



PINAL COUNTY  
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**PINAL COUNTY PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
MINUTES OF January 16, 2014**

**PRESENT:** Mr. Hartman, Chairman  
Ms. Aguirre-Vogler, Member  
Ms. Moritz, Member  
Mr. Anderson, Member  
Mr. Riggins, Vice-Chairman  
Mr. Gutierrez, Member  
Mr. Del Cotto, Member  
Mr. Smyers, Member

**ABSENT:** Mr. Grubb, Member  
Mr. Salas, Member

**LEGAL STAFF PRESENT:**  
Ms. Grieb, Deputy County Attorney

**PLANNING STAFF PRESENT:**  
Mr. Stabley, Planning Director  
Mr. Chow, Development Section Chief  
Ms. MacDonald, Planner II  
Mr. Abraham, Planning Manager  
Mr. Denton, Planner II  
Ms. Cortez, Administrative Secretary

The meeting was called to order at 9:07 a.m., this date by Chairman Hartman in the Pinal County Administration Building A., Florence, Arizona.

**DISCUSSION/APPROVAL/DISAPPROVAL OF MEETING MINUTES: November 21, 2013**

Commissioner Moritz asked if there needs to be a seconded motion on adjournment. Ms. Grieb responded no, there doesn't need to be one. The Chairman can adjourn the meeting.

**MOTION**

Commissioner Moritz made a motion to approve the minutes of November 21, 2013, with spelling corrections. Commissioner Gutierrez seconded the motion. Motion passed unanimously. (8-0)

**DISCUSSION/APPROVAL/DISAPPROVAL OF MEETING MINUTES: December 19, 2013**

Chairman Hartman stated on page six (6) the count on votes is incorrect.

**MOTION**

Commissioner Aguirre-Vogler made a motion to approve the minutes of December 19, 2013, with corrections. Commissioner Anderson seconded the motion. Motion passed unanimously. (8-0)

**PLANNING DIRECTORS DISCUSSION ITEMS**

Mr. Stabley stated Mr. Stanley has been appointed as the new County Manager.

Mr. Stabley stated Mr. Chow's group, Mario Saldivar, Tomas Cardenas and Breanna Wanamaker will be joining Planning and Development department, to improve efficiency. Mr. Chow stated job descriptions will not change, the work the team is doing under Public Works will be now done under Planning and Development.

**REPORT ON BOARD OF SUPERVISORS ACTION ON P & Z CASES**

Mr. Abraham stated there were no cases on January 8, 2014.

Chairman Hartman asked Mr. Abraham regarding case PZ-010-13, and PZ-PD-010-13. Mr. Abraham stated the Board of Supervisors had a long discussion regarding the case, and listened to all the

comments made. The Board of Supervisors felt comfortable and voted against the Planning Commission recommendations, and approved the case.

**CONTINUED CASES**

**PZ-PD-008-13 – PUBLIC HEARING/ACTION:** Gary Road Holdings, LLC, landowners/applicants, Matrixx Management, LLC, agent, requesting approval of an Amendment to a Planned Area Development (PAD) Overlay District (**PZ(PD)037-03**) on 83.52± acres within the **San Tan Heights PAD** to plan and develop 218 single-family dwelling units; situated in a portion of the NE¼ of Section 13, T3S, R7E G&SRB&M, tax parcels 509-02-9240 & 509-02-059A (legals on file) (located approximately ½ mile south of the Gary Road and Hunt Highway intersection). (**Continued from the December 19, 2013 Planning Commission Meeting**)

Mr. Abraham stated the applicant did not have sufficient time to update their exhibits, and staff recommends a continuance. Mr. Abraham stated he has received an additional eight (8) letters in opposition of the case. Mr. Abraham stated the applicant is not in attendance.

Chairman Hartman opened the public portion of the meeting.

Gordon Brown 1894 W. Judd Rd. San Tan Foothills, AZ. Mr. Brown spoke against the case. Mr. Brown stated the project is not a good idea. The residents that purchased in the area want to keep it as rural area. We don't need more people in this community; we need infrastructure to accommodate the people that are already here. People in the community have to go to other counties to work and shop because we don't have that here.

Tom Lang 6875 W. Hunt Highway Queen Creek, AZ 85242. Mr. Lang spoke against the case. Mr. Lang stated that the area is beautiful, large enough land and lots with all different pets and the residents want to keep it that way. Mr. Lang stated that the way this project is written out is poor.

Stanley Tomkiewicz 31399 N. Pamela Dr. Queen Creek, AZ 85142. Mr. Tomkiewicz spoke against the case. Mr. Tomkiewicz stated with the recession everything slowed down, now we are beginning to see signs going up with this type of development. The community enjoys having the rural area. Mr. Tomkiewicz agreed with Mr. Brown, and also stated once people understood what was happening they did not agree, and have very strong feelings. There are many concerns, one being the interface with the San Tan Heights subdivision, and how this development can go up and over the mountain and cause disruption to the current owners on their private property side.

Dominick McCutcheon 1544 W. Lind Road, San Tan Valley, AZ 85142. Mr. McCutcheon spoke against the case and agreed with the prior speakers. Mr. McCutcheon stated he would like the Commission to deny the case after hearing from the public and reading the letters opposing the case.

Vice Chairman Riggins stated he believes the best thing to do is continue the case, to wait and see the changes and or corrections from the applicant to the existing PAD.

Chairman Hartman asked Mr. Abraham if the case had a higher density. Mr. Abraham responded yes, it was originally approved for 3.5 dwelling units to the acre, throughout time since the San Tan Heights PAD has been evolving they have been transferring dwelling units out of this property. Now, what they want to do is pick up 85 more dwellings, which were allocated elsewhere; the code prohibits an administrative change.

Commissioner Gutierrez stated a final decision is not appropriate since there is additional information in favor and against that needs to be provided, he also agreed with Vice Chairman Riggins.

**Motion - PZ-PD-008-13**

Vice Chairman Riggins made a motion to continue case PZ-PD-008-13, to the next regular scheduled meeting on February 20, 2014. Commissioner Gutierrez seconded the motion. Motion passed unanimously. (8-0)

**PZ-005-13 – PUBLIC HEARING/ACTION:** Ironwood 80, LLLP, landowner, Harvard Investments, Inc, applicant, Gallagher & Kennedy, agent, requesting approval of a zone change from GR (General Rural) to (R-7) Single Residence Zoning District (71.19± acres) and (C-1) Neighborhood Commercial Zoning District (10.17± acres) on a total of 81.36± acres to plan and develop the 250 lot Bella Camino Planned Area Development; pending and in conjunction with Board of Supervisors Planned Area Development (PAD) Overlay District approval under Planning Case (PZ-PD-005-13); situated in a portion of the SE ¼ Section 17, T03S, R08E G&SRB&M, tax parcels 210-17-001A, and 002 (legal on file) (located on the NWC of Gantzel Rd and Bella Vista Rd in the San Tan Valley area)(**Continued from the December 19, 2013 Planning Commission Meeting**)

**PZ-PD-005-13 – PUBLIC HEARING/ACTION:** Ironwood 80, LLLP, landowner, Harvard Investments, Inc, applicant, Gallagher & Kennedy, agent, requesting approval of a Planned Area Development (PAD) Overlay District on 81.36± acres to plan and develop the 250 lot Bella Camino Planned Area Development; pending and in conjunction with Board of Supervisors zone change approval under planning case PZ-005-13; situated in a portion of the SE ¼ Section 17, T03S, R08E G&SRB&M, tax parcels 210-17-001A, and 002 (legal on file) (located on the NWC of Gantzel Rd and Bella Vista Rd in the San Tan Valley area) (**Continued from the December 19, 2013 Planning Commission Meeting**)

Ms. MacDonald read a portion of the staff report and used a PowerPoint presentation. Ms. MacDonald stated that the Commission's concerns had been addressed by the applicant and they have made revisions. They have added an additional access point on Stardust Drive; they have modified the side setbacks, and increased the front setbacks as well. The commercial building height was also reduced.

Chairman Hartman stated on the traffic report it does not show the new point of ingress or egress on Stardust Drive. Ms. MacDonald stated that the applicant will need to provide an updated report when they submit the plat.

Chairman Hartman asked Ms. MacDonald to explain the stipulation of open space, and recreational area. Ms. MacDonald stated what that means is that their open space and recreational plan has to be in compliance with their most recent plan, which is dated November 7th.

Ms. Macdonald stated the packet submitted to the Commission includes all of the requested changes and the stipulations have also been modified since the December hearing.

Commissioner Smyers asked who will maintain the 5 feet of sidewalk that is in the right-of-way. Mr. Chow responded that the land all the way to the curb is the property owners' responsibility.

Chairman Hartman called the applicant forward.

Ms. Dana Belknap, 2575 E Camelback Rd, Phoenix, AZ 85016, came forward to address the Commission. Ms. Belknap stated Ms. MacDonald had provided all of the most current information to the Commission, with all the modifications the Commission had asked for.

Commissioner Moritz stated she was pleased with applicant for making all the revisions the Commission had requested.

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

**Motion - PZ-005-13**

Vice Chairman Riggins made a motion to forward case PZ-005-13 to the Board of Supervisor with a favorable recommendation, with the attached thirty-one (31) stipulations. Commissioner Aguirre-Vogler seconded the motion. Motion Passed (7-1). Commissioner Smyers voted against. Commissioner Smyers stated the setbacks are inadequate; houses are being built on top of the street.

**Motion - PZ-PD-005-13**

Vice Chairman Riggins made a motion to forward case PZ-PD-005-13 to the Board of Supervisor with a favorable recommendation, with the attached thirty-one (31) stipulations. Commissioner Gutierrez seconded the motion. Motion passed unanimously. (8-0)

**NEW CASES**

**PZ-012-13 – PUBLIC HEARING/ACTION:** Mike and Alice Peltcs, landowner/applicant, Sanks and Associates, agent, requesting approval of a zone change from CB-1 (Local Business zone) and CR-2 (Single Residence Zone) to C-2(Community Commercial Zoning District) on 6.86± acres to plan and develop a commercial development including a self-storage facility; situated in a portion of the east ½ Section 30, T02S, R08E G&SRB&M, tax parcels 104-53-009C (legal on file) (located on the west side of Gantzel Road South of Red Fern Road in the San Tan Valley area)

Ms. MacDonald read a portion of the staff report and used a PowerPoint presentation. Ms. MacDonald stated the site has not changed, but the property owner has combined two (2) parcels since the initial application and as a result the parcel number that was initially advertised has changed.

Chairman Hartman called the applicant forward.

Jason Sanks 1806 E Ellis St Phoenix AZ 85042. Mr. Sanks came forward to address the Commission. Mr. Sanks gave a brief description of the case.

Chairman Hartman asked Mr. Sanks to describe the wall surrounding the storage. Mr. Sanks responded they have proposed a six (6) foot wall across the north side, initially there was not going to be a wall because the storage facility as itself serves as a wall. However, the wall is required by ordinance because it is a commercial usage in a residential zone. The wall will be a decorative masonry wall. Mr. Sanks stated there will be 2000 square foot apartment upfront that includes a receptionist office, for people who want to lease/rent a unit. There will be 24/7 onsite residence, the facility is gated, with lighting and cameras for security reasons, and all the units have sprinklers.

Vice Chairman Riggins asked Mr. Sanks to speak about the well. Mr. Sanks responded the well site serves the large lot residences to the north. It is only an exception because there is nothing proposed for it.

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

**MOTION - PZ-012-13**

Chairman Riggins made a motion to forward case PZ-012-13 to the Board of Supervisor with a favorable recommendation, with the attached 19 stipulations. Commissioner Moritz seconded the motion. Motion passed unanimously. (8-0)

BREAK 10:12

RECONVENED 10:20

**TENTATIVE PLATS**

**S-040-13 - DISCUSSION/APPROVAL/DISAPPROVAL:** Magma Ranch III - Phoenix LLC, Landowner, Premier Engineering Corporation. Inc., engineer, requesting approval of a tentative plat for **Magma Ranch III Parcel 2**, 671 lots on a 167.77± acre parcel in the CR-3 & CR-4/PAD (**PZ-PD-031-02**) zones;

situated in a portion of Section 19, T3S, R9E G&SRB&M, Tax Parcel 210-38-003A (located at the northwest corner of Judd Road and Felix Road, Florence area).

Mr. Denton read a portion of the staff report and used a PowerPoint. Chairman Hartman called the applicant forward.

Mark Voight 6900 E Second Street Scottsdale AZ 85251. Mr. Voight came forward to address the Commission. Mr. Voight gave a brief description of the plat.

Chairman Hartman asked if the drainage issues had been resolved.

Sam Malekooti 6437 W. Chandler Blvd, Chandler AZ. Mr. Malekooti came forward to address the Commission. Mr. Malekooti responded that the drainage issues had been resolved. There had been comments from public works and they had been addressed for the preliminary phase. There are other items to be completed, but that will be part of the final plat.

Mr. Chow stated the applicant has turned in the drainage report to the flood control section, and they have reviewed and are satisfied with their conceptual design and are okay with them proceeding.

Vice Chairman Riggins asked Mr. Chow if the plat is outside the Magma Flood Control dam area of influence. Mr. Chow responded yes, it appears it is.

Commissioner Aguirre Vogler asked if they were going to be annexed into Florence. Mr. Voight responded they have not had any request to annex, nor have they received any comments from the Town of Florence.

#### **MOTION - S-040-13**

Chairman Riggins made a motion to approve findings 1-7 as set forth in the staff report and approve the tentative plat in S-040-13 along with its 22 stipulations, Commissioner Gutierrez seconded the motion. Motion Passed unanimously (8-0).

#### **WORK SESSIONS**

Mr. Stabley came forward to address the Commission to discuss the potential ordinance concepts to allow the use of recreational vehicles for short term visitor housing.

Mr. Stabley used a PowerPoint presentation. Mr. Stabley stated one meeting has been held already, seventy people were in attendance. There are more scheduled meetings throughout the County.

Vice Chairman Riggins stated that as the County handles a tighter grip it could generate more complaints.

Chairman Hartman stated he has noticed RVs parked in the city streets in Maricopa, and they get in the way of drivers turning into streets. Chairman Hartman asked Mr. Stabley if he would be attending other cities' meetings to see how other cities are handling the RVs in their streets. Mr. Stabley stated that he had not planned on it. What they have done is compared Pinal County to other counties and what was found was that no other counties are addressing the issue.

Mr. Stabley continued with the presentation.

Commissioner Smyers asked Mr. Stabley if there is an HOA will they supersede the County ordinance. Mr. Stabley stated the HOA would still have jurisdiction and they would implement and enforce their own CC &R's, and changes to the ordinance will not impact HOA's.

Commissioner Anderson stated RVs parked in residential areas are an obstruction to traffic and they leave no access for emergency vehicles. Vice Chairman Riggins agrees with Commissioner Anderson.

Chairman Hartman asked Mr. Stabley if this would be part of the County's ordinance. Mr. Stabley responded yes. It will be presented before the Planning and Zoning Commission for approval before it can be added to the ordinance.

Commissioner Gutierrez shared an incident he encountered in his area in Casa Grande with parked RVs in a city neighborhood. The RV was parked in near a school, making it dangerous for kids. The kids were not able to see around the RV and also the RV had made it difficult to enter and exit out of.

Mr. Stabley continued with the presentation.

Vice Chairman Riggins stated that larger lot sizes do not mean the RVs will be spread apart. They will be clustered, closely to the developed land on the lot. That approach might cause some problems in the more developed areas. Mr. Stabley stated we could look at the setbacks to have a minimum distance between RVs.

Commissioner Del Cotto asked if this would require obtaining a Special Use Permit. Mr. Stabley responded no, it would be an allowed use. Commissioner Del Cotto stated that in his area some people might have already done this and have not adhered to the setbacks.

Chairman Hartman asked Mr. Stabley if they would have to add a septic. Mr. Stabley responded they did not have to; they could take waste water out to a facility.

Vice Chairman Riggins stated personally he believes it could be beneficial, however people would cluster RVs up to eight in one lot for six months and that would not be beneficial at all.

Commissioner Del Cotto stated what should be considered is changing the zoning in Thunderbird Farms. Instead of three acre lots with half a dozen people living in each one of them, allow people to split their lots and be able to have two dwellings.

Mr. Stabley continued with the presentation.

Commissioner Aguirre Vogler suggested that Mr. Stabley contact the Director in Yuma County for information on how they assist the winter visitors. Mr. Stabley stated he has contacted the Director in Yuma County and they have PAD's that were specifically set up to allow RVs. Commissioner Aguirre Vogler stated the lots are different in Yuma County. Commissioner Aguirre Vogler also suggested making more developments commercial, because commercial uses are needed. Mr. Stabley stated there is land zoned for commercial developments. They will be building when the market allows for it.

Vice Chairman Riggins stated on single family home lots, you can't build two homes. It is not a good idea to give the opportunity for someone to put four or five trailers on a single family home lot for up to six months. We do need to progress however, not like this. This is too drastic.

Commissioner Del Cotto stated that is what happened in Thunderbird Farms, there are large lots that bring in RVs and hold events and it disrupts the entire area. Also, the full-time residents of Arizona will think if it's allowed for the visitors, why not for the permanent residents. Issuing an SUP would probably work best for this scenario.

Commissioner Anderson asked if there are areas with large violations of the current requirements with the RVs. Mr. Stabley responded he believes it could be in Gold Canyon or in Apache Junction. In rural areas, the areas with HOA's are not experiencing as many violations. Commissioner Anderson asked Mr. Stabley if the areas of concerns with violations have facilities that could be used by the RVs. Mr. Stabley responded there are some, however often they might not allow RVs older than 7 years.

Commissioner Moritz stated she hasn't noticed any violations in Gold Canyon. Commissioner Moritz stated she believes if the County does move forward with the changes to the ordinance, there has to be

some time frames put into effect. An SUP should not be permanent; it should be on a timeframe basis. Mr. Stabley stated putting timeframes on SUP makes it difficult for people; future Commission members could have different ideas and could jeopardize the applicant's investments.

Commissioner Moritz stated as Commission members if their own specific areas have problems they should bring it up to staff. Not policing the area, but just advising staff of what the issues could be.

Ms. Grieb stated if the County will be allowing people to hook up to residential hookup, they have to be compatible and if they are not compatible they will be hooking up to a generator and that will create a lot of noise. Vice Chairman Riggins stated that even the newer generators make a lot of noise, and that would generate a lot of complaints on its own. Mr. Stabley stated that the Sheriff's office handles noise complaints. Mr. Stabley confirmed he has an email confirming they are attending to noise complaints.

Chairman Hartman stated that if something like this is initiated, that the department will need more inspectors. This will generate a lot more complaints. Mr. Stabley stated that all staff can do is go out to the sites. Once the inspector has been to the site that's when the time clock starts for the visitors because it's hard to rely on hearsay from the neighbors and visitors. Chairman Hartman stated there will be need for more staff to cover all the new calls coming in.

Vice Chairman Riggins stated there are restrictions for owners with their septic capacity and electrical services, and owners need to be in compliance. Why are we allowing RVs to just hook up to someone's residential utilities? That will violate the regulations for the service companies. Four RVs have more sewage than one primary home. Single family homes don't have enough amperage left if they are running all of their appliances, which means the RVs will need to be hooked up to generators.

Commissioner Del Cotto stated because of the use not being permitted, some people are doing work illegally by increasing amperage and changing the septic tanks and that is causing more of a hazard. Vice Chairman Riggins stated there really is not a way to do it correctly because the utility companies are not going to change the usage temporarily, and the septic tanks can't be changed.

Commissioner Moritz stated you can never cover everything and please everyone, the best thing to do is to wait for the feedback from the public. Commissioner Gutierrez agreed with Commissioner Moritz, and also stated the current discussion between Commission members has brought new points to re-evaluate.

Vice Chairman Riggins stated it is not a good idea to go from nothing to huge; you have to move slowly.

Chairman Hartman asked Mr. Stabley when the Commissioners attend the public meetings, do they go representing themselves or the Commission. Mr. Stabley responded the Commissioners attend as citizens not representatives of the Commission.

#### **ADJOURNMENT**

Vice Chairman Riggins made a motion to adjourn. Commissioner Moritz seconded the motion. Chairman Hartman accepted the motion.

Meeting adjourned at 11:25 a.m.

RESPECTFULLY submitted February 20, 2014.

  
Jerry Stabley, Planning Director