



PINAL COUNTY
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**PINAL COUNTY PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES OF FEBRUARY 16, 2012**

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

ABSENT: Mr. Salas, Member

LEGAL STAFF PRESENT:
Mr. Johnson, Deputy County Attorney

PLANNING STAFF PRESENT:
Mr. Stabley, Director
Ms. Sarkissian, Planner I
Ms. MacDonald, Planner II
Mr. Abraham, Planning Manager
Mr. Denton, Planner II
Ms. Cortez, Administrative Secretary

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

The meeting was called to order at 9:06 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: January 19, 2012

Commissioner Aguirre-Vogler stated on page eight (8) on the work session, there is a spelling errors, the word should be "redistricting" and not "restricting."

Commissioner Faucette wanted to clarify on page eight (8) of the work session. It is not discourteous when the commission comments on presentations, it is actually helpful for everyone. Would like to continue to ask questions and comment during the presentations, since they are work sessions.

MOTION

Commissioner Ellis made a motion to accept the minutes from January 19, 2012, with the correction of the spelling. Commissioner Moritz seconded the motion. Motion passed unanimously.

PLANNING DIRECTORS DISCUSSION ITEMS

Mr. Stabley stated Ms. Grieb will not be present at the meeting and Mr. Johnson will be the legal advisor.

Mr. Stabley stated Ken Buchanan took a new position with the Town of Fountain Hills as the new Town Manager. His last day with Pinal County was Friday, February 10, 2012. The County Manager has appointed Greg Stanley as the interim Assistant County Manager for Development Services. Greg Stanley has appointed A.J Blaha as the interim Director for Public Works.

Commissioner Aguirre-Vogler stated after the Commission recommends a case to the Board of Supervisors and the developers come in, citizens think that the tax dollars are paying for the infrastructure. People are upset they pay taxes and things are not being done, the roads are not done.

What happens after things go to the board? How are the taxes being divided? How does the County make sure it is being done per plan? What are the basics on how the County works? Mr. Abraham responded since the questions are so wide in range and in many different departments, it would be a good idea to have a series of discussions with the department's directors. Commissioner Aguirre-Vogler stated there is no clarification on the thousand-house ruling, the fire station will not come on line, and how interstate 10 causes a problem, the fire department cannot get into Red Rock. The County does not think of things like this when things are being developed.

Chairman Hartman requested the new Public Works director come before the board to answer questions. The commission has many questions that need to be addressed. Mr. Stabley stated he would speak to the Public Works director to address the issues and concerns from the commission. Commissioner Aguirre-Vogler recommended inviting the Building and Safety director as well.

Mr. Abraham clarified the order of what the agenda would look like in the future.

- Minutes Discussion, Planning Director's Items, Report from Board of Supervisors
- Work Session from outside entities
- Public Hearings
- Staff generated items

REPORT ON BOARD OF SUPERVISORS ACTION ON P & Z CASES

Commissioner Aguirre-Vogler requested clarification on Rose Law, and Pulte Development wanting to develop a golf course in Red Rock. Mr. Stabley responded they are considering building a golf course community in Red Rock. Commissioner Aguirre-Vogler asked Mr. Stabley what are the limitations on applying for projects of a thousand acres or less. Mr. Stabley responded that was on the context on how open space is calculated, and how open space can be used to count towards golf course. What the development community proposed was to have a threshold if the project was small enough they could count more of the open space requirements towards the golf course.

Ms. MacDonald went over the approval and modifications made by the Board of Supervisors on the zoning ordinance.

Commissioner Ellis stepped out 9:30 a.m.

Commissioner Ellis returned 9:34 a.m.

NEW CASES

CASE PZ-011-11 & PZ-PD-011-11 WILL BE DISCUSSED TOGETHER

PZ-011-11 – PUBLIC HEARING/ACTION: One Community Church, landowner/ applicant, Dean Schifferer, agent requesting approval of a Rezone request from GR (General Rural) to CB-1 (Commercial) to allow a church/ office/ commercial use within the 1.25± acre parcel; situated in a portion of the northeast quarter of Section 3, T3S, R7E G&SRB&M (legal on file) Tax Parcel 509-04-002E (west of Trica Road, south of Hunt Highway in the Queen Creek area).

Ms. Sarkissian read a portion of the staff report and used a power point presentation. Ms. Sarkissian stated both cases have the same twelve (12) stipulations, and are adding and additional stipulation to both. The town of Queen Creek has submitted a letter stating they do not agree with the rezone, but do agree with the PAD amendment.

Chairman Hartman called the applicant forward.

Mr. Mark Krenz, 24441 N. Plum Rd., Florence Arizona 85152. Mr. Krenz came forward to address the Commission. Mr. Krenz gave a brief history of the church and the proposal.

Mr. Dean Schifferer, Architect 12345 E. Cloud Rd., Chandler Arizona 85249. Mr. Schifferer came forward to address the Commission. Mr. Schifferer gave a brief description of the proposal.

Commisisoner Brown stated it is important to know the history of the area, and the importance of longevity. With the open (use) palette and knowing the people that have worked so hard in that area, it is hard to approve the case.

Mr. Krenz asked if stipulation thirteen (13) does not require a new proposed owner to come before the Commission as well as the Board of Supervisors. To require the approval and it is not just an open palette. Mr. Stabley responded when someone has commercial zoning they have zoning rights. In Arizona, zoning gives people many rights. Stipulation thirteen (13) will not take away their right to have commercial on the site. They will need to follow a process to look at how everything is being laid out.

Chairman Hartman stated there is no steeple for cell tower, if they would add a cell tower would they have to come in front of the commission. Mr. Abraham responded it would depend if they met the code requirements. There are requirements that the churches must follow, they have to go through the review process.

Commisisoner Moritz stated the plan is not designed as a church; it is designed for an office space, and would be used as an office. They will not be putting in a steeple, if they want to add a steeple in the future they will need to come back.

Chairman Hartman asked if there would be across outside. Mr. Krenz responded there would be no cross, but would like to add a sign upfront. Chairman Hartman asked if there is a parking lot. Mr. Krenz responded yes and the property has existing pavement if they need more room.

Commissioner Ellis stated it appears to be more as an office space, than a church. Office space is commercial, how are they different. Mr. Krenz responded the main gathering place has enough room for 180 people. This place will be used for smaller groups, and no Sunday morning worship service.

Commissioner Ellis stated with the request to change the zone to CB-1, there would be no issues to use as an office. Everything you want to do, you could do now without rezoning. Commissioner Aguirre-Vogler agreed with Commissioner Ellis, and suggested removing the church portion of the proposal.

Commissioner Moritz stated it would raise the value of the location. Commissioner Moritz asked Mr. Krenz would the location be used for youth group, bible study, would it strictly be an office area. Mr. Krenz responded yes, correct.

Commissioner Gutierrez asked Mr. Krenz what type of precautions they are taking to conserve the security and privacy of the neighbors. Mr. Schifferer responded there are screen walls for lights. If the property does develop further, they would add fencing, and would acquire the all permits. Commissioner Gutierrez asked what type of screen walls. Is there any attempt to putting in a solid brick wall? Mr. Schifferer responded it is a no climb fence, and it keeps the animals to the south. The new masonry screen wall protects the light from affecting the neighbors. Chairman Hartman asked what the height of the lighting would be. Mr. Schifferer responded there is no pole lighting; the light is confined to the property.

Commissioner Faucette stated there is a fine line between planning and speculative zoning.

Vice Chairman Riggins stated having a church in that site is a good thing to discuss, and not a problem. Having an open palette with fifty (50) different uses and different users, all approved and entitled for a future buyer is speculative zoning and it would cause a problem.

Commissioner Moritz stated there is a cluster of general rural sitting in a surrounding area all but one side of CB-1, and would feel more comfortable with stipulation thirteen (13). Commissioner Moritz asked Ms. Sarkissian what the flood zone is. Ms. Sarkissian responded it is located on flood zone X, outside the one hundred year. (The uses permitted adjacent to CB-1 property are restaurants, medical offices, and retail offices.)

Vice Chairman Riggins stated with stipulation thirteen (13) does not address any of the issues pertaining to an open palette. Ms. Sarkissian stated with any expansion of the house as it is now, it would require them to apply for a formal PAD amendment before the Commission. If a commercial, use wanted to use the existing building as it shown they could go in without having to come before the Commission. Vice Chairman Riggins stated they are pre entitled with CB-1 zoning; they would not have to go through a process.

Chairman Hartman opened the meeting to the public.

Mr. Wayne Balmer, Planning Administrator for the town of Queen Creek. No address given. Mr. Balmer spoke against the rezoning, and in approval of the PAD.

Commissioner Ellis asked Mr. Balmer if the area was zoned commercial what would he like to see occur. Mr. Balmer responded they would like to see it stay residential and being used as a church.

Commissioner Moritz asked how the CB-1 approval was granted in the area surrounding the church and how does adding one more area of CB-1 cause a problem. Commisisoner Brown responded the community is amiable to hearing commercial presentations but they do reserve the right for denial. The community does not agree with an open palette.

Mr. Thomas Lang, 6875 W. Hunt Hwy Queen Creek, Arizona 85142. Mr. Lang came forward to address the Commission. Mr. Lang spoke in favor of the church, and against the open palette with the rezone.

Chairman Hartman closed the public portion of the hearing.

Chairman Hartman asked Mr. Stabley could they back zone to general rural. Mr. Stabley responded the application could be amended.

MOTION

Commissioner Moritz made a motion to forward PZ-011-11 to the Board of Supervisors with a recommendation of denial. Commissioner Faucette seconded the motion. Motion passed unanimously.

Ms. Sarkissian stated the PZ-PD would allow them to have the church, currently the setbacks do not allow them to. Mr. Stabley stated if the PAD would be approved it will be better to have a continuance to work with the details, since the two (2) cases are linked together.

PZ-PD-011-11 – PUBLIC HEARING/ACTION: One Community Church, landowner/ applicant, Dean Schifferer, agent requesting approval of a Planned Area Development to allow a church/ office/ commercial use within the 1.25± acre parcel; situated in a portion of the northeast quarter of Section 3,

T3S, R7E G&SRB&M (legal on file) Tax Parcel 509-04-002E (west of Trica Road, south of Hunt Highway in the Queen Creek area).

MOTION

Commissioner Ellis made a motion to continue case PZ-PD-011-11 to March 15, 2012 at 9am. Vice Chairman Riggins seconded the motion. Motion passed unanimously.

BREAK 10:50 a.m.

RECONVENED 11:03 a.m

CASES PZ-PA-011-11 & SUP-012-11 WILL BE DISCUSSED TOGETHER

PZ-PA-011-11 PUBLIC HEARING/ACTION: Candelario Chacon, landowner, applicant requesting approval of a Non-Major Comprehensive Plan Amendment from **Moderate Low Density Residential, 3.5 DU/AC, (MDR) to Employment** to allow an outdoor aluminum and light metal recycling facility on a 3.5± acres situated in the NW ¼ of Section 2, T07S, R06E G&SRB&M (legal on file) Tax parcel 511-21-013A (located on the east side of the intersection of Henness Rd. and Jimmie Kerr Blvd in the Casa Grande area).

Mr. Abraham read a portion of the staff report and used a power point presentation. Mr. Abraham stated The City of Casa Grande has submitted a letter stating they do not agree with the recycling center, as well as other neighbors in the area.

Commissioner Aguirre-Vogler asked if there was anything about recycling electronics. Mr. Abraham stated it would be best to have a limit on the items, electronic items can be considered hazardous because of the materials inside.

Vice-Chairman Riggins asked is the palette restricted or is it open CB-2 zoning. Mr. Abraham responded it is an open CB-2 zoning.

Chairman Hartman called the applicant forward.

Mr. Candelario Chacon, 3589 S. Henness Rd Casa Grande Arizona. Mr. Chacon came forward to address the Commission. Mr. Chacon gave a brief description of the proposal.

Chairman Hartman asked why the access to the mobile home would be limited on Henness Road. Mr. Abraham stated the stipulations states there would be no public entry to the caretaker's office. Mobile homes are considered houses and public access to a mobile home will require following all ADA standards. It is much easier to limit the access than to have the mobile home modified.

Commisisoner Gutierrez asked Mr. Chacon how is the recycled material going to be transported to the main recycling center. Mr. Chacon responded he would be using two (2) dump trucks, and they will be taken the Phoenix. Commisisoner Gutierrez asked Mr. Chacon how far is the entrance from Henness Road to the Jimmie Kerr light. Mr. Chacon responded approximately fifty (50) feet.

Commisisoner Ellis asked Mr. Chacon if he would be the operator of the business or if it would be leased. Mr. Chacon responded the property would be leased.

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

Vice-Chairman stated what is being requested by this case is not a CB-2 use, it is an Industrial use. Looking at the case, it should be a case that should be denied. Commisisoner Ellis agreed with Vice-Chairman Riggins and stated the moderate low density residential is not the appropriate comprehensive plan designation for this case. The landowners surrounding the area do not agree either. Commisisoner Moritz also agreed and iterated that it is not a good idea to have recycling facilities on major thoroughfares into towns and cities that are trying to improve the image and appearance of the towns and cities.

MOTION

Commisisoner Moritz made a motion to forward case PZ-PA-011-11 with a recommendation of denial to the Board of Supervisors. Commisisoner Ellis seconded the motion. Motion passed unanimously.

SUP-012-11 - PUBLIC HEARING/ACTION: Candelario Chacon, landowner, applicant requesting approval of a Special Use Permit to allow an outdoor aluminum and light metal recycling facility on a 3.5± acres in the General Business Zone (CB-2) (**PZ-585-79**) situated in the NW ¼ of Section 2, T07S, R06E G&SRB&M (legal on file) Tax parcel 511-21-013A (located on the east side of the intersection of Henness Rd. and Jimmie Kerr Blvd in the Casa Grande area).

MOTION

Commisisoner Ellis made a motion to forward case SUP-012-11 with recommendation of denial to the Board of Supervisors. Vice-Chairman Riggins seconded the motion. Motion passed unanimously.

LUNCH 11:30 a.m.

RECONVENED 12:31 a.m

TENTATIVE PLATS

S-001-05 - ACTION: Amarillo Creek South, LLC, landowner, Barbara Rust, Coe & Van Loo Consultants, Inc., engineer, requesting approval of a tentative plat extension for **Amarillo Creek South**, 1,086 lots on a 321.3± acre parcel in the CR-3/PAD & CB-2/PAD zones; described as the E½ of Section 20, T5S, R3E, G&SRB&M, Tax Parcels 510-48-015F & 510-48-015G (located approximately 2 miles southwest of the City of Maricopa).

Mr. Denton read a portion of the staff report and used a power point presentation.

Chairman Hartman called the applicant forward.

Ms. Barbara Rust 4550 N 12th St., Phoenix Arizona 85014. Ms. Rust came forward to address the Commission. Ms. Rust gave a brief description of the proposal.

Chairman Hartman asked Ms. Rust if there has been any work done on the site. Ms. Rust responded there was a master plan community that incorporated some land to the north, and to the west. There was nothing done on this PAD. Chairman Hartman asked what is being done about the access traffic in the area, mainly the Union Pacific Rail Road tracks. Ms. Rust responded we have followed the process from ADOT, the railroad and the City of Maricopa. They have been discussing this for at least five (5) years; there have not been any solutions.

Commisisoner Ellis stated they are currently working on figuring out if they are going to use John Wayne Park Way or White and Parker. It is a very complex because there are so many different entities.

Ms. Rust stated as the engineering firm they do try to keep up on improvements on the highways in the areas. The firm is involved with the railroad across John Wayne Park Way with City of Maricopa. It is very difficult to keep track of everyone's opinion when there are so many entities.

Commissioner Ellis stated the stakeholders are working on the flood control issues first and the traffic control issues second. The applicant should not be penalties on how the bridge is done; they have no control over it.

Mr. Mike Caslow, property owner of Amarillo Creek South LLC and Picacho Landings Equities LLC. Mr. Caslow came forward to address the Commission. Mr. Caslow stated the property on Papago Road and North Amarillo Valley Road has been improved. The owners can only do so much; they have no control over the north side of Papago Road, since it is owned by the State of Arizona. Mr. Caslow stated as a property owner in Maricopa he does have a large interest on the area being completed.

MOTION

Vice-Chairman Riggins made motion to approve the following stipulations for the Tentative Plat case S-001-05 of Amarillo Creek South, with stipulations one through fifty-one (51), modification of stipulation forty-three (43) to extend the tentative plat to April 15, 2014, as set forth in the staff report. Commisisoner Ellis seconded the motion. Motion passed unanimously.

NEW CASES

PZ-C-001-12 – DISCUSSION/APPROVAL/DISAPPROVAL: The Planning and Development Department requests that the Planning and Zoning Commission initiate, in accordance with A.R.S. 11-829 (E) a Zoning Ordinance Text Amendment to **Title 2** of the **Pinal County Development Services Code**, amending **Chapter 2.166 Rezoning**, to consider adding language to require metes and bounds legal descriptions for each zoning district in a rezone request.

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

The Commission had no comments or questions for Ms. MacDonald.

MOTION

Commissioner Ellis made a motion to approve the initiation of the Zoning Ordinance Text Amendment, case PZ-C-001-12. Vice-Chairman Riggins seconded the motion. Motion passed unanimously.

ADJOURNMENT

Commissioner Ellis made a motion to adjourn. Vice-Chairman Riggins seconded the motion. Chairman Hartman accepted the motion. Meeting adjourned at 1:03 p.m.

RESPECTFULLY submitted March 15, 2012.



Jerry Stabley, Planning Director