Greg Stanley
Assistant County Manager
Development Services

Fritz A. Behring
County Manager

PINAL • COUNTY
wide open opportunity

PINAL COUNTY PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES OF March 15, 2012

PRESENT:

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

LEGAL STAFF PRESENT:

Ms. Grieb, Deputy County Attorney

PLANNING STAFF PRESENT:

Mr. Stabley, Director
Ms. Sarkissian, Planner I
Ms. Cortez, Administrative Secretary
Ms. Terrilyn Klucar, Code Compliance Officer
Mr. Wesley LaCrosse, Code Compliance Manager
Mr. Abraham, Planning Manager
Mr. Denton, Planner II

PUBLIC WORKS STAFF PRESENT:

Mr. Chow, Development Section Chief

The meeting was called to order at 9:01 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: February 16, 2012

Commissioner Ellis arrived at 9:02 a.m.

The commission had no comments or questions on the minutes.

MOTION

Commissioner Ellis made a motion to accept the minutes from February 16, 2012. Commissioner Salas seconded the motion. Motion passed unanimously.

REPORT ON BOARD OF SUPERVISORS ACTION ON P & Z CASES

Mr. Abraham gave an update on the cases heard at the February 22, meeting: PZ-PA-009-11 & SUP-016-11 – Arizona State Land Department, to allow an unmanned aircraft-testing field. The cases were approved.

Mr. Abraham stated there were no items for the Board of Supervisors on the March 14, 2012 agenda.

CONTINUED CASES

Mr. Denton stated Mr. Tapia the applicant for cases PZ-PA-010-11, SUP-013-11, was not currently present. Chairman Hartman suggested continuing the case until Mr. Tapia arrives.

Mr. Denton stated Mr. Tapia had been notified of the meeting, and stated there had been two (2) other prior incidents when Mr. Tapia was scheduled to meet with staff and did not show.

Commissioner Ellis asked what the protocol is if the applicant does not show up. Ms. Grieb stated the applicant has appeared before the Commission and staff have met all the proper notifications. Ms. Grieb stated it would be up to the Commission to continue the case again, or to hear the case without the applicant present.

Commisisoner Salas suggested pushing the two cases to the end of the agenda, Commissioner Faucette agreed.

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). (**Continued from the February 16, 2012 Planning Commission Meeting)**

Ms. Sarkissian read a portion of the staff report and used a power point presentation. Ms. Sarkissian stated the applicant has revised the commercial list, the applicant is requesting to proceed with the commercial in the PAD.

Chairman Hartman asked Ms. Grieb for the legal recommendations. Ms. Grieb stated the Commission has already made recommendations on the zoning request for denial. The PAD goes with the zoning request; it currently does not work with the existing GR zoning. If the Commission approves this PAD, it will not make sense since the zoning was denied and both cases go hand in hand. If you do a recommendation of any kind, it allows the applicant to move forward to the Board of Supervisors.

Commissioner Ellis stated the proposal consisted of things that could be done with the current zoning; there currently is no plan for the proposed commercial it is all speculative zoning.

Commissioner Brown arrived at 9:11 a.m.

Mr. Stabley stated it is not a comprehensive plan issue; it is an issue of fitting within the community.

Commissioner Salas stated this would open the door for future residents to bring in a business use; we are establishing a pattern to allow this to happen.

Commissioner Moritz stated what she understood from the last meeting from the applicant in terms to narrowing and identify future uses that would be appropriate for the zoning they were requesting. Ms. Grieb stated when the commission denied the zoning and continued the PAD it was with the understanding the PAD would be changed to fit the current zoning. Commissioner Brown agreed with Ms. Grieb.

Chairman Hartman called the applicant forward.

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

Commissioner Ellis asked Mr. Schifferer if they were willing to remove the commercial use. Mr. Schifferer responded yes, but they would prefer to show the future intent of the site as a commercial use, but the main goal is to obtain the PAD in order to allow the church to function on the site. Commissioner Ellis asked Ms. Grieb if the application could be altered since it is different from what the

applicant is now requesting. Ms. Grieb responded if the change is less restricted than what was published in the paper, the change could be made. There would not be any notification problems, and you could proceed that way.

Vice-Chairman Riggins arrived at 9:26 a.m.

Mr. Stabley stated the church office could occur without any zoning action, the PAD is needed if they are seeking to use the existing building because they cannot meet the setbacks required for a church with the existing building. The applicant decided to add in the commercial uses in case the church did not work out, the applicant choose to show the uses for a rezoning. If they are unsuccessful with the Board of Supervisors after you deny the PAD, the applicant will need to complete a new application to again request the deviation of setbacks

Ms. Sarkissian stated the case had been continued because of the commercial aspect of the narrative, in order to remove the commercial from the narrative it would have to be re written.

Ms. Grieb stated the applicant chose not to modify it to fit the current GR zone. If the applicant now wants to change it, staff needs to have enough time to review, and it would create a legal issue for the applicant. If the case proceeds to the Board of Supervisors after all the references of commercial have been eliminated, all the Board of Supervisors can do is look at the revised PAD. Denying the PAD gives the applicant a better opportunity to present the whole case to the Board of Supervisors.

Chairman Hartman asked Mr. Schifferer if he would prefer a denial on the case and be able to present everything together to the Board of Supervisors. Mr. Schifferer responded if the PAD were not connected, they would not be in the challenge they are in, and it would be best to see the Board of Supervisors and see what happens after that.

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 PAD; the PAD continues to have recommendations of commercial uses. The list has been cut down but it continues to show commercial uses.

Chairman Hartman closed the public portion of the hearing.

MOTION
Commissioner Ellis made a motion on case PZ-PD-011-11 to forward to Board of Supervisors with a recommendation of denial. Vice-Chairman Riggins seconded the motion. Motion passed unanimously.

CASES PZ-PA-010-11 & SUP-013-11 WILL BE DISCUSSED TOGETHER

PZ-PA-010-11 - PUBLIC HEARING/ACTION: Acencion Tapia, 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 & January 19, 2012 Planning Commission Meetings)**

SUP-013-11 - PUBLIC HEARING/ACTION: Acencion Tapia, 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 & January 19, 2012 Planning Commission Meetings)**

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

Commissioner Faucette stepped out 9:50 a.m.
Commissioner Faucette returned 9:52 a.m.

Chairman Hartman asked if you have a special use permit request and the special use permit is not extended to the landowner on the comprehensive plan amendment (to the Employment designation), would it revert to its original rural low density. It reflects a problem since, you have one case that is a temporary use permit and another that is permanent.

Ms. Grieb responded if the case moves forward with a comprehensive plan amendment and the amendment is approved, that case would stand-alone. If it is being changed from something general, for example to (an) employment (designation), that would stay. The special use permit is only issued to the applicant and the applicant leaves; the special use permit goes away. Under the new zoning ordinance it is made clear that, a special use permit could not be obtained without complying with the comprehensive plan, this way there would not be any loopholes around the plan.

Chairman Hartman called the applicant forward.

Mr. Ernesto Tapia 20295 N Bustos Way, Maricopa, AZ 85138. Mr. Tapia came forward to address the commission. Mr. Tapia stated the permit was issued to his father and not to the land. Mr. Tapia stated they could meet every requirement except for number ten (10), installing the permanent wall.

Commisisoner Salas asked staff why a permanent wall is being required when the applicant is only requesting a temporary permit. Once the applicant vacates the property there will be a permanent wall installed and there is nothing surrounding the area. There is no need for the wall. Will the new applicant be requested to take down the wall?

Commisisoner Ellis asked Mr. Denton what the time frame is for the applicant to comply with the stipulations. Mr. Denton responded it would have to be done immediately to comply with the stipulations.

Commisisoner Faucette stated he also agrees with Commisisoner Salas and stipulation six (6) on agricultural and planting the trees appears strict for a temporary use permit. Commisisoner Brown agreed with Commisisoner Faucette and asked when more residents move in, will the commercial business move out or will the coming residents have to adapt to them.

Commissioner Moritz stated Mr. Tapia needed time to move the trucks and to find another location. The violation was issued a year ago this month. Commissioner Moritz asked Mr. Tapia if they had found another location to run the business from or was this location the only option. Mr. Tapia responded the block wall would be more of a distraction to the residents and stated they would have liked to stay in that location and comply with all the stipulations.

Vice-Chairman Riggins stated we are considering a permanent change of use, if it is granted there is no reason why no one else would be able to submit for the same thing. If the applicant were coming in as a new development on this site, the stipulations would not be awarded to them.

Chairman Hartman stated there are other trucking businesses in the area and the County is keeping up with that area, they are not just targeting Mr. Tapia's business. Chairman Hartman also stated stipulation six (6) and planting trees, there is not enough water to plant more trees and it will be costly to Mr. Tapia.

Mr. Tapia stated they are currently planting trees to benefit them and the next resident who moves in. They are looking for an alternative on the wall. Mr. Tapia stated they currently have ten (10) trucks and are going to be selling some to only keep three (3) operational trucks, to make the business smaller. They would like to move from temporary to permanent business use, being a permanent trucking business.

Chairman Hartman explained his concerns on the traffic in the area. Commissioner Brown agreed with Chairman Hartman.

Commisisoner Brown asked Mr. Tapia what type of trees are being planted on the property, and asked what would be the longevity of them occupying the property. Mr. Tapia stated he is not sure on the type of trees that were planted; there is a variety of them. Mr. Tapia stated they would like to stay on the property for a long time.

Commissioner Gutierrez asked Mr. Tapia if they had looked for another location, a commercial location. Mr. Tapia responded they would like to stay at that location and not have to look to move elsewhere.

Commissioner Brown stepped out 10:22 a.m.
Commissioner Brown returned 10:24 a.m.

Commissioner Gutierrez stated the issues that are concerning him is going from a residential area to a commercial area, generally when residents purchase property in a residential area it is because they want to live and stay in a residential area. There is a difference between having a boat and motor homes next door than having commercial working trucks. The noise is different and the appearance is different.

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

Vice-Chairman Riggins stated when running semi trucks in a residential area a traffic analysis needs to be done. Mr. Chow stated once the applicant submits their site plan staff will make the determination whether a traffic analysis will be needed. Vice-Chairman Riggins stated if a traffic analysis would be required for a new place under this jurisdiction the business would not be possible. Mr. Chow stated a traffic analysis does not tell the applicant whether the business can be done; it makes recommendations to the applicant on what needs to be done to comply. Vice-Chairman Riggins asked Mr. Chow if he normally sees entitlements to eighteen (18) wheel trucks run through residences. Mr. Chow responded he could not respond to that.

Commissioner Moritz stated there are also two (2) other businesses in that area and if the county is going to give citations to Mr. Tapia and deny his request, the county needs to be consistent for the whole area.

Commisisoner Ellis stated the commission consists of protecting the health, safety, and welfare of the residents. By approving this case we are putting the residents in harm's way, it is a residential area and the roads are not designed for that type of traffic.

Vice-Chairman Riggins stated he agrees with Commissioner Moritz and it is a good point on consistency of the application.

Commisisoner Salas asked staff if the other two (2) businesses have stopped operation. Mr. LaCrosse stated that Mr. Tapia's case has actually been ongoing for two (2) years. Mr. LaCrosse stated the other businesses in the area have been cited but are currently in operation.

MOTION
Commissioner Ellis made a motion on case PZ-PA-010-11 to forward to the Board of Supervisors with a recommendation of denial. Commissioner Moritz seconded the motion. Motion passed unanimously.

Commissioner Salas explained his vote; Mr. Tapia's intent is to establish a permanent business in a residential area.

MOTION
Commissioner Ellis made a motion on case SUP-013-11 to forward to the Board of Supervisors with a recommendation of denial. Commissioner Faucette seconded the motion. Motion passed unanimously.

NEW CASES

PZ-C-002-12 - DISCUSSION/APPROVAL/DISAPPROVAL: The Planning and Development Department requests that the Planning and Zoning Commission initiate, in accordance with A.R.S. section 11-813(D) a zoning regulation amendment to **Title 2** of the **Pinal County Development Services Code**, amending **Chapter 2.145 Signs**, to consider adding language to address new types of portable and temporary signs as well as adding the new zones categories created with the recent Zoning Ordinance update.

Ms. Sarkissian used a power point presentation.

Commissioner Aguirre-Vogler asked if semi trucks with large signs and cotton trailers with signs on them were being addressed. Ms. Sarkissian responded staff is only looking at the A-frames and flying banners, which are the signs that are bringing in the most complaints.

Chairman Hartman asked if the change would only apply to commercial areas, and if agricultural areas would be affected. Ms. Sarkissian responded the agricultural signs would still be addressed in the rural residential districts and temporary sign section of the code.

Ms. Sarkissian stated there are issues with strip centers and staff would like to collect input from the Planning Commission to address any issues that may surface later.

Commissioner Brown stated there are occasions where there are too many signs in one area and it is distracting, other instances, the signs are good for people to notice new businesses. Mr. Stabley stated staff is looking at having a minimum distance between signs, it will prevent the clustering.

Commissioner Moritz stated feather signs have become an issue, there are rows of them on King Side Road, and now people want to add them to Superstition Mountain. There should be a shorter distance between the sign and business. Feather signs should be placed on the business renter's property.

Feather signs should not be placed on highways or roadways, but inside strip malls and shopping centers having them there is distracting to drivers and do cause issues.

MOTION
Commissioner Ellis made a motion to approve the initiation of amending Chapter 2.145 Signs, case PZ-C-002-12. Vice-Chairman Riggins seconded the motion. Motion passed unanimously.

PZ-C-003-12 - DISCUSSION/APPROVAL/DISAPPROVAL: The Planning and Development Department requests that the Planning and Zoning Commission initiate, in accordance with A.R.S. section 11-813(D) a zoning regulation amendment to **Title 2** of the **Pinal County Development Services Code**, amending **Chapter 2.185 Outside Storage and Parking**, to consider adding language to address definitions, parking locations, setbacks, and restrictions for commercial vehicles with a gross vehicle weight of 19,501 lbs or more and to add language in support of A.R.S. sec. 11-269.10 (Public Service and Public Safety Emergency Vehicles).

Chairman Hartman asked Mr. Stabley if agriculture would be affected by the parking location restrictions on residential and rural zones changes. Mr. Stabley stated agricultural trucks would be exempt.

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

Commissioner Salas stepped out 11:00 a.m.
Commissioner Sales returned at 11:04 a.m.

Commissioner Ellis asked Ms. Klucar why 200 feet was selected. Ms. Klucar responded a larger area was recommended and the Board of Supervisors thought it was stringent and it was lowered to 200 feet, it is approximately a four and half acre parcel that would be required to have a vehicle and meet the setbacks. Commisisoner Ellis stated he believes it is still stringent.

Vice-Chairman Riggins stated the larger rural zones with homes on them are suburban ranch, if they were perfectly square they would be 375 feet and the requirement is 200 feet. That means suburban ranch could never be used to park a truck.

Commisisoner Brown stated a requirement like that would make many people unhappy. There are some people that have water trucks, that have no license and they are strictly for water.

Commissioner Gutierrez left 11:05 a.m.

Mr. Stabley stated staff is currently initiating the ordinance, and analysis will be brought back to the commission with the views of the trucking business. It will be up to the commission to decide what is in the best interest of the public.

Vice-Chairman Riggins stated residents in suburban ranch purchased land there to be able to keep their trucks. It might not be a right or wrong concept for the change, but it will affect some residents in the area.

Commisisoner Ellis stated there are many tractors that would be affected. Vice-Chairman Riggins stated tractors are not licensed or commercial vehicles.

MOTION

Vice-Chairman Riggins made a motion to approve case PZ-C-003-12 to initiate the zoning amendment process to Title 2, Chapter 2.185 Outside Storage and Parking of the of the Pinal County Development Services Code. Commisisoner Moritz seconded the motion. Motion passed unanimously.

Commissioner Moritz stated the order of the future agenda referenced in the February 16, 2012 minutes is not correct. Mr. Stabley stated outside entities should go before public hearings to not have the outside entities waiting all day. Chairman Hartman stated the way it is listed is the correct way, Commisisoner Ellis agreed.

Commissioner Faucette suggested having work session on SUP and explaining how it all works together. Commissioner Ellis stated to also add IUP to the work session. Chairman Hartman suggested having the Commission attend informative events.

Commissioner Moritz asked Mr. Stabley if the new Public Works Director would be attending a commission meeting to introduce himself. Mr. Stabley stated he spoke to Mr. Blaha and advised him of the commission's request, but Mr. Blaha had not scheduled a meeting to appear at as of yet.

ADJOURNMENT

Vice-Chairman Riggings made a motion to adjourn. Commissioner Salas seconded the motion. Chairman Hartman accepted the motion. Meeting adjourned at 11:16 a.m.

RESPECTFULLY submitted April 19, 2012.

Jerry Stabley, Planning Director