairman

LEGAL STAFF PRESENT:
Ms. Grieb, Deputy County Attorney

PLANNING STAFF PRESENT:
Mr. Abraham, Planning Manager Ms. Bruninga, Secretary II
Mr. Denton, Planner I Ms. MacDonald, Planner II

PUBLIC WORKS STAFF PRESENT:
Mr. Chow, Development Section Chief

The meeting was called to order at 9:05 a.m., this date by Chairman Hartman in the Emergency Operations Center (EOC) Hearing Room, Building F, Florence, Arizona.

DISCUSSION/APPROVAL/DISAPPROVAL OF MEETING MINUTES: November 17, 2011

Commissioner Aguirre-Vogler asked if the statement referring to fifty (50) tanks on page four (4) was a correct statement. Mr. Abraham stated that the statement did not fit, and would be deleted.

MOTION

Commissioner Aguirre-Vogler made a motion to accept the minutes from November 17, 2011 with the deletion on page four (4). Commissioner Salas seconded the motion. Motion passed unanimously.

DISCUSSION/APPROVAL/DISAPPROVAL OF MEETING MINUTES: December 15, 2011

MOTION

Commissioner Aguirre-Vogler made a motion to accept the minutes from December 15, 2011. Commissioner Salas seconded the motion. Motion passed unanimously.

PLANNING DIRECTORS DISCUSSION ITEMS

Mr. Abraham shared with the Commission that Commissioner Moritz was reappointed through January 8, 2016.

Mr. Abraham discussed updates to the Planning and Development website, showing how to locate notice of hearing information online. Mr. Abraham stated that the commission packet would also be available to view online the Friday before the Commission hearings.

Chairman Hartman stated that the Commission has not seen a map of the upcoming five (5) supervisor district areas. Mr. Abraham responded that he would provide a hard copy of the map to the Commission.

Commissioner Salas asked why there was a need to move to five (5) supervisors. Mr. Abraham responded that it is based on population, and the population of the county has increased. Commissioner Salas asked why jurisdictions were not extended, instead of adding additional supervisors.

REPORT ON BOARD OF SUPERVISORS ACTION ON P & Z CASES

Mr. Abraham discussed the Board of Supervisors adopting the new zoning ordinance. Ms. MacDonald went over the approval and modifications by the Board of Supervisors on the zoning ordinance.

Mr. Abraham stated that the Comprehensive Plan amendment regarding aggregate mining was passed by the Board of Supervisors.

Mr. Abraham stated that a new restaurant on Highway 88 in Apache Junction was also approved.

CONTINUED CASES:

PZ-PA-010-11 - PUBLIC HEARING/ACTION: Tapia Acencion, landowner/applicant, requesting approval of a Non-Major Comprehensive Plan Amendment from Very Low Density Residential (0-1 DU/AC) to Employment on 3.3± acres to allow parking for 10 semi-trucks for business use; situated in a portion of the northeast quarter of Section 23, T05S, R04E G&SRB&M (legal on file) Tax Parcel 502-44-014 (located approximately ¼ mile west of Russell Road and south of Trading Post Road in the Casa Grande area). (Continued from the November 17, 2011 Planning Commission Meeting)

SUP-013-11 - PUBLIC HEARING/ACTION: Tapia Acencion, landowner/applicant, requesting approval of a Special Use Permit to allow parking for 10 semi-trucks for business use on a 3.3± acre parcel in the Suburban Ranch Zone; situated in a portion of the northeast quarter of Section 23, T05S, R04E G&SRB&M (legal on file) Tax Parcel 502-44-014 (located approximately ¼ mile west of Russell Road and south of Trading Post Road in the Casa Grande area). (Continued from the November 17, 2011 Planning Commission Meeting)

Mr. Abraham stated that the applicant submitted a request for withdrawal.

Ms. Grieb stated that staff had not received anything in writing, and since the applicant is present, he should be asked if that is truly what he wants.

Mr. Abraham stated that staff received an email from the applicant.

Chairman Hartman called the applicant forward.

Ernesto Tapia 32621 W. San Lorenzo Dr. Maricopa, AZ 85138 came forward to address the Commission. Mr. Tapia stated that his son sent the email requesting a withdrawal without his knowledge. Mr. Tapia stated he decided to come before the Commission to explain his circumstances. Mr. Tapia stated that he only wants to park his trucks on the property, and not conduct any business on the property. Mr. Tapia stated that he asked the county if he was allowed to park his trucks on the lot, and he was told to look around, and if other people are parking their trucks in the area, then he could do it also. Mr. Tapia asked the Commission for time to find another property to park his trucks.

Ms. Grieb asked if Mr. Tapia wanted to go forward with the cases and ask for permission to park his trucks at this location. Mr. Tapia responded that he would like permission to park his trucks at this location until he can buy industrial property.

Chairman Hartman asked if this would be better covered under a Temporary Use Permit. Mr. Tapia stated that the best option is to allow him enough time to save money and move the use to a different location.

Mr. Abraham suggested a continuance, as staff was under the impression that the applicant was to withdraw. Mr. Abraham stated it is the opinion of staff that Temporary Use Permits are for uses that will cease fairly quickly.

Commissioner Salas asked how long the continuance would be. Mr. Abraham responded that staff suggests a sixty (60) day continuance. Mr. Tapia stated that sixty days is not enough time for him to save enough money.

Commissioner Moritz asked if by parking trucks, the trucks are stationary. Mr. Tapia responded no, they come and go from the property. Commissioner Moritz asked if the applicant was aware that his son was sending an email requesting to withdraw. Mr. Tapia responded that his son told him after the fact.

Commissioner Moritz stated that the applicant wants to conduct business as he currently is, without any stipulations being imposed.

Chairman Hartman stated there will be additional problems; changing the Comprehensive Plan is another issue to deal with.

Mr. Tapia stated that he used to park his trucks in Maricopa County, but he was unable to stay there and start his business. Mr. Tapia stated that he transports commodities for the cows, transporting mainly corn. Mr. Tapia stated that he keeps his property cleaner than most other properties in the area.

Ms. Grieb stated that this case came about because of a violation, and instead of going to the Hearing Office, the applicant was given the opportunity to come before the Commission to request a Plan Amendment and Special Use Permit. Ms. Grieb stated that staff would not likely grant an extension longer than sixty (60) days, because he needs to come back and talk to staff to see what he is going to do.

Commissioner Aguirre-Vogler asked if other property owners in the area received violations as well. Ms. Grieb responded the Code Enforcement Officers went out to the area, and sent notices to property owners in the area.

Chairman Hartman stated that he is aware of other property owners with violations on their properties in the area, but just because they do it as well, does not make it right.

Mr. Tapia stated that the economy does not allow him to work fast enough to make the money to move forward in sixty (60) days. Chairman Hartman asked if Mr. Tapia understands the process after the hearing. The case would come back before the Commission and then be forwarded to the Board of Supervisors allowing more than the sixty (60) day continuance time frame.

MOTION

Commissioner Brown made a motion to continue case PZ-PA-010-11 for sixty (60) days to March 15, 2012 at 9:00 a.m. Commissioner Salas seconded the motion. Motion passed unanimously.

MOTION

Commissioner Brown made a motion to continue case SUP-013-11 for sixty (60) days to March 15, 2012 at 9:00 a.m. Commissioner Salas seconded the motion. Motion passed unanimously.

TENTATIVE PLATS

S-026-05 - DISCUSSION/APPROVAL/DISAPPROVAL: Meridian Land Holdings, LLC, landowner, Coe & Van Loo Consultants, Inc., engineer, requesting approval of a tentative plat extension for Santa Cruz Ranch, 4,157 lots on a 1,237± acre parcel in the CR-3/PAD zone; situated in portions of Sections 26, 27, 34 & 35, T5S, R4E, G&SRB&M, Tax Parcel 502-14-002A et al. (parcel list on file) (located along Anderson Road bisecting Ruben Drive and Teel Road approximately 1 mile west of the City of Casa Grande). (Continued from the July 21, 2011 Commission Meeting)

S-033-06 - DISCUSSION/APPROVAL/DISAPPROVAL: SCR, LLC, landowner, Coe & Van Loo Consultants, Inc., engineer, requesting approval of a tentative plat extension for Santa Cruz Ranch Units 4&5, 2,030 lots on a 674± acre parcel in the CR-3/PAD & CB-1/PAD zones; situated in portions of Sections 26, 34, & 35, T5S, R4E, G&SRB&M, Tax Parcel 502-23-001 et al. (parcel list on file) (located along Anderson Road bisecting Teel Road and Miller Road approximately 1½ mile west of the City of Casa Grande). (Continued from the July 21, 2011 Commission Meeting)

Jordan Rose, Rose Law Group, 6613 N. Scottsdale Rd., Suite 200, Scottsdale, Arizona 85250, came forward to address the commission. Ms. Rose thanked the Commission for considering a six (6) month extension to allow time to continue the annexation to the city of Maricopa.

Commissioner Aguirre-Vogler stated that there are many lots involved, and asked if something will be done about the traffic problems as the annexation moves forward. Ms. Rose responded that Union Pacific had a railroad crossing planned for the area, and she would return with more detail for the Commission.

Chairman Hartman stated that there were letters from both Dennis Fitzgibbons and Greg Stanley in support of the six (6) month extension.

Commissioner Aguirre-Vogler stated that the letter from Mr. Stanley stated there were noncompliance issues, and asked if this would be an issue. Ms. Rose responded that the applicant is working through flood control issues with the county and the city of Maricopa.

MOTION

Commissioner Aguirre-Vogler made a motion to continue case S-026-05 for six (6) months to July 19, 2012. Commissioner Salas seconded the motion. Motion passed unanimously.

MOTION

Commissioner Aguirre-Vogler made a motion to continue case S-033-06 for six (6) months to July 19, 2012. Commissioner Salas seconded the motion. Motion passed unanimously.

NEW CASES

PZ-PA-009-11 – PUBLIC HEARING/ACTION: Arizona State Land Department, landowner, Jason Allen, agent, requesting approval of a Non-Major Comprehensive Plan Amendment from Restricted Use Open Space to Moderate Low Density Residential on 4.91± acres to allow an unmanned aircraft testing field;

situated in a portion of the southeast quarter of Section 30, T03S, R10E G&SRB&M (legal on file) State Land (located on the east side of Highway 79 approximately 1 mile north of Arizona Farms Road).

SUP-016-11- PUBLIC HEARING/ACTION: Arizona State Land Department, landowner, The Boeing Company, applicant, Jason Allen, agent, requesting approval of a Special Use Permit to allow an unmanned aircraft testing field on 4.91± acres in the General Rural Zone; situated in a portion of the southeast quarter of Section 30, T03S, R10E G&SRB&M (legal on file) State Land (located on the east side of Highway 79 approximately 1 mile north of Arizona Farms Road).

Ms. MacDonald read a portion of the staff report and used a power point.

Chairman Hartman called the applicant forward.

Jason Allen, 3219 E Camelback Rd, Suite 258, Phoenix, Arizona 85018, came forward to address the Commission. Mr. Allen gave a brief history of the proposal.

Commissioner Aguirre-Vogler asked if there is a state land lease. Mr. Allen responded that the lease would be executed in February.

Commissioner Salas asked if the applicant considered building parallel to Highway 79, to avoid any potential drones going out of control and landing on the highway. Mr. Allen responded that the site is 367 feet away from State Route 79, and also stated that they are required to stay within all of the federal aviation regulations. Mr. Allen stated that flights would be conducted further inside the parcel.

Commissioner Brown asked what the attraction was for this location. Mr. Allen responded that it is close enough to civilization, yet far enough away to avoid impact on property owners. Mr. Allen stated that Mesa Boeing is on McDowell, and this location is close to that as well.

Commissioner Salas asked what efforts are being made to protect the desert flora. Mr. Allen responded that most vegetation is low shrubbery, and there is only going to be a 10,000 square foot helipad as well as a 3,600 square foot pad for the ground control station. Mr. Allen stated that the site plan is laid out in the most undistruptive way as possible, and he would like to request a low intense access way. Commissioner Salas asked if there are any saguaro or other cacti. Mr. Allen responded that the applicant will not disrupt any mature cacti.

Commissioner Moritz asked how long the lease would be with the State Land. Mr. Allen responded that there would be a five (5) year minimum with an extension option. Commissioner Moritz asked where the site is in relation to the town of Florence. Mr. Allen responded that it is 8 miles north. Commissioner Moritz stated that she has seen a lot of aircraft traffic already, and asked what is wrong with testing at the Falcon Field location.

Mark Gasper, Manager of State and Local Operations at the Boeing Company, came forward to address the Commission. Mr. Gasper stated that this location is unique, due to the restricted airspace. Mr. Gasper stated that they are completely limited to fly within the restricted airspace and bound to the borders of this airspace. Mr. Gasper stated that the airspace does not extend south to the town of Florence, terminating at the Military Reservation. Mr. Gasper stated that the Falcon Field site would not work, because they are unable to fly in general airspace. Mr. Gasper stated that this location is the closest with restricted airspace to the unmanned system headquarters.

Commissioner Brown asked what will happen in the long run, as low density housing grows in the area.

Mr. Gasper responded that the market for unmanned testing is preliminary. Mr. Gasper stated that it also depends on what the FAA decides to do with general airspace, and whether or not they allow unmanned aircraft into the airspace. Mr. Gasper stated that high density residential could be a potential issue, but there are numerous controls in place.

Chairman Hartman stated that the area is livestock grazing and there is no development there.

Mr. Abraham showed the Comprehensive Plan map and asked Mr. Allen to show where the restricted airspace is.

Mr. Gasper stated that the airspace stops short of the US 60, and stated that the reason for the restricted airspace is because of the artillery range in proximity to the site. Chairman Hartman asked if ATV's were also in the area on certain days of the week. Mr. Abraham responded that riders on ATV's are not allowed in the military reservation area.

Commissioner Salas asked if it was possible to make the proposal parallel to Highway 79, to avoid any potential fugitive aircraft going out of control and landing on the highway or a car. Mr. Allen responded that the way the site is laid out allows them to be further away from Highway 79 to conduct testing.

Commissioner Faucette stated that the helipad is parallel to the highway as it is shown on the site plan.

Commissioner Moritz asked if the direction of the property made a difference, since the helicopter takes off vertically. Mr. Allen responded that it does not matter.

Chairman Hartman asked if the drones are being controlled from the 500 square foot building on site. Mr. Allen stated that is correct. Chairman Hartman asked if employees are on site 24 hours a day. Mr. Allen responded that once the testing is complete, the helicopter is removed and taken back to the Mesa facility, and the employees leave.

Chairman Hartman asked if the flights would be coordinated with the National Guard artillery uses. Mr. Allen responded that there is an agreement with the National Guard.

Commissioner Faucette asked why the helipad was not put on the Guard property. Mr. Gasper responded that there were discussions with the National Guard, but the Department of Defense stipulates that private entities cannot make improvements to a military facility.

Commissioner Gutierrez asked what size transport unit is used. Mr. Allen responded that it is forty (40) feet. Commissioner Gutierrez asked how visible Highway 79 is from the site while testing. Mr. Allen responded that it would be fairly invisible, with testing occurring on the eastern portion of the parcel.

Commissioner Gutierrez asked what safety precautions would be taken in case of an accident. Mr. Allen responded that all government aircrafts are subject to SAS 360 standards and that outlines safety systems, and also ensures that all safety precautions are in place. Commissioner Gutierrez asked if there would be a certain amount of emergency equipment on site. Mr. Allen responded that in addition, they would be working with the fire marshal, to ensure compliance with the County's standards.

Chairman Hartman asked for clarification on stipulation one (1). Mr. Chow responded that the right of way is ADOT's. Mr. Chow stated that the county would like a copy of the permit when issued by ADOT. Mr. Chow stated that the county has no control over the right of way. Chairman Hartman stated that the ingress, egress, and surfacing is up to ADOT to determine requirements.

Commissioner Moritz stated that she appreciates Boeing considering Pinal County, as these types of projects are great for the county.

Commissioner Faucette asked if the helicopters go up 1,000 feet into the air before accelerating forward. Mr. Allen responded that it might be closer to 1,500 feet.

Commissioner Faucette asked what the noise level involved would be. Mr. Allen responded that it was below the ambient noise level which is 85 decibels.

Commissioner Aguirre-Vogler asked if the project would be cancelled if the lease from the State Land Department was not acquired. Mr. Abraham responded that if the lease were not acquired, the rescission process would begin.

Chairman Hartman opened the meeting to the public. Hearing none, Chairman Hartman closed the public portion of the meeting.

MOTION

Commissioner Aguirre-Vogler made a motion to forward case PZ-PA-009-11 to the Board of Supervisors with a favorable recommendation. Commissioner Salas seconded the motion. Motion passed unanimously.

MOTION

Commissioner Aguirre-Vogler made a motion to forward case SUP-016-11 to the Board of Supervisors with a favorable recommendation. Commissioner Salas seconded the motion. Motion passed unanimously.

WORK SESSION

Discussion on Commission procedures for work sessions

Mr. Abraham stated that some Commissioners wanted to discuss how to handle work sessions, and how to focus the energy of the group on the topic at hand. Chairman Hartman stated he has seen problems when presenters at work sessions are interrupted. Chairman Hartman asked if the Commission agrees to let the presenter complete their presentation and follow up with questions at the end.

Commissioner Salas stated that his problem is that sometimes work sessions get thrown in the middle of the agenda. Commissioner Salas stated that he would rather have cases with applicants be heard first, and have work sessions at the end, to avoid the applicants being delayed.

Commissioner Moritz stated that Mr. Stabley tries to interject cases and work sessions to avoid the monotony, but she agrees with Commissioner Salas and would prefer to hear cases first and then work sessions after. Commissioner Moritz stated that it is discourteous to interrupt the presenter during a presentation.

Commissioner Faucette stated that work sessions are sometimes held to give information before a case. Commissioner Faucette stated that once in a while a work session is needed before a case is heard.

Ms. Grieb stated that it is hard to get a presenter to attend a meeting if they will be at the end of the agenda; they are placed at the beginning as a professional courtesy. Ms. Grieb stated that in order to **have a work session at the end, we need a quorum at the end.**

Chairman Hartman stated that work sessions were originally for cases coming before the Commission with specific requirements that the Commission needed to review. Mr. Abraham stated that this was also when there were twenty (20) agenda items every month. Mr. Abraham stated that the Commission's input is needed to move forward, especially on items like code amendments.

Commissioner Moritz asked if the agenda could have cases first, work sessions with outside attendees, and then work sessions without anyone else involved. Mr. Abraham responded that would work.

Commissioner Faucette stated that sometimes the Commission members want to make a point and be heard, and can be discourteous. Commissioner Faucette stated that sometimes a question helps to clarify questions that other Commission members may have as well.

Commissioner Aguirre-Vogler asked for an update on the redistricting of the Supervisors. Mr. Abraham stated that staff would have someone from the Board of Supervisors come give the Commission an update.

Commissioner Moritz stated that district 5 is Gold Canyon, Queen Valley, Apache Junction, and part of Queen Creek.

Chairman Hartman asked if he could still be on the Commission if he was in the city of Maricopa. He stated that the boundary on the map is unclear. Ms. Grieb responded that when the Board increases to five (5) Supervisors, that restriction no longer applies. Ms. Grieb stated that this rule applies to a Board of three (3) Supervisors.

Chairman Hartman asked if the Commission will increase in the amount of members. Ms. Grieb responded that the Commission will increase to ten (10) members, two (2) from each district. Ms. Grieb stated that by the end of 2013, the Commission will be in compliance with that requirement.

Commissioner Salas asked if it would be best to have the Chairman vote only in the case of a tie. Ms. Grieb responded that would mean that one district would only be allowed to have one representative voting, and the Commission does not have the authority to make this restriction.

FUTURE MEETING DATES AND AGENDA ITEMS

Mr. Abraham stated that the Agenda for February would be much like the January agenda.

ADJOURNMENT

Commissioner Aguirre-Vogler made a motion to adjourn. Commissioner Salas seconded the motion. Chairman Hartman accepted the motion. Meeting adjourned at 10:41 a.m

RESPECTFULLY submitted February 15, 2012.



Jerry Stabley, Planning Director

PLANNING & DEVELOPMENT