



PINAL COUNTY
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**PINAL COUNTY PLANNING AND ZONING COMMISSION
REGULAR MEETING
MINUTES OF April 18, 2013**

PRESENT:

Mr. Hartman, Chairman	Mr. Riggins, Vice-Chairman
Ms. Aguirre-Vogler, Member	Mr. Salas, Member
Mr. Brown, Member	Mr. Gutierrez, Member
Ms. Moritz, Member	Mr. Del Cotto, Member
Mr. Anderson, Member	Mr. Smyers, Member

LEGAL STAFF PRESENT:
Ms. Grieb, Deputy County Attorney

PLANNING STAFF PRESENT:

Mr. Stabley, Planning Director	Mr. Abraham, Planning Manager
Ms. MacDonald, Planner II	Ms. Bruninga, Secretary II
Mr. Denton, Planner II	Mr. Ashbaugh, Planner I

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

The meeting was called to order at 9:04 a.m., this date by Chairman Hartman in the Emergency Operations Center (EOC) Hearing Room, Building F, Florence, Arizona.

Chairman Hartman introduced Commissioner Smyers and asked him to tell the Commission a little about himself.

DISCUSSION/APPROVAL/DISAPPROVAL OF MEETING MINUTES: March 21, 2013

Mr. Stabley stated that staff has a few changes to be made to the minutes. On the last paragraph of page 3, Clerk of the Clerk should be changed to Clerk of the Court. Mr. Stabley also stated that the last paragraph of page 7, had a few typos, including the word Commissioner being misspelled, and aggress should be agrees. Mr. Stabley stated that staffs final correction was page 8, the word necessity in Vice-Chairman Riggins' statement about solar energy should be changed to necessarily.

Commissioner Aguirre-Vogler asked to include her questions about the Red Rock interchange that she asked the County Manager.

Commissioner Anderson stated that on page 3, the reference to the Clerk of the Court should be "his" instead of "her", as the Clerk is a male.

Chairman Hartman asked that these minutes be brought back before the Commission next month.

Commissioner Del Cotto arrived at 9:11 a.m.

PLANNING DIRECTORS DISCUSSION ITEMS

Mr. Stabley stated that he had no items to discuss.

REPORT ON BOARD OF SUPERVISORS ACTION ON P & Z CASES

March 27, 2013

April 10, 2013

Mr. Stabley discussed the cases that were heard by the board, and said that the medical marijuana facility that the Commission approved was denied by the Board of Supervisors. Commissioner Salas asked why the Board denied the case. Chairman Hartman stated that there were also two (2) Commissioners that voted against this case and the Board of Supervisors was concerned about the health, safety, and welfare of the community. Chairman Hartman added that there was a large amount of letters received in opposition of the project.

Commissioner Brown asked for clarification on where the Commission's decision stands with the Board of Supervisors, and asked how the Commission should evaluate what decision they make. Ms. Grieb responded that she can't provide any information regarding medical marijuana facilities at this time, but she will get more direction from the County Attorney, and relay that information to the Commission at the next meeting.

Vice-Chairman Riggins stated that this case was overanalyzed, this was a zoning case, and he believes the Commission voted wrong. Vice-Chairman Riggins added that he has never seen a case with full opposition be passed through the Commission so easily.

Commissioner Brown stated that he can see lawsuits in the future due to the failure to regulate.

Chairman Hartman stated that there is a dispensary in Eloy, and he saw a newspaper article stating someone had purchased eight (8) ounces of marijuana. Chairman Hartman stated that the Commission was told the limit is two and a half (2.5) ounces every two (2) weeks. Mr. Stabley stated that he would take a look at the state law, as he is unsure where the eight (8) ounce limit in the article came from.

TENTATIVE PLATS:

S-048-04 - DISCUSSION/APPROVAL/DISAPPROVAL: Circle R Investments, LLC, landowner requesting approval of a tentative plat extension for **Ocotillo Verde**, 495 lots on a 141± acre parcel in the CR-3/PAD zone; situated in a portion of Section 17, T3S, R9E, G&SRB&M, Tax Parcels 210-36-002C & 004 (parcel list on file) (located at the northwest corner of Bella Vista Road and Cooper Road approximately 1 mile north of the Town of Florence).

Mr. Denton read a portion of the staff report and used a PowerPoint.

Commissioner Salas asked how many extensions this case has received in the past. Mr. Denton responded that this will be the second extension granted by the Commission.

Geoff Child, 28004 Granite Avenue, San Tan Valley, came forward to address the Commission. Mr. Child gave a brief history of the project and the reason for extension request.

Commissioner Aguirre-Vogler stated that the stipulations are dated May 19, 2013. Mr. Denton responded that this is a typo and should read 2011.

Commissioner Aguirre-Vogler asked for an update on the Magma Flood District, and the access to the site. Mr. Child responded that there is access off of Judd Rd., and stated Bella Vista and Cooper Roads will be paved. Mr. Child stated that this property is on the high end of the Magma Flood retarding structure. Commissioner Aguirre-Vogler asked if the dam is being reconstructed. Mr. Child responded that it is, and construction is almost complete.

MOTION – S-048-04

Vice-Chairman Riggins made a motion to approve S-048-04, along with its 49 stipulations, modifying stipulation 39, to extend the tentative plat to May 19, 2015, as set forth in the staff report. Commissioner Moritz seconded the motion. Motion passed unanimously.

S-050-04 - DISCUSSION/APPROVAL/DISAPPROVAL: CV Pinal, LLC, and Wolfcor, LLC, landowners, Seth Keeler, agent, requesting approval of a tentative plat extension for **Bella Vista**, 2,104 lots on a 650± acre parcel in the CR-3/PAD & CB-2/PAD zones; described as Section 23, T3S, R8E, G&SRB&M, Tax Parcels 210-23-001D et al. (parcel list on file) (located at the southwest corner of Quail Run Lane and Bella Vista Road adjacent to the Town of Florence).

Mr. Denton read a portion of the staff report and used a PowerPoint.

Commissioner Salas asked if this is the second extension for this case. Mr. Denton responded yes, the Commission has already granted one extension in this case. Commissioner Salas asked for this information ahead of time in upcoming cases.

Seth Keeler, 1121 W. Warner Rd., Suite 109, Tempe, Arizona came forward to address the Commission. Mr. Keeler gave a brief history of the project and the reason for the extension request.

Chairman Hartman asked if the tank at the water facility is being used. Mr. Keeler responded that it is not used at this time; it was built in anticipation of the project.

Commissioner Aguirre-Vogler stated that there are still transportation problems in the area. Mr. Keeler responded that the engineering plans show a seventy-five (75) foot Right-of-Way, which would allow enough space for a three (3) lane road. Commissioner Aguirre-Vogler stated that a lot of traffic would be added, with people going to Chandler and Phoenix for work. Mr. Keeler stated that the Gantzel-Ironwood alignment would alleviate extra traffic from being produced. Mr. Keeler added that the road goes straight to the US 60. Commissioner Aguirre-Vogler asked if Florence was considering annexing this area. Mr. Keeler responded that in his conversations with the Town of Florence, they are interested in annexing the areas that are contiguous with the Town, and this location is not.

Commissioner Brown stated that the North-South freeway is critical.

Commissioner Aguirre-Vogler stated that Pinal County keeps putting housing in, and everyone goes to Phoenix, and the developers need to bring economic development to keep people in the county.

Chairman Hartman asked if the access street was a main arterial, as the requirement is twenty-eight (28) feet of paved access. Mr. Chow responded that twenty-eight (28) feet is the paved portion of the road, and there are twelve (12) foot lanes, with asphalt and native material shoulders. Mr. Chow added that this is the minimum requirement to allow one lane in each direction. Chairman Hartman asked if this would be adequate. Mr. Chow responded that this is all looked at when the traffic impact analysis is submitted.

Commissioner Aguirre-Vogler asked for clarification on the paving to back of curb requirement, as well as the twenty-eight (28) foot public access requirement. Mr. Chow responded that the thirty-seven and a half (37.5) foot requirement is the standard stipulation for roads adjacent to the property. The twenty-eight (28) foot requirement is the minimum for the access leading up to the property.

MOTION – S-050-04

Commissioner Moritz made a motion to approve stipulations 1-45 of case S-050-04, modifying stipulation 28 to show the total dwelling count as 1840, and modifying stipulation 45 to extend the tentative plat to April 21, 2015, as set forth in the staff report. Vice-Chairman Riggins seconded the motion. Motion passed unanimously.

S-042-05 - DISCUSSION/APPROVAL/DISAPPROVAL: SFD Management, LLC, landowner, requesting approval of a tentative plat extension for **Promontory at Magic Ranch**, 919 lots on a 240± acre parcel in the CR-3, CR-1, & SR/PAD zones; situated in a portion of Section 12, T4S, R9E, G&SRB&M, Tax Parcels 210-59-001 et al. (parcel list on file) (located at the southeast corner of Quail Run Lane and Heritage Road adjacent to the Town of Florence).

Mr. Denton read a portion of the staff report and used a PowerPoint.

Mark Swartz, 51 W. 3rd Street, Tempe, Arizona, came forward to address the Commission. Mr. Swartz gave a brief history of the project and the request for extension.

Commissioner Aguirre-Vogler asked if this property was 6.59 acres. Mr. Swartz responded that the property is 240 acres.

Commissioner Moritz stated that the applicant is prepared to update the traffic impact analysis, and that covers the Commission's concerns of traffic problems. Commissioner Moritz asked when the update would be done. Mr. Swartz responded that the applicant is at ninety (90) percent complete with construction documents, and completion is estimated to take six (6) to nine (9) months. Mr. Swartz added that at the time of final plat submittal, the traffic impact analysis would also be submitted.

Commissioner Anderson asked what roads people would take from this development to other main traffic areas. Mr. Swartz responded that the preferred route would be Quail Run to Heritage Lane. Commissioner Anderson asked if these roads are paved. Mr. Swartz responded that they are not paved at this time, but the original traffic impact analysis required the applicant to pave the half street of Quail Run.

MOTION –S-042-05

Vice-Chairman Riggins made a motion to approve stipulations 1-59 on S-042-05, modifying stipulation 50 to extend the tentative plat to May 19, 2015, as set forth in the staff report. Commissioner Salas seconded the motion. Motion passed unanimously.

Chairman Hartman stated that these cases have previously been through the public hearing process and the Board of Supervisors; they are being seen today because of the expiration date. Mr. Stabley stated that tentative plats are approved by the Planning Commission, and final plats are approved by the Board of Supervisors.

S-023-12 - DISCUSSION/APPROVAL/DISAPPROVAL: Cholla Ridge, LLC, landowner, KSE Design Group, PLC, Inc., engineer, requesting approval of a tentative plat for **Cholla Ridge**, 46 lots on a 6.59± acre parcel in the CR-5/PAD zone; situated in a portion of the northwest quarter of Section 9, T1S, R9E, G&SRB&M, Tax Parcel 104-57-002E (legal on file) (located approximately 1½ miles northeast of US 60, in the Gold Canyon area).

Mr. Ashbaugh read a portion of the staff report and used a PowerPoint.

Chairman Hartman stated that there was a letter from the fire chief and asked if the location for the water main has been determined. Mr. Ashbaugh responded that he believes the location has been determined, but he will let the applicant answer questions.

Craig Smith, 2525 W Greenway Suite 306, Phoenix, Arizona, came forward to address the Commission. Mr. Smith stated that the concerns of the fire hydrant have been address, including the hydrant location, and a turnaround location onsite.

Commissioner Aguirre-Vogler asked if the calculation for density was correct. Mr. Smith responded that it is just under seven (7) du/ac. Mr. Smith added that they are attached units, on individual lots, each with its own building footprint. Chairman Hartman asked if there is a common wall. Mr. Smith responded that they do have a common wall. Chairman Hartman asked how they could share a common wall but be on separate lots. Mr. Smith responded that this is the typical style used when platting a townhouse subdivision.

Commissioner Brown asked if the plat proposal is consistent with the way the project has been presented at community meetings; to make sure the public expectation matches the proposal. Mr. Smith responded that the project is the same except the cul-de-sac has been changed to a loop that provides a continual flow of traffic. Commissioner Brown stated that the general public may not understand the proposal, and they may be expecting something other than this proposal. Mr. Smith responded that staff has reviewed the modification, and it is in general conformance with the original documents.

Vice-Chairman Riggins stated that there was disagreement on the long cul-de-sac, and the loop replacement is an improvement.

Commissioner Aguirre-Vogler stated that it would be helpful to have a chart available in the staff report showing lot widths and square footages. Commissioner Gutierrez stated that this information is shown on page two (2).

MOTION – S-023-12

Commissioner Moritz made a motion to approve S-023-12, along with its attached twenty-one (21) stipulations as presented in the staff report. Vice-Chairman Riggins seconded the motion. Motion passed unanimously.

BREAK 10:09

RECONVENED 10:18

NEW CASES:

PZ-PA-001-13 - DISCUSSION/APPROVAL/DISAPPROVAL: The Planning and Development Department requests that the Planning and Zoning Commission initiate, in accordance with PCDSC 2.170.110, a major amendment of the **Pinal County Comprehensive Plan** to amend **Chapter 3: Sense of Community** and **Chapter 5: Economic Sustainability**, to amend the Economic Development Plan and to add text regarding the Butterfield Stage Corridor.

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

Commissioner Aguirre-Vogler stated that the date should be 1861, not 1869. Ms. MacDonald responded that she found the information online and she would double check the date.

Chairman Hartman stated that Maricopa County has designated the Butterfield Trail Corridor in their trail plan.

Vice-Chairman Riggins stated that this is a great idea to add the route, but the proposed line is in a place where it wasn't originally.

Commissioner Aguirre-Vogler asked if the Economic Development Manager could attend a meeting and speak to the Commission and bring them up to date.

MOTION – PZ-PA-001-13

Commissioner Aguirre-Vogler made a motion to initiate the Comprehensive Plan Amendment, case PZ-PA-001-13. Commissioner Salas seconded the motion. Motion passed unanimously.

PZ-PA-003-13 - DISCUSSION/APPROVAL/DISAPPROVAL: The Planning and Development Department requests that the Planning and Zoning Commission initiate, in accordance with PCDSC 2.170.110, a non-major comprehensive plan amendment from **Major Open Space** (or 1 du/ac) to **Moderate Low Density Residential** (1 - 3.5 du/ac) on a .5 ± acre parcel pending and in conjunction with SUP request **SUP-002-13** in the MH zone (**PZ-315-72**); described as Lot 38, Lake View Park No. 2 Amended (Bk. 17 Pg 36 P.C.R) Section 3, T02S, R10E G&SRB&M, Tax Parcel 104-48-038 (located in the southwest corner area of Kirk Dr. & Pomeroy Rd. in Queen Valley).

Mr. Abraham read a portion of the staff report and used a PowerPoint.

Mr. Abraham stated that this was brought forward partly because of an SUP case that will be coming before the Commission next month. Mr. Abraham stated that there was a property that had a manufactured home that caught fire, and was replaced with a stick built home. He added that this is MH zoning, allowing for manufactured homes only.

Vice-Chairman Riggins asked if there are stick built homes existing in the area. Mr. Abraham responded that there are some stick built homes in the area.

Mr. Abraham continued with his presentation.

Vice-Chairman Riggins stated that he is concerned with starting the process in the middle, and asked how the surrounding property owners feel. Mr. Abraham stated that the state land department had to reserve large portion of open space, they may not like the proposed increased in density and allowed uses. Mr. Abraham added that BLM owns land in the area and may argue that their mission is to preserve open space, not encourage development.

Commissioner Salas asked if the property owners with the SUP case are going to build the residence where the fire was. Mr. Abraham responded yes, adding that construction has already started.

Commissioner Salas asked how many homes in the area are manufactured homes vs. stick built. Mr. Abraham responded that the area is made up of approximately 90% manufactured homes and 10% stick built homes in the area.

Chairman Hartman asked what the advantages are to a stick built home compared to a manufactured home. Mr. Abraham asked to delay this discussion for when the Special Use Permit comes through the Commission.

Vice-Chairman Riggins stated that the plan is to initiate the amendment and the zoning case at the same time. Mr. Abraham stated that the SUP will require a 600 foot mail out, and they have already conducted their neighborhood meeting. Mr. Abraham added that staff plans to do a neighborhood meeting in the area as well. Vice-Chairman Riggins stated that this will set an example on what future applicants may request.

Vice-Chairman Riggins asked why the zoning map shows gray identifying the MH zoning and blue hash identifying major open space. Mr. Abraham responded that he had the map created this way to show the

Comprehensive Plan designation. Vice-Chairman Riggins stated that the open space overlay was placed on top of existing manufactured homes. Mr. Abraham agreed. Mr. Stabley stated that this was an error made by himself and the consultant when going through the Comprehensive Plan process.

Commissioner Brown stated that the surrounding property owners would all view this zone change differently.

Vice-Chairman Riggins asked if there would be any attempt made to rectify the error that exists. Mr. Abraham stated that he would propose a map that shows the appropriate Comprehensive Plan designation, per the land use pattern. Vice-Chairman Riggins stated that by requesting the zoning change, the zoning is actually being upgraded.

Commissioner Moritz stated that it is difficult for her to make a decision without the unknown SUP information. Mr. Abraham responded that this is just the initiation, and asked the Commission to save judgment on the SUP for the June hearing.

Vice-Chairman Riggins stated that there has to be a correction for the error with the overlay.

MOTION – PZ-PA-003-13

Vice-Chairman Riggins made a motion to initiate Comprehensive Plan amendment PZ-PA-003-13. Commissioner Salas seconded the motion. Motion passed unanimously.

Mr. Stabley stated that he would add an item to the May agenda asking what presentations the Commission would like to have before them. Commissioner Moritz asked to have HURF tax explained. Chairman Hartman stated that he would like to have Tim Kanavel come speak to the Commission. Commissioner Gutierrez asked if there had been any new information received from SRP regarding the Gila River water agreement. Chairman Hartman stated that he met with a representative from SRP in Supervisor Miller's office, and some proposals have changed. Mr. Stabley responded that he would follow up and provide any new information to the Commission.

ADJOURNMENT

Commissioner Moritz made a motion to adjourn. Commissioner Aguirre-Vogler seconded the motion. Chairman Hartman accepted the motion.

Meeting adjourned at 10:46am.

RESPECTFULLY submitted May 16, 2013.



Jerry Stabley, Planning Director