



MEETING DATE: May 15, 2024

TO: Pinal County Board of Supervisors

CASE NO.: **SUP-033-23 (PHILLIPS TENNIS)**

CASE COORDINATOR: Sangeeta Deokar, Senior Planner

Executive Summary:

Phillips Tennis requesting approval of a Special Use Permit on a 3.46-acre parcel to allow tennis courts; situated in the Queen Creek vicinity, Pinal County, Arizona.

If this Request is Approved:

The applicant will seek site plan approval to develop tennis courts.

Staff Recommendation:

Staff recommends approval.

LEGAL DESCRIPTION: Section 13, Township 03 South, Range 07 East of the Gila and Salt River Base and Meridian

TAX PARCEL: 509-14-006K

LANDOWNER/APPLICANT: Rafael Font De Mora, owner/applicant

AGENT: Jessica Sarkissian, agent, Upfront Planning and Entitlements, LLC

REQUESTED ACTION AND PURPOSE:

SUP-033-23 – PUBLIC HEARING/ACTION: Rafael Font de Mora, landowner/applicant, requesting approval of a Special Use Permit for a Tennis Training Facility on 3.46± acres in the GR (General Rural) zone, on parcel 509-14-006K, situated in a portion of Section 13, Township 03 South, Range 07 East of the Gila and Salt River Base and Meridian, located 0.42 miles east of North Royce Road along West Phillips Road in the Queen Creek vicinity.

LOCATION: Site is 0.42 miles east of North Royce Road along West Phillips Road in the Queen Creek area.

SIZE: 3.46± acres

DEVELOPMENT SERVICES
Planning Division

SAN TAN VALLEY AREA PLAN:

Rural Living

ZONING:

The subject parcel is currently zoned GR – General Rural.

SURROUNDING ZONING AND LAND USE:

North: CR-1	Residential
South: GR	Residential
East: GR	Residential
West: GR	Residential

PUBLIC PARTICIPATION:

Neighborhood Meeting:	November 21, 2023
Neighborhood and Agency Mail out:	January 23, 2024
Newspaper Advertising:	January 25, 2024, April 26, 2024
Site Posting: County:	January 25, 2024

COMMISSION ACTION/RECOMMENDATION (SUP-033-23): At the hearing, after discussion with staff and the Commission, together with evidence presented & public testimony, the Commission voted 9-0, to recommend approval of (SUP-033-23) based upon the record as presented, with the 23 stipulations. Stipulations 21, 22, and 23 were added and a modification to stipulation 7 was made as shared below:

- 7) Owner/ Developer to construct and/or extend a six foot chain link fence along the western side of tennis court including a noise blanket/ sound mitigation device. Additional extended chain link fence shall not be required.

- 21) The four storage sheds on the property as shown on the Plot Plan, excluding the proposed Casita, shall be used for storage purposes only and shall not be used for occupancy in violation of the Pinal County Development Services Code, as determined by the Community Development Director or designee. Such a determination shall result in the revocation of this Special Use Permit and code enforcement action.

- 22) The pickle-ball court currently existing on the property shall be removed prior to SPR approval.

- 23) The applicant to provide a landscape plan, including irrigation, that will support an Oleander hedge at a height of at least ten (8-10) feet at final growth to mitigate for sound and visual impacts. Oleanders shall be planted as minimum 15 gal size and spaced at a 5' separation and shall be planted along the western, southern and eastern tennis court fence lines.

SUP-033-23 STIPULATIONS

- 1) Approval of this SUP (SUP-033-23) will require, at the time of application for development, that the applicant/owner submit and secure from the applicable and appropriate Federal, State, County and Local regulatory agencies, all required applications, plans, permits, supporting documentation and approvals;

- 2) The applicant/property owner shall meet the requirements of the International Fire Code, as adopted by Pinal County and administered by the Pinal County Building Safety Department;
- 3) Applicant shall attend a site plan pre-application meeting to initiate the site plan approval process;
- 4) A landscape plan and irrigation plan shall be submitted for site plan review;
- 5) A lighting plan with photo metrics will not be allowed for the tennis courts for site plan review;
- 6) All structures over 200 square feet will require a permit;
- 7) Owner/developer to construct and/or extend a six foot chain link fence along the western side of tennis court including a noise blanket/ sound mitigation device. Additional chain link fencing around the tennis courts will not be required;
- 8) Campus type activity will not be allowed per SUP-033-23;
- 9) Stabilization of Commercial parking, drives, and yards shall be conducted pursuant to Pinal County Air Quality Code of Regulations Chapter 4, Article 4;
- 10) Air quality dust registration is required if the earthmoving activity causes 0.1 acres or more of land disturbance;
- 11) All construction activity must conform to the earthmoving activity requirements in accordance with Section §4-3-160 thru 190 of Pinal County's Air Quality Code of Regulations;
- 12) An emergency circulation plan will be required to be submitted and approved prior to site plan approval (approved site plan with SUP will suffice this requirement);
- 13) All off-street parking areas shall comply with ADA standards for accessible design;
- 14) Any expansion beyond the two existing tennis courts will require re-approval;
- 15) A Traffic Impact Analysis (TIA) will be required to be submitted to the County Engineer at the time of Site Plan submittal for review and approval. All peripheral road and infrastructure improvements shall be per the approved Traffic Impact Analysis to mitigate impacts on all surrounding roadways to be completed at the developer's cost. These may include construction of acceleration/deceleration lanes, left turn pockets, traffic signals or other public improvements as approved by the County Engineer. The TIA shall be in accordance with the current Pinal County TIA Guidelines and Procedures and shall be approved prior to the Site Plan approval;
- 16) Any additional right-of-way dedications needed for any required infrastructure improvements (as identified in the approved Traffic Impact Analysis) for any roadways shall be the responsibility of the applicant. All roadway and infrastructure improvements shall be in accordance with the current Pinal County Subdivision Standards or as approved by the County Engineer;

- 17) All right-of-way dedication shall be free and unencumbered;
- 18) Any roadway sections, alignments, access locations, and access movements shown in the rezoning application are conceptual only and have not been approved by the Pinal County Engineer; and
- 19) A drainage report will be required to be submitted to the County Engineer at the time of Site Plan submittal for review and approval to ensure provisions have been made to accommodate offsite runoff and to ensure onsite retention of storm water runoff or as approved by the County Engineer;
- 20) Applicant shall apply for all required permitting, facilitate inspections, and receive required approvals from the Building Safety Division regarding existing improvements on the property noted in the existing Code Enforcement case, prior to formal Site Plan approval;
- 21) The four storage sheds on the property as shown on the Plot Plan, excluding the proposed Casita, shall be used for storage purposes only and shall not be used for occupancy in violation of the Pinal County Development Services Code, as determined by the Community Development Director or designee. Such a determination shall result in the revocation of this Special Use Permit and code enforcement action;
- 22) The pickle-ball court currently existing on the property shall be removed prior to SPR approval;
- 23) The applicant to provide a landscape plan, including irrigation, that will support an Oleander hedge at a height of at least ten (8-10) feet at final growth to mitigate for sound and visual impacts. Oleanders shall be planted as minimum 15 gal size and spaced at a 5' separation and shall be planted along the western, southern and eastern tennis court fence lines.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54

PINAL COUNTY PLANNING AND ZONING COMMISSION
(PO NUMBER 249810)

Regular Meeting
9:00 a.m.
Thursday, March 21, 2024
Emergency Operations Center
301 E. 11th Street, Florence, Arizona

INDEX:

CALL TO ORDER & ROLL CALL: pp. 1-2

PLANNING MANAGER REPORT: pp. 2-3

CONTINUED CASES:

- SUP-033-23 - pp. 3-55

TENTATIVE PLATS:

- S-012-23 - pp. 55-59
- S-040-22 - pp. 59-63

NEW CASES:

- PZ-PA-005-23, PZ-035-23 & PZ-PD-010-23 - pp. 63-108
- PZ-PA-001-24, PZ-004-24 & PZ-PD-002-24 - pp. 109-114
- PZ-PZ-014-23, PZ-051-23 & PZ-PD-020-23 - pp. 114-171

TEXT AMENDMENT:

- PZ-C-001-22 & 2023 Pinal County Subdivision & Infrastructure Design Manual Public Hearing/Action - pp. 172-188

INFORMATIONAL ITEM:

- Presentation on Solar Utility Grade Energy Production in Pinal County - Removed

ADJOURNMENT: p. 191

TRANSCRIPTION PROVIDED BY

Julie A. Fish
Quick Response Transcription Services
829 East Windsor Avenue
Phoenix, Arizona 85006
602-561-2283

ORIGINAL PREPARED FOR:
PINAL COUNTY, ARIZONA

1 OLGIN: That's all we have. Thank you sir.

2 RIGGINS: Nothing else on the manager's report?

3 Okay, very good. Well, we will move into our single continued
4 case, which is SUP-033-23.

5 OLGIN: Chair, Vice Chair, Commission Members, this
6 case - the presentation was already given, discussion was
7 already had. As you know, the meeting's still open. If you
8 wish to hear more presentation, sir, then that's up to you.
9 But we have a lot of cases today, so I just wanted to
10 (inaudible) that. I know the applicant may want to speak some
11 more, but that's completely up to the Commission as well.

12 RIGGINS: Well, and the public is going to need to
13 be given a chance as well.

14 OLGIN: Yes, yes, it's still open, yes.

15 RIGGINS: So I would say that probably it would be
16 germane to allow the applicant to have some testimony in this,
17 but realizing that unless it's different from what was already
18 said, it probably is just repetitious.

19 OLGIN: Yes sir.

20 RIGGINS: So if the County would like to go on and
21 present the case.

22 MASON: Good morning, Mr. Chair, Vice Chair,
23 Commissioners, LaRee Mason, Development Services. I'm here to
24 present SUP-033-23.

25 ??: Can you speak louder?

1 MASON: Certainly. This is a special use permit to
2 develop private tennis courts on a parcel size is 3.46 acres.
3 This project is located just under half a mile east of North
4 Royce Road along West Phillips Road. The owner/applicant
5 Rafael De Mora. The agent for the applicant is Jessica
6 Sarkissian with Upfront Planning and Entitlements LLC. And
7 this is the County map with the location. This is near Queen
8 Creek. The vicinity map. And an aerial. This is the case
9 map. This is the boundary. The red line is the boundary
10 where the, originally the neighboring property owners were
11 notified of this project. The same boundary showing the area.
12 Parcel numbers. This is a site plan provided by the applicant
13 showing the two tennis courts that we're discussing today.
14 This was when site visited the property to post the public
15 hearing notice. Facing north. South. East and west. Some
16 items of consideration for the Commission. This is a tennis
17 facility permitted use in GR within an SUP. The San Tan
18 Valley Area Plan designates this property as Rural Living, and
19 does support some commercial uses. There has been some
20 previous development without the necessary permits. In total,
21 6 letters have been received, one particularly requesting a
22 view obscuring feature for privacy, and two additional letters
23 since our last meeting in February. Staff recommends approval
24 with 20 stipulations. You may recall stipulation 20 was added
25 at the last meeting before this case was continued. It

1 states, Applicant shall apply for all required permitting,
2 facilitate inspections, and receive required approvals from
3 the Building Safety Division regarding existing improvements
4 on the property noted in the existing Code Enforcement case,
5 prior to formal Site Plan approval. That completes my
6 presentation, does the Commission have any questions for
7 staff?

8 RIGGINS: Thank you very much. Commissioners, any
9 questions on the staff report? Commissioner Mooney.

10 MOONEY: I know it was brought up last time about
11 the number of courts that are already there, and when I go to
12 page 14-15, it states that there are two unpermitted courts,
13 one residence, one unpermitted casita, and then at the end it
14 says that there are also two tennis courts. So how many are
15 already there?

16 MASON: There are two existing tennis courts.

17 MOONEY: Okay, so -

18 MASON: A total of two tennis courts.

19 MOONEY: A total of two, okay.

20 RIGGINS: And then there is also a court on the
21 front of the property.

22 MASON: There is a pickleball or a sport court that
23 is in the front. I have been notified by the agent for the
24 applicant that the property owner is willing to remove that.

25 RIGGINS: Is that in a stipulation?

1 MASON: No, it is not added as a stipulation.

2 RIGGINS: Okay. All right. Any - Vice Chairman
3 Mennenga.

4 MENNENGA: So deleting that front sports court,
5 pickleball court, whatever you want to call it, is that the
6 only change we've had in the last month?

7 MASON: That has been the only change regarding the
8 site plan.

9 MENNENGA: Significant change.

10 MASON: Yes.

11 MENNENGA: Okay, thanks.

12 RIGGINS: Any other Commissioners, questions?

13 MOONEY: I do have an additional question.

14 RIGGINS: Commissioner Mooney.

15 MOONEY: Tennis courts, the average is a 10 to 12
16 foot fencing around a court to keep the ball in, noise and all
17 that sort of stuff - I've done some research since our last
18 meeting - and it's my understanding that it's 4 or 6 feet is
19 all they're proposing?

20 MASON: Yes, that's right. We haven't stipulated
21 the size of the fencing around it either.

22 MOONEY: Just knowing that was his profession and he
23 understands courts, I would have assumed that - assumed isn't
24 the right word, but that's what I'll use - that he would be
25 putting in the proper size fencing.

1 MASON: I could have the agent for the applicant
2 address this.

3 MOONEY: Okay.

4 RIGGINS: And Commissioner Mooney, I assume that
5 you're not only speaking to the fact that the fence needs to
6 be that high to keep the ball on the court, but also for sound
7 abatement.

8 MOONEY: Yes, both sound and to keep the ball in
9 court. I mean that's just what they're - having done
10 research, 10 to 12 is the average for any professional
11 installed play - court to play on.

12 RIGGINS: Okay. Any other questions of staff?

13 DEL COTTO: Chair?

14 RIGGINS: Commissioner Del Cotto.

15 DEL COTTO: Thank you, Chair. I just wondered
16 about, is there a code, or a code - is there a restriction
17 that says that you cannot have a pickleball court?

18 MASON: Not in the front.

19 DEL COTTO: Okay, because it was in the front.

20 Thank you.

21 RIGGINS: Any other questions of staff?

22 OLGIN: Chair, Vice Chair.

23 RIGGINS: Yes.

24 OLGIN: My apologies. Just so we're clear. The
25 original application was not for a pickleball court, this is

1 for two tennis courts. So the pickleball court would not -
2 the one that they have in front, that would not be part of
3 this application, and usually those types of - are put in the
4 back of the property. So just so we're clear.

5 RIGGINS: It might not be part of the application,
6 but it is nonconforming. Being in the front.

7 OLGIN: So we could talk about that after the
8 meeting, if you'd like in regards to, I think it triggers a
9 permit, and there's no permit for that project, but we could
10 get into those details later if you'd like, sir.

11 RIGGINS: Okay. Okay, any other questions?
12 Commissioner Mooney.

13 MOONEY: I'll address that point about the
14 pickleball court. She just stated that the applicant was
15 willing to remove it, so he's aware of it. So if that is
16 something that the applicant is already aware of, then I think
17 we can discuss it.

18 DAVILA: Mr. Chairman, if I may, I think what -

19 RIGGINS: Commissioner Davila.

20 DAVILA: I think what staff is trying to tell us is
21 that while it may be a pertinent issue as far as the community
22 is concerned, as far as the application we're only discussing
23 tennis courts, correct?

24 OLGIN: Correct.

25 RIGGINS: That is indeed true. However, as part of

1 this case, we have now entered a new stipulation that states
2 the prior actions that are all within the area of this case,
3 will actually have to be remediated before they can go
4 forward. So I think the pickleball court is absolutely
5 germane to the discussion of the case, in my opinion.

6 DAVILA: If I may Mr. Chairman?

7 RIGGINS: Commissioner Davila.

8 DAVILA: LaRee, what is the County's recommendation?

9 MASON: County recommends approval with these 20
10 stipulations.

11 DAVILA: Thank you.

12 RIGGINS: Okay. Commissioners, any other questions
13 of staff? Okay, none being, if the applicant will please come
14 up. And I - you take the amount of time that you need to, but
15 recognize there's no reason to go into everything we heard
16 before. I think more along the lines of the things that are
17 problem some.

18 SARKISSIAN: Correct. Right. I just want - Jessica
19 Sarkissian, Upfront Planning, 1811 South Alma School Road in
20 Mesa. I apologize I was not able to attend the last meeting
21 and had somebody pinch hitting for me. I just wanted to
22 clarify some things and also confirm what she said. We are
23 fine with take - make - you can even - I don't - we don't mind
24 if you make a stipulation in saying that it shall not include
25 the pickleball court in front, and it shall be removed. He's

1 already removed the net and is in support of just changing -
2 putting a basketball hoop there instead, which, you know,
3 pickleball, it doesn't really apply this case as I mentioned,
4 but pickleball is not actually mentioned in the zoning code
5 anywhere. I did a word search and it's kind of something that
6 you're probably going to be adding, I would assume that you're
7 going to be seeing. But anyways, going on, this is the site
8 which you've seen several times. LaRee already went through
9 it. The current zoning, the site, this is actually the aerial
10 of what is existing and what's proposed. So here, this is
11 actually the tennis courts and everything here does actually
12 not require a permit to be built. It is a - if it's a
13 personal use and things like that. So what triggered this was
14 that he was going into and expanding the casita, which was an
15 existing building, and so we're going through that process to
16 remedy that. And also for electrical, which he's in the
17 process of getting permits for that. And then so the use
18 permit is specifically addressing using the personal courts
19 for clients to come over and for him to train, because he is a
20 - he previously professional tennis player and instructor, and
21 he travels around the world, which you've seen. And so these
22 were the meeting - just so you're aware, also I wanted to
23 clarify a couple things. I know some things were screamed in
24 the back of the last hearing. These are - this is one of the
25 meetings, the neighborhood meetings. I also have been in

1 contact with everybody that provided their emails on this list
2 and that was attending the meeting, and I emailed them all the
3 submittals, everything that came through when we were coming
4 through hearing, any questions, any comments, here's the
5 updated plans. Any questions? I haven't received any
6 response. I'm kind of surprised about the letters of
7 opposition, because the last I heard there were only two, and
8 I have not received any of those to see what they are, so it's
9 hard for me to address some of the concerns. I just want to
10 also address that this is the correct site plan. They keep
11 putting the one up, but since before that, we had a minor
12 change. The casita was shrunken in size to meet County
13 requirements and make sure it meets everything. So, it is -
14 everything in here would be allowed as a residential use, and
15 it's - there's no violations in terms of what's being proposed
16 here. It's the use, again, for him to have clients onsite.
17 Similar if you were having swimming lessons, horse training
18 facility, something like that. And so the traffic impact
19 statement, you know, we went through the traffic, it wouldn't
20 - this SUP is not allowed to expand into additional uses or
21 buildings. I know if you are concerned about that, what is
22 really going to happen? The SUP, I feel, believe and provides
23 a lot more weight for the County to go in and for code
24 compliance if he does expand, because I know that's their
25 biggest concern is they keep saying he's not going to do this,

1 he's gonna do something else. If he does anything different,
2 there's code violations, citations, fees, fines, etc., etc.,
3 etc., so there are things in place for the County to enforce.
4 Again, here's the visual of what it is. That pickleball court
5 in front, obviously the net's already been removed, he's going
6 to remove the, whatever that holds the net up and then can
7 turn into anything, similar to like making it a basketball
8 court like you would have in a driveway. He's not using it
9 for anything, it was just for the kids that don't use it. So
10 this was our proposal when we met with - we actually met with
11 the Supervisor and staff, and this is what we had discussed
12 originally, and we had discussed having a 6 foot wall along
13 the perimeter west side, which is the orange. And then for
14 note - for further noise abatement, there would be a sound
15 curtain along that orange area as well. And then the green
16 area is where you would have oleanders, because oleanders are
17 actually, when they're irrigated, are better disruption of
18 sound than any of the other stuff, because sound travels up
19 and over a lot of times. And so this was our discussion.
20 This is a private court, this is not a tennis facility, a
21 school, you know, public country club, which is why you don't
22 - and we don't have 12 foot 6 - you know, anything over 6
23 foot. The reason also is anything over 6 foot requires
24 additional variances. You're not allowed to have those high
25 walls in a residential district. And so those are not

1 comments that have come up through any discussions with staff.
2 There were not concerns with that previously. There's no
3 requirements about personal tennis court fencing requirements
4 in there, in the code, so we're just following what we can and
5 trying to - we keep adding to the project as comments come in.
6 And so that's where the additional - making it a - the - I
7 think they were asking maybe up to 6, maybe even higher on the
8 orange area, and then the sound curtain which I'll show you
9 pictures of, and then the oleanders which are also required to
10 be irrigated to make sure they get high and lush. So hitting
11 a ball is around a 55 decibel level. So it is - it -
12 pickleball is much more impactful, which is why you'll see
13 lots of courts say no pickleball is allowed on tennis courts
14 because of that. And if you want, you can also add a
15 stipulation saying no pickleball shall be occurring on the
16 tennis courts at any time. We're fine with that. He's not -
17 he's a tennis instructor, not pickleball, so... And then -
18 there you go, sorry. So - sorry. So I wanted to go back and
19 just show you what a sound curtain is. Sound curtains tie to
20 the chain link and they're different cost depending on
21 illustrations and whatnot, and what the thing is, but - and
22 then there would be the ideal oleander hedge, which you've
23 seen I'm sure all around, it's a very common use in Arizona.
24 But talking to actually sound study experts and noise study
25 experts, as I've done for other projects, they suggested the

1 sound curtain there because it's so close to the neighbor, but
2 on the other area being that it's 115 feet away, the existing
3 chain link with oleanders separating it will disrupt the noise
4 enough that you do not need a sound curtain. And we're over
5 100 feet to the south as well, much more, almost 150. And so
6 being that it is purely - we have stipulations in place for
7 hours of operation, no lighting, maximum number of clients at
8 a time I believe is up to two, and certain amount per day.
9 This is a very light use for a tennis - like you would have in
10 like a home occupation. If you were to have somebody coming
11 by, swim lessons, I guess like I was saying. I've had
12 properties where I go, you know, work with my horse and I
13 board it somewhere, it's similar to that. Someone's just
14 using, someone come over. So, I know we've got other people
15 who have questions and comments, but yeah, I just wanted to
16 fill you guys in on why those reasons happened, those things
17 happened. And through the discussions we've had with
18 neighbors, staff, over the past several months, and in person,
19 and I personally - I know they say I never have, but I
20 personally have reached out in emails and I have all the
21 emails and everything asking for comments, and I have not
22 received anything back, and I still have - I would love, I
23 mean, obviously we'll hear it today - the letters of
24 opposition. When I was before the last case, I heard one
25 letter of opposition, which was over a mile away as the crow

1 flies, and that person would have had to specifically go and
2 drive through the property around this area to get and see the
3 site. And then the other one I had, that I knew about, was
4 the direct neighbor who had the comment about the fencing,
5 which we addressed, and I felt that we were addressing that
6 prior to the last hearing. But I did not hear about any of
7 the other ones, so I'm not sure how to address any of the
8 other opposition letters at this time. So, if there's any
9 questions, I'll be happy to answer them or we can go out to
10 the public.

11 RIGGINS: Commissioners, questions of the applicant?

12 SCHNEPF: Commissioner Riggins.

13 RIGGINS: Commissioner Schnepf.

14 SCHNEPF: So you said up to two clients per day.

15 SARKISSIAN: At a time, I believe in there it has
16 maybe four. It's in the narrative as well, it's stipulated it
17 would have to meet - that's the maximum.

18 SCHNEPF: And these are by appointments with him?
19 Nobody can just walk in off the street?

20 SARKISSIAN: Yes, it is professionals.

21 SCHNEPF: With his tennis courts?

22 SARKISSIAN: It's not recreational, it's
23 professionals. There's actually videos of him - and a lot of
24 - I was actually watching a lot of the videos that he has
25 online about how he trains, a lot of them is not just going

1 back and forth, it's doing agility back and forth, like
2 closeness kind of things. There's lots of different ways that
3 they train. And that's also what the casita stuff he's
4 looking at, is because there's occasionally he might have
5 somebody who's a professional on their week break or
6 something, and they come in to train and they stay with him
7 and they just train for that while they're on the break
8 between tours and then leave. So it's very, very selective,
9 it's not, you know, you're not going to have - he's not going
10 to put up fliers asking for neighborhood kids to come over or
11 anything like that. There's no tournaments, none of that
12 stuff.

13 SCHNEPF: Okay, and no one can just come in off the
14 road and say hey, I need a lesson.

15 SARKISSIAN: No, no signage in front, none of that.

16 SCHNEPF: Thank you.

17 RIGGINS: Other Commissioners, questions? I have a
18 question, but I want to defer to staff first. This is a
19 General Rural property that's purporting to put a SUP overlay
20 on it. The main house already has in its plan a casita
21 outbuilding. Does General Rural allow 5 casitas?

22 OLGIN: Chair, Vice Chair, the answer's no.

23 RIGGINS: Okay.

24 OLGIN: You're allowed one - it's a casita, but keep
25 in mind it's not permitted yet, so they don't have the

1 permission to even have it there as of today.

2 RIGGINS: I understand that, but even if they permit
3 in all ways those 4 casitas on the west side, they still can't
4 have 5 casitas in General Rural (inaudible).

5 OLGIN: Correct. Correct.

6 RIGGINS: So we've put nothing in here anywhere
7 concerning those can never have human occupancy. Because if
8 they do, then they're casita. So that is a primary failure of
9 this case right now, that we have not said that they cannot be
10 casitas, they cannot be occupied by people. And obviously we
11 saw pictures and saw various things in the - when we heard the
12 case the first time, that these things have kind of been set
13 up in that direction.

14 ??: Chairman, if I may.

15 RIGGINS: Yes.

16 ??: That's a great question, thank you for asking.
17 So when they were to come forward to use those as casitas, the
18 County wouldn't allow it, they'd allow one if it follows the
19 requirements that we've talked to with the applicant. So
20 currently you can build structures under 200 square feet as
21 storage sheds, and that's what those are. I understand that
22 they've said they'd be used for other things, but you can
23 build a tough shed. So when they -

24 RIGGINS: I don't mean to interrupt, of course they
25 can. They can have as many sheds as they want, that's not an

1 issue. But when they're electrified, I understand that one
2 may have air conditioning already in it, they're finished in
3 various ways, then I think the only way that can be dealt with
4 is if we're going to allow this SUP to go forward, I think a
5 stipulation has to be inserted so it's on the forefront, not
6 the back for - backside for enforcement, that they have to be
7 stipulated that they cannot be occupied by human beings.

8 DAVILA: Mr. Chair, if I may add.

9 RIGGINS: Yes, Commissioner Davila.

10 DAVILA: I do believe there was an existing code
11 case in regards to those buildings, correct?

12 BILLINGSLEY: Yes sir. Unfortunately, I wanted our
13 code enforcement manager to be here today, but she had to go
14 on an emergency to Oracle. However, I was provided with the
15 case notes. There are multiple code violations, however, all
16 of those code cases have been put on hold pending the outcome
17 of this hearing. Specifically, the storage sheds as well as -
18 it's being discussed as a casita, but it was not a casita, it
19 was a storage building that was converted to a casita without
20 permits. So code enforcement handles two different things:
21 They handle zoning-related cases, and they handle what are
22 called BWOP - built without permit - cases. So there are
23 multiple things on the code enforcement side, including the
24 large building, the 4 small buildings, as well as electrical,
25 plumbing and other improvements that were done without

1 permits. But those cases are on hold pending this.

2 SARKISSIAN: Chair, may I clarify some things?

3 RIGGINS: And I - please do, but I just wish to make
4 one more point. Stipulation 20 absolutely deals with the fact
5 that these were built without permits, and before anything can
6 happen, before this actually can go forward, the permitting
7 has to be completed. Even if we were to agree to apply this
8 SUP, until all the permitting was done, the SUP would not be
9 enforced. That's how stipulation 20 is written. However,
10 that doesn't address putting human beings in them at all.
11 They're there, they were built to a degree to they certainly
12 looked like they were meant to put human beings in them, so a
13 stipulation that states that under no circumstances can these
14 4 existing buildings, after they're permitted, be used for
15 habitation.

16 BILLINGSLEY: Agreed, and -

17 RIGGINS: Because then we're taking General Rural
18 and we're putting 5 casitas on it.

19 BILLINGSLEY: Agreed. And we were actually told
20 early in the case that was the intent was to have those as
21 facilities that folks that were there teaching and/or
22 participating in these lessons were going to live onsite.

23 RIGGINS: Okay. Okay. A lot of discussion there,
24 Commissioners, anybody want to join in on that? Commissioner
25 Mooney.

1 MOONEY: Thank you. So it was just stated that
2 there would be up to 4 people per day for lessons, but then
3 there's potentially facilities that would - I don't know how
4 big the casita is and how many that would house, and then 4
5 individual bunkhouses potentially? So it sounds like there
6 may actually be more lessons than 2 to 4 day. And if I may
7 add, Chairman, writing an additional stipulation that it can't
8 have human occupancy, what harm is that going to do - and
9 maybe this is for staff instead - what harm is that
10 stipulation going to do if we put that in now, rather than
11 them going and trying to complete stipulation 20, which I
12 thought may have already started between the last meeting and
13 this. I kind of thought that's what the extension was for.
14 Thank you.

15 BILLINGSLEY: Mr. Chairman, Commissioner Mooney,
16 excellent question. To your point, there would be no more
17 than one casita allowed on this property, and that casita must
18 be less than 45 percent of the size of the existing house. So
19 from a zoning perspective, folks could not live in those other
20 4 houses - or those 4 storage sheds, they could not have
21 occupancy. But I would add, no one can live in this casita
22 either until that gets properly permitted, reviewed, approved,
23 and receives a certificate of occupancy from the County. It
24 does not have a certificate of occupancy, so no one could live
25 in any of those buildings outside the house. If that make

1 sense - or stay there.

2 DAVILA: Mr. Chairman, if I may?

3 RIGGINS: Commissioner Davila.

4 DAVILA: I appreciate the fact that the Commission
5 is trying to address that issue, but isn't there already a
6 code addressing that issue?

7 OLGIN: Yes sir.

8 DAVILA: Okay.

9 OLGIN: It's currently in the code that one casita
10 per lot, per GR.

11 DAVILA: So if the Commission were to add a
12 stipulation that no one could live there, it would be pretty
13 much copying what the code already states.

14 OLGIN: Correct.

15 RIGGINS: And I also need to have a slight
16 disagreement of opinion concerning the reason why a person
17 would do that. If you do not address these buildings that
18 appear to have been built as additional human occupied casitas
19 and allow the zoning code to deal with the issue, you have a
20 much more difficult path of enforcement than if you put it in
21 the SUP to where it breaks the covenants of the SUP, and the
22 entire thing then becomes very difficult from the start.

23 BILLINGSLEY: Mr. Chairman, I agree with you. If a
24 stipulation - I agree with both points. Mr. Davila's
25 absolutely correct, and that was staff's opinion when the

1 staff report was written. But to Chairman Riggins' point, if
2 you add the stipulation, that stipulation is then tied to the
3 SUP, i.e., there's more than one hammer. There's not just the
4 zoning code, there's the ability for the SUP to be retracted
5 if there's a violation. So it essentially provides two
6 hammers instead of one. I think that's your point, Mr.
7 Riggins.

8 RIGGINS: It is my point, but even more than that, I
9 fully believe that the people of this neighborhood will be
10 better protected by having an SUP that's properly crafted,
11 than by not having one. I believe it is an advantage and not
12 a disadvantage. And in that line of thought, having these
13 casitas dealt with in the SUP I think is very important. Any
14 other questions? Okay.

15 SARKISSIAN: Thank you. Yeah, we are fine with
16 adding that stipulation on those build - those storage sheds.
17 That is not the intent for that, if - I don't know what
18 pictures you saw from the front. You buy them at Home Depot,
19 they have that - they look like whatever. We're actually
20 going to invite one of the, you know, the Supervisor, if you
21 guys wanted to come out and see. But if you walked by it
22 myself and it's full of boxes of tennis stuff and files and
23 whatever else, so we're fine with adding that stipulation that
24 those 4 buildings shall not be occupied. The only intent is
25 to have that one storage building, which they've improve - you

1 know, as many people do in the County, they improve it without
2 thinking, you know, they just improve the building because
3 they see it falling down. And so that building has actually
4 been - I was talking with him about it, but they actually
5 applied for the permits for that building, however, they
6 applied incorrectly, so they're revising those applications,
7 but the permit has been applied for. And also for the
8 electrical in those buildings, there's no toilet, kitchen, any
9 of those facilities, they purely put in electrical for AC
10 because it's hot and they want their stuff to remain in not
11 1,000 degrees in there. So they're actually going through
12 those permits as well to get electrical, just electrical for
13 those items. And then the revised site plan you see here with
14 the smaller building is accounting for the code of the maximum
15 45 percent. So that is what that is. I'm trying to think if
16 there were any other questions, but yeah, it is not the intent
17 to - they would - the SUP, is that your question about maximum
18 number of people, is per the number in there. It's not going
19 to exceed based on how many people they can squeeze into a
20 casita or in their house, that is the maximum that is
21 enforceable by code enforcement and the city and staff. So if
22 they do get complaints, that would be an investigation and
23 going out there and verifying things like that. So it doesn't
24 matter how many bunkbeds they put in there. But that is the
25 intent. And, you know, you - I mean, adding pickleball

1 stipulations, occupancy stipulations, he just really wants to
2 be able to train and do what he does for a living. Currently
3 he's actually - or he came back for this - but currently he's
4 actually, because of the code compliance issue, he stopped all
5 operation, I don't know how long ago I can't remember. Has
6 since been traveling around the country and the world training
7 to still create an income. So at this time, he's not using
8 any of that facility at all for that. So waiting on this.

9 RIGGINS: Commissioners, questions the applicant?

10 KLOB: Through the Chair, I have something.

11 ??: Oh, somebody's online.

12 RIGGINS: Who do we -

13 BILLINGSLEY: It looks like we have somebody online.
14 Who - do we have both? Is that Mr. Klob that we hear online?

15 KLOB: That is me.

16 BILLINGSLEY: Mr. Klob is online. Is Commissioner
17 Lizarraga on line as well?

18 ??: He was.

19 LIZARRAGA: (Inaudible) also.

20 BILLINGSLEY: All right, they're both online Mr.
21 Chairman, I didn't know.

22 RIGGINS: Can we get their volume up?

23 BILLINGSLEY: I'm looking at IT. Mr. Klob, let me
24 see if I can translate. Go ahead and ask your question.

25 KLOB: So my challenge is with this project from the

1 previous presentation and this one, is it's pretty apparent
2 that the applicant has tried to circumvent a lot of rules, and
3 to keep meeting on these little storage buildings, you know,
4 Jessica just saying that they do have AC and electricity. And
5 once you have AC, now it's easy to become, you know,
6 habitable. Just because the intent isn't today to use it,
7 doesn't mean that that's not going to happen tomorrow.

8 BILLINGSLEY: Did you catch all that, Mr. Chairman?

9 RIGGINS: Yes, yes, I heard that.

10 BILLINGSLEY: Thank you sir.

11 RIGGINS: Other Commissioners. Commissioner
12 Schnepf.

13 SCHNEPF: I think with the addition of the 21st
14 stipulation that we talked about, that would then cover what
15 Commissioner Klob is talking about, that the violation would
16 then rescind the SUP itself. So I think if we had that
17 stipulation, I think we're going to be good.

18 BILLINGSLEY: Mr. Chairman?

19 RIGGINS: Yes.

20 BILLINGSLEY: Can you hear me? The one thing that I
21 would say, if we add that stipulation, is we probably ought to
22 - and we'll try to draft something for you - we probably
23 should add to that stipulation what triggers that violation.
24 So would that be triggered by a code enforcement officer, or
25 would we need to go to the hearing office to confirm that so

1 that we can revoke the SUP? The enforcement arm we probably
2 should address, because this isn't something that we do all
3 the time in terms of these type of zoning stipulations on a
4 SUP case. Does that make sense?

5 RIGGINS: It makes total sense. And I, again, in
6 taking this case and do it in such a fashion to where it is
7 financially feasible for the applicant to do the things that
8 are necessary, but yet also to fit these things into this
9 neighborhood and make them work, there needs to be a very
10 substantial verbiage concerning those 4 casitas, because
11 they're a significant worry for everybody. And I think that
12 we need to deal with that in the verbiage as necessary to
13 where yes, indeed, if it is shown that it is observed to
14 happen, there needs to be a pretty substantial response that
15 can be made. I'm going to just - I'm going to address the
16 applicant for the Commission. There'll be, I think, some
17 drafting of some stipulations. I think one of the
18 stipulations is going to be obviously concerning the occupancy
19 of the 4 storage buildings.

20 SARKISSIAN: Okay.

21 RIGGINS: I also believe that there needs to be some
22 sort of a stipulation that states - and you said that it
23 wouldn't be a problem to do - that the net is going to come
24 down in the middle of the pickleball court, to never be put
25 back up and it no way ever can be used as a pickleball

1 facility.

2 SARKISSIAN: Okay, mm hm.

3 RIGGINS: And then the last one is one that I know
4 must be done, because whenever you are dealing with a
5 situation where you're using a vegetative hedge as a sound
6 barrier or a visual barrier, there must be absolute specifics
7 on how it's handled, not just it's going to be an oleander
8 hedge.

9 SARKISSIAN: Okay.

10 RIGGINS: There needs to be spacing, there needs to
11 be height it's maintained at, there needs to be irrigation,
12 there needs to be many things. So if it gets planted and it
13 never gets over 4 feet tall, then it is a code compliance
14 issue.

15 SARKISSIAN: Right.

16 RIGGINS: So I think those three things we will -
17 and I'm also alerting staff that I believe will be working
18 into those. So do you have any problems with any of those?

19 SARKISSIAN: No, that's the intent.

20 RIGGINS: Commissioners, any other questions of the
21 applicant?

22 KLOB: I have one (inaudible) thing I'd like to tag
23 on to that.

24 RIGGINS: Commissioner Klob.

25 KLOB: On the stipulation, stipulation number 6,

1 says all structures over 200 square feet will require a
2 permit. And can we add to, or is it just assumed that any
3 structure less than 200 square feet, (A) doesn't require a
4 permit, but (B) I believe in our code it automatically
5 requires a permit, any structure, when you bring electric or
6 water/sewer to it. And then the follow up to that is as
7 regards to electric, what about solar?

8 BILLINGSLEY: Mr. Chairman, Members of the
9 Commission, the Commissioner is correct in that if you have an
10 under 200 square foot building that's used for storage, it
11 does not require a permit. If that building under 200 square
12 feet is going to have plumbing, electrical, and the way we
13 look at - we call it MEP - but solar would be an electrical
14 improvement, then it has to be permitted. Does that help?

15 KLOB: Yeah. Yeah.

16 RIGGINS: Commissioner Klob, are you satisfied?

17 KLOB: Yeah sorry, I couldn't click fast enough the
18 mic.

19 RIGGINS: And we are dealing with existing things
20 that we have seen put on this property in this case. We know
21 that we can have a primary house and we can have a secondary
22 casita under the auspices of the rules that follow. If
23 something else ever comes onto this, then it's going to be a
24 zoning case, and it'll be an obvious - my, I've never had that
25 happen before. That was new. But I don't think we can make,

1 in the specifics of the stipulations, for any possible thing
2 that ever happens that would be under a zoning application.
3 So I think the way it's written probably gets us where we need
4 to be. Do you have anything else for us?

5 SARKISSIAN: No, I agree with everything you said.

6 RIGGINS: Okay.

7 MOONEY: Chairman.

8 RIGGINS: Commissioner Mooney.

9 MOONEY: I know this - the oleander hedge, can we
10 put a minimum that that needs to be put in, because if he
11 starts playing right away and you start with a one gallon
12 plant, that's gonna be a long time before they grow and
13 actually fill in. So is it possible to start with a minimum
14 requirement on the size of oleander?

15 RIGGINS: Yes, that is part - and you deal with the
16 size of the initial planting, you deal with the spacing, you
17 deal with the fact that it is fully irrigated, and you can
18 even get to timing of irrigation if you need to. And you
19 specifically, in this application, deal with its finished trim
20 size that it's to be maintained at.

21 MOONEY: Yes, and you did state that, but I just
22 wanted to make sure that there was a (inaudible we can start
23 with because (inaudible)).

24 RIGGINS: No, no, no, a very important barrier like
25 this, those things need to be specified.

1 MOONEY: Okay, thank you.

2 OLGIN: Chairman, Vice Chair, Commission Members,
3 Gilbert Olgin. We have a stipulation currently that requires
4 - and I'm saying this for the sake of the applicant, because
5 you weren't here last time, your representative was - one of
6 the stipulations - sorry one of the stips that we have in
7 there that was here last time requires you to, at site plan,
8 provide a landscape plan, irrigation plans, and it also
9 requires the blanket on all sides, except for the, I think the
10 portion facing to - on three sides of the two courts. That's
11 in now, and I'm not sure that the - because I know the
12 applicant was talking about what sites you wanted to have
13 certain things on, but currently the way it reads is you, your
14 representative agreed to landscaping around three sides and
15 the blanket around three sides, and I believe the height was
16 mentioned as well. So I just want to make sure that that's -
17 if that change needs to happen, it needs to come from the
18 applicant. So it currently is -

19 SARKISSIAN: That's number 7, right? I believe?

20 OLGIN: I believe so.

21 SARKISSIAN: So as I'm reading it currently, that's
22 not what I see. It says extended - a 6 foot chain link fence
23 as part of the tennis courts for both. So that would be the
24 orange. In addition, provide a noise blanket within the
25 tennis courts as a sound mitigation device. Additional chain

1 link fencing around the tennis courts will not be required. I
2 think that part at the end is what prevents it from going
3 around the - other than like in the green.

4 OLGIN: And I believe the way staff intended it was
5 to go on all three sides. So we can - the Commission can make
6 that decision now.

7 SARKISSIAN: Okay.

8 RIGGINS: Well, I believe in this - now we have a
9 little bit more thought we need to put into it, the fact that
10 a absolute sound blanket and chain link fence on at least
11 three sides of this 10 feet high with a sound blanket on it
12 for sound mitigation for the neighborhood, would be the
13 default position of what really would protect everybody's
14 interests. The ability to put the oleanders there and have
15 them at a finished height of at least 10 feet, that is a
16 suggestion I believe is totally satisfactory. And I do agree
17 that actually the oleanders would actually abate the sound
18 better than the sound blanket would. I concur with that. But
19 also the fencing around that, the original way we saw it is
20 exactly how Gilbert described it: a fence on three sides and a
21 sound blanket. The oleanders is actually what is doing to
22 keep that entire fencing system from having to be 10 feet in
23 its entirety. And in the irrigated oleanders, irrigated
24 oleanders, now we have to ask the Commission. I don't want to
25 get out in this just as an individual there, obviously the

1 greatest effect of sound is to the west, because the courts
2 are to the west. However, there's homes on the east and
3 there's homes to the south.

4 OLGIN: Chair, Vice Chair, Commission, just so we're
5 clear. The intent when we drafted up the irrigation
6 landscaping was to work with the applicant because we had
7 originally asked for a masonry wall. So your comments and
8 suggestions are warranted and valid, and we came up with what
9 you have today to help with the increased cost of this
10 additional wall. So just so you're all clear, I mean we
11 worked with her prior to this to help out, but yeah, it's up
12 to you if you decide to add additional steps or change them.

13 BILLINGSLEY: Mr. Chairman, Members of the
14 Commission, at your pleasure, I'm over here trying to write
15 stipulations, and I'm trying to understand exactly the
16 guidance we're receiving to save everybody's time when we get
17 to actually after the public hearing where we're putting a
18 case to the floor for a motion. As I understand it - and that
19 very much could be wrong - the applicant's going to put up a
20 fence and that's going to have blankets on it, sound deadening
21 blankets, whatever that specification is for a period of time
22 until an oleander hedge grows into place 10 feet tall. Then
23 those blankets can be removed. Correct? Is that all correct
24 or?

25 SARKISSIAN: No, because once we have purchased the

1 blankets, which are very expensive at \$15 a square foot, we -
2 yeah, it's no - I would, I would - we were proposing is that
3 on the orange we have the 6, possibly 8 foot chain link
4 extended from what it currently is. Those always have sound
5 blankets on them. And then we also have oleanders on that
6 side and that space, and oleanders surround, but not on the
7 remaining because it is - when - this case is getting into,
8 it's more a feeling very, very - like they're always - it
9 looks like it's worst case, worst case scenario. But this is
10 still a very low intense - like the sound and everything and
11 the distance and things, and at this point to blanket the
12 entire court at \$15 a square foot, now you're talking about 8,
13 possibly 10, you know, high. For something that's not
14 required on a residential court, it's getting a little - I
15 feel - we can't, we can't do that and make the actual business
16 work. It's just not - I mean - and it's something that, I
17 mean swimming pools, all those - I mean kids in the backyard,
18 I mean to have two tennis courts and have to sound blanket
19 them entirely is just not gonna be financially feasible.
20 Which is why we talked about the masonry wall, because that
21 one was \$300,000. I mean for two tennis courts that are in a
22 GR on a large property... So this was our proposal, this is
23 what we - I mean we would fully support irrigation, putting
24 them in in at certain height, maintaining them at a certain
25 height. I honestly don't think - I mean they're obviously

1 going to say differently, but I honestly don't believe that
2 they're going to notice the - notice it if you use it
3 personally, but with this stuff in place. To have to go to
4 full sound blankets, it's going to be more visually impactful
5 I feel like to - because they all have a chain link or no
6 fencing and things like that in this area.

7 RIGGINS: The 10 foot oleander, properly maintained
8 and spaced hedge, is a much better noise abatement than the 6
9 foot blanket, that is beyond a shadow of a doubt true. To put
10 it in to where you start getting effectiveness of it earlier,
11 obviously you need to start with bigger heights and you need
12 to start with a bit some greater spacing - or lesser spacing,
13 so they can grow into each other quicker. And it is
14 duplicative to have an oleander hedge of that fashion, which
15 will be a better eventual solution than the blankets at 6
16 feet. I think that's a point that's well made. Yes, please.

17 BILLINGSLEY: Mr. Chairman, Ms. Sarkissian, here's
18 what I propose. I'm always trying to find a solution, middle
19 ground, so we can move forward. Here's what I propose. When
20 the Chairman opens this up to public comment, would you sit
21 down and draft a stipulation, in your own words, that you can
22 provide to Daron and I that we can review and present to the
23 Commission that meets more of what your intent is?

24 SARKISSIAN: Absolutely.

25 BILLINGSLEY: That would be great.

1 RIGGINS: And may I suggest if the primary sound
2 abatement and screening is going to be oleanders, you're
3 probably going to need to start with something about 5 foot
4 tall, and you probably are going to have to be at a maximum of
5 8 foot spacing, because it's going to take a little time to
6 weave. So just a -

7 SARKISSIAN: And we still have to go through
8 building permits anyway, so we can't use the until some of
9 those other items are done.

10 RIGGINS: Yeah. Vice Chair Mennenga.

11 MENNENGA: I would assume probably specify like a 5
12 gallon or 15 gallon size oleander. That's generally how it's
13 done.

14 RIGGINS: Yes, I agree. Okay, any other questions
15 before we turn it over to the public? Thank you very much.
16 Okay, at this time we're going to begin the public
17 participation portion of this case, and I'd just like to see
18 hands of how many people intend to come up to speak. Okay,
19 very good then. Go ahead and come up and get your name and
20 address on the ledger before you begin speaking and give that
21 information to us also.

22 SOLTIS: Good morning, my name is Paula Soltis. I
23 live at 31704 North Marshall Drive. My property is east of
24 the tennis courts. My property is elevated a little bit more
25 than the one west of them. I can sit in my kitchen at my

1 table and watch him play tennis all day long. So for him to
2 say that these hours were in the wintertime from 6 to 8 or
3 whatever like that, he's been playing numerous times all day
4 long, and all I can do is hear that tennis ball constantly
5 hitting on the court through my house, and listen to them
6 grunting as they're hitting. To put the barrier up and say
7 yes, this is going to maintain the noise level, with my
8 property being elevated the way it is, it's going to be a lot
9 higher than what they're stating. And at that point, at a 10
10 foot elevation, there goes my views of the mountain,
11 everything like that. So the compromise, you know, they're
12 saying, oh we're only going to have 4 people a day. I have
13 seen 4 people at a time all day long at that court. The noise
14 level already is out of control with not even having the
15 proper authorization of letting them play already, but he has
16 been. And saying that he's out of town for I don't know how
17 long, as of yesterday there were still people on the courts.
18 So I don't know the truth anymore of what's going on and what
19 is being proposed. So far, I have just seen smoke and mirrors
20 on what is going to happen. I just don't want it in my
21 backyard. I don't like the noise, I don't like hearing the
22 tennis ball constantly, and that's through my house. And I
23 can see everything. I've got my cameras, it's my backyard,
24 and I can see him out there all the time playing. Thank you.

25 RIGGINS: Thank you very much. Before you step

1 down.

2 SOLTIS: Yes.

3 RIGGINS: Commissioners, any questions of the
4 speaker?

5 SOLTIS: Thank you.

6 RIGGINS: None being. And you did get your name and
7 address written down.

8 SOLTIS: I do.

9 RIGGINS: Okay.

10 SOLTIS: Thank you.

11 CORDOVA: Hi there, my name is Jill Cordova. I live
12 right next door at 31746 North Marshall Drive.

13 RIGGINS: And are you written down?

14 CORDOVA: I am written down.

15 RIGGINS: Thank you.

16 CORDOVA: And I spoke at the last meeting as well.

17 I just wanted to hit a couple points since the last meeting.

18 My concern is, I thought by code for residential, you can't

19 have a fence higher than 7 feet tall. Can we get

20 clarification on that? Because when we were building all our

21 houses, we had to install all our own block wall, and the code

22 person came around and was like, oh you guys, those walls have

23 to be shorter, and we were doing 6 feet at the time. And we

24 got clarification on that and we were told it can't be higher

25 than 7 feet. So now we're going to build walls that are 10 to

1 12 feet, for around the tennis court, right? We're wanting
2 the oleander bush to be 10 to 12 feet to act as a sound
3 barrier.

4 RIGGINS: I believe there was a discussion of a
5 vegetative barrier.

6 CORDOVA: Yeah. So I mean, and it's acting as a
7 wall, correct?

8 RIGGINS: It's a screen.

9 CORDOVA: Okay. So if I built a chain link, like a
10 screen fence that was 12 feet in my backyard, I'm sure my
11 neighbors would not be happy about that. Again, it's impeding
12 our view of our mountains, of what we have around us, because
13 we're in a special spot where we have the San Tan behind us,
14 (inaudible) mountain in front of us. So that's my first
15 question. And then my next question is - well, not really
16 question, but before Jessica - correct? Before she took on
17 the case it was with somebody else, and they had us come to a
18 neighborhood meeting to look at everything, and they let us
19 walk into those 4 casitas that have a loft in them, and the
20 loft was set up with mattresses. So it's set up to be able to
21 take care of that. At the last meeting when we were here last
22 month, he stated that one is a chicken coop. He doesn't own
23 chickens. He has no chickens on his property anywhere. Now
24 he has a travel trailer, a popup travel trailer that's popped
25 up next to those, and the only thing we can believe is

1 somebody's living in that right now so he doesn't get in
2 trouble for somebody being in the casita. And then my next
3 thing is, he put the property up for rent. He's not even
4 living in it anymore, he's renting it out. Why does he need
5 this then? So all these things, it's like nothing is
6 transparent with him, everything just seems to be kind of -
7 and it's just keeping us as neighbors going, what are we going
8 to have to fight now? What do we have to do now? And as far
9 as tennis players, I've seen just this last week three
10 different people, granted they were walking, walking from the
11 other neighborhood to his property, going through his property
12 for tennis lessons. They were carrying their tennis rackets
13 on their back, walking through the gates. And then they talk
14 about no more than 4 people at a time for tennis lessons.
15 Just it's in their proposal that it's going to add 51 cars a
16 day to Phillips Road, and at the high point, 10 cars at the
17 high peak hour. So I feel we're missing - yes, this is a
18 special use permit, but we're missing a lot of the key points
19 that the neighbors are upset about. So that's all I have to
20 say.

21 RIGGINS: Okay. Before you -

22 CORDOVA: Thank you for listening to me.

23 RIGGINS: Before you step down, Commissioners, any
24 questions? None being, thank you very much.

25 CORDOVA: Thank you.

1 RIGGINS: Would anybody else like to come up to
2 speak on this case? If you could please write your name and
3 address down and then give that to us before you begin.

4 WRIGHT: Good morning, my name is C.J. Wright. I
5 live at 2243 West Phillips Road. It's the direct neighbor to
6 the east. So some concerns we had about this tennis court is,
7 one, value impact of our homes. He owns the lot in front of
8 our house and it is up for sale. Me and my wife have talked
9 to many people who have looked at it, all of them have said,
10 what's going on with that? If it gets approved, we're not
11 interested anymore. So that's a concern for all of our home
12 values. When they first put those sheds in, someone was
13 definitely living in that last shed. So if someone was living
14 in it then, what's going to stop them from the future of
15 living in those sheds? And like she said, they walked through
16 them, they're all finished out. You know don't finish out a
17 shed that you don't plan on living in. What else do I have?
18 And then addressing the fact of why did they put up the house
19 for rent if they're trying to use it as a special permit? Are
20 they trying to use that to rent to someone they know, and then
21 they're just going to run the lessons through it anyways
22 without the permit? Is it - that's a concern of mine as well.
23 That's it.

24 RIGGINS: Thank you. Commissioners, any questions
25 of the speaker? Thank you very much. Would anybody else like

1 to come up to speak to this?

2 SLEGEL: I have not signed in yet.

3 RIGGINS: And could you please write your name and
4 address down, and then give that to us before you begin?

5 SLEGEL: My name is Barbara Slegel, I live at 3992
6 West Lind Road, San Tan Valley. I was here at the last
7 hearing and spoke. I don't really have anything new to add, I
8 just want to reiterate that my husband I, some of my neighbors
9 that I've talked to, we are all really opposed to the special
10 use permit. So much illegal stuff has gone on, trying to
11 right the wrong, you know, it's like one of those things, you
12 just do it and then ask for forgiveness later. I don't feel
13 like this man can be trusted. I think he's going to have to
14 be kept an eye on at all times that this SUP does go through.
15 So again, just reiterating, we're adamantly opposed to this
16 special use permit. Thank you.

17 RIGGINS: Thank you. Before you step down,
18 Commissioners? Thank you very much. Anyone else? Would
19 anybody else like to come up to speak to this case? Anyone at
20 all? Then we will close the public participation portion of
21 the case and we'll ask the applicant if she would like to come
22 back up and has anything to add at this time?

23 SARKISSIAN: As I mentioned before, just that he is
24 not living, he has shut down and is not - and is moving around
25 the country to conduct work, so therefore he is leasing it out

1 in the meantime because he can't use it for anything other
2 than a house. And so his intent is to work through the next
3 year and do the permits, do the landscaping, do everything,
4 and hopefully within - in the year when that lease is up, he
5 can come back and utilize the site. And so that is - they're
6 saying it was for lease, and that's why. There was times
7 where it was for sale too, because he was being harassed so
8 much. So he was just trying to figure out how to utilize the
9 site and maintain it, without having to sell it and get it -
10 and, you know, it going to nothing. But, so that's why this
11 SUP is continuing, even though he's not going to be residing
12 there at this time because he needs to make some money, and so
13 he's leasing it out to someone who will not be a tennis
14 person, not be using it like that at all, it's just for a
15 residence.

16 RIGGINS: Okay, anything else?

17 SARKISSIAN: I was typing other stuff, was there
18 something else (inaudible).

19 RIGGINS: Oh no, no, is there anything that you
20 might wanted to respond to the public comment or just anything
21 (inaudible)?

22 SARKISSIAN: No, I appreciate the discussions and
23 everything, and, you know, we're - I just, I really do. And I
24 met with the neighbors before, as I mentioned, is like we were
25 trying to provide something that is compatible with the

1 neighborhood. You know, I've had many discussions with them
2 and I don't, you know, so whatever the conditions that we were
3 talking about, we're fine with all those that to alleviate their
4 fears. And again, as I keep telling them and as you're aware,
5 any violation of these things will be a code violation with
6 fines and penalties, as currently they're on hold, it would
7 not be anything that would make it be on hold because there's
8 no - you'd have to do a rezoning and that's not going to
9 happen here. So yeah, anything would be punishable by the
10 code.

11 RIGGINS: Okay, Commissioners, any questions?

12 MOONEY: Yes sir.

13 RIGGINS: Commissioner Mooney.

14 MOONEY: This may be for the County. If this SUP
15 were to be revoked, you know, some of the concerns that the
16 residents had were like the 10 foot oleanders, you know, what
17 happens if it's revoked? Do some of these things have to be
18 removed that would give them their views back and what have
19 you?

20 OLGIN: Chair, Vice Chair, Commission Member, it
21 it's revoked, then the code compliance would step in and the
22 use would have to stop. So for example, I mean in regards to
23 the landscaping, it's going to be difficult to try to maintain
24 a height on plants because yes, if the plants get diseased or
25 sick, they could be less than that, you know, or they could

1 die completely. So does that cause the SUP to be revoked?
2 But in regards to code compliance, they would then be called
3 out if there is noncompliance. For example, if it's, you
4 know, not per the hours that were agreed to or any of these
5 stipulations that we're adding. In theory, then yes, code
6 compliance would get involved and the use would stop. So
7 anybody that's seen out there that would be in violation. And
8 so that process would then go forward.

9 SARKISSIAN: Can I just - I want clarification from
10 staff. So if the SUP was revoked -

11 RIGGINS: Well one moment. Gilbert, did you get
12 everything said that you wished?

13 OLGIN: I did, thank you.

14 MOONEY: No.

15 SARKISSIAN: That's what I wanted to ask him.

16 MOONEY: No, it's not about them stopping. It's if
17 it's revoked and everything ceases, what happens to what is -
18 what was put in place? Does any of those things need to be
19 removed to have met?

20 OLGIN: The focus here today is about the use.

21 Okay, we're into some weeds in regards to the site plan items
22 and that's fine, but the use. And it's an impact to the
23 neighborhood and those that live around it. So if it's
24 revoked, the use stops, they can't do tennis court lessons
25 anymore to the public, period. Doesn't mean that they have to

1 remove what was put - it's about the use, it stops the use.

2 MOONEY: Thank you.

3 OLGIN: Okay.

4 RIGGINS: And I would just like to add that in no
5 circumstances in General Rural, if somebody decides to quit
6 irrigating their front yard and all their trees and bushes
7 die, that's not a code compliance. So oleanders planted, if
8 the decision was made to cease irrigating them, they would be
9 there. Okay, we are at the point where we've asked some
10 stipulations to be created for us, is there any other
11 discussion among the Commission before we hear what those are?
12 If there not, we'll go ahead and hear these stipulations,
13 please.

14 BILLINGSLEY: Mr. Chairman, can we get a break for a
15 couple of minutes? Bathroom break or what have you while we
16 come up with this?

17 RIGGINS: How much do you need?

18 BILLINGSLEY: Let's say 5 minutes.

19 RIGGINS: Just 5 minutes?

20 BILLINGSLEY: Yes sir.

21 RIGGINS: You sure you don't - well, let's make it
22 10.

23 BILLINGSLEY: Yes sir.

24 RIGGINS: We'll take a 10 minute recess and be back
25 at 20 minutes after 10. Thank you.

1 [Recess]

2 RIGGINS: We will reconvene the regular meeting of
3 the Pinal County Planning and Zoning Commission on the 21st of
4 March at roughly 10:23 a.m., and I'll defer back over to
5 County to enumerate some of the proposals they have on
6 additional stipulations.

7 BILLINGSLEY: Mr. Chairman, I'm going to go over to
8 Gilbert's microphone and read you the proposed stipulations.
9 In the meantime, Gilbert's trying to email this to the clerk
10 so we can show it on the screen for everyone to view.

11 RIGGINS: Okay.

12 BILLINGSLEY: Mr. Chairman, there's three to read.
13 Gilbert's still trying to send it, so we're going to be double
14 working here. The first item would be an additional
15 stipulation, I believe this would be 21. I have 22 here, but
16 I believe this would be 21. The 4 storage sheds on the
17 property as shown on the plot plan, excluding the proposed
18 casita, shall be used for storage purposes only and shall not
19 be used for occupancy in violation of the Pinal County
20 Development Services Code, as determined by the Community
21 Development Director or designee. Such a determination shall
22 result in the revocation of the Special Use Permit and code
23 enforcement action. So that's what's proposed for stipulation
24 21. Proposed stipulation 22: The pickleball court currently
25 existing on the property shall be removed prior to site plan

1 approval. The proposed 23: The applicant to provide a
2 landscape plan, including irrigation, that will support an
3 oleander hedge at a height of at least 8 to 10 feet at final
4 growth to mitigate for sound and visual impacts. Oleanders
5 shall be planted as at minimum, as minimum 15 gallon size and
6 spaced at a 5 foot separation, and shall be planted along the
7 western, southern and eastern tennis court fence lines. The
8 last item is what was proposed during the session by the
9 applicant, which was a revision to stipulation number 7. That
10 revised stipulation would read: Owner/developer to construct
11 and/or extend a 6 foot chain link fence along the western
12 fence tennis court, along the western - it says western fence
13 tennis court, I think that probably means western side of the
14 tennis court? Western side of the tennis court, including a
15 noise blanket sound mitigation device. Additional extended
16 chain link fence shall not be required.

17 RIGGINS: Okay. I just have one question, it is on
18 the proposed stipulation on number 22 of the removal of the
19 pickleball court. That seems to me to be somewhat
20 nonspecific. Does that mean the concrete has to be taken out
21 of the ground?

22 BILLINGSLEY: Yes, that would mean everything would
23 have to be removed.

24 RIGGINS: Okay.

25 BILLINGSLEY: Now, if the concrete was to be

1 repurposed into something else.

2 SARKISSIAN: Yeah, a basketball court we were
3 talking about?

4 BILLINGSLEY: Still can't have a court in front of
5 your house.

6 SARKISSIAN: Well it's just like a driveway,
7 basketball hoop in your driveway.

8 BILLINGSLEY: The challenge here is we're doing an
9 SUP to allow for sport courts, and we're - we have an
10 application for two, they happen to be tennis courts in the
11 back, you couldn't have an additional one in the front. So,
12 it shouldn't be used as a court of any fashion.

13 RIGGINS: Okay.

14 BILLINGSLEY: So we may need to - are we going to
15 have to refine that? Perhaps we can refine it by saying the
16 pickleball court will be removed, but the concrete slab will
17 remain? Is that good?'

18 RIGGINS: But what can the concrete slab ever be
19 used for?

20 BILLINGSLEY: Patio furniture or whatever, right?
21 Shuffleboard, there you go. So that would be up to the
22 Commission's discretion, right?

23 RIGGINS: Well, I will put it to the Commission,
24 what's the opinion?

25 DEL COTTO: Chair?

1 RIGGINS: Commissioner Del Cotto.

2 DEL COTTO: I would suggest we leave it alone and
3 move forward.

4 RIGGINS: Okay.

5 DAVILA: I would agree.

6 RIGGINS: Okay, so -

7 MENNENGA: (Inaudible) yes.

8 RIGGINS: All right, then as first as first
9 presented to us then.

10 DAVILA: Correct.

11 RIGGINS: Okay. Very good.

12 MOONEY: Chairman?

13 RIGGINS: Yes, Commissioner Mooney.

14 MOONEY: On number 21, we are addressing the 4
15 existing buildings, would there be any verbiage to no
16 additional can be added so that they would bring in others
17 down the road?

18 RIGGINS: I believe in this SUP that by inserting
19 these casitas in, we've given the community a much larger
20 ability to police the units that have been put there than they
21 would have otherwise, a much larger ability. If anything
22 further that doesn't exist now is there, that's not a piece of
23 this SUP, it's a piece of a zoning action. So I don't believe
24 it would be appropriate to do so.

25 MOONEY: Thank you.

1 BILLINGSLEY: Mr. Chairman, Ms. Mooney, I think I
2 addressed it in the stipulation. Although it specifically
3 calls out the 4 storage sheds, further on in that stipulation
4 it says with the exception of proposed casita, occupants in
5 any structure...

6 RIGGINS: Yep.

7 MOONEY: Thank you.

8 BILLINGSLEY: That's to address the idea of what if
9 they bring in more sheds, right?

10 RIGGINS: Okay. Commissioners, I believe we have
11 verbiage for three additional stipulations and a revision of a
12 stipulation. Does anybody wish to comment on that? Or a
13 question? I'll ask the applicant, is there any comments or
14 questions that you have on the proposed stipulations?

15 SARKISSIAN: The only one we just had, I don't know
16 with the decision on how the interpretation was, was just on
17 the use of that concrete slab. Just wanting to make sure they
18 can use - they paid a lot to put concrete slab in, and so they
19 want to be able to use it, or instead of having to rip it out.
20 That was all.

21 RIGGINS: It doesn't seem like that attitude
22 prevailed.

23 SARKISSIAN: Okay.

24 RIGGINS: So we probably have to have these up on
25 the screen before we can do this motion, I would think,

1 because they're going to need to be read.

2 BILLINGSLEY: Mr. Chairman, Gilbert will be sending
3 them to the clerk and we'll see if we can get these posted.

4 RIGGINS: Okay. Yeah, they'll need to be read into
5 the motion, so we will just have to kind of hum and look
6 around for a little bit.

7 BILLINGSLEY: We apologize. It's a new system and
8 as you can tell, this is our second meeting in this room, and
9 we're still trying to work through the kinks.

10 KLOB: Through the Chair, can you hear me?

11 RIGGINS: Yes, is this Commissioner Klob?

12 KLOB: It is.

13 RIGGINS: Yes, please go ahead.

14 KLOB: As they're working on this, and I appreciate
15 all the work staff is doing on, you know, regarding this, I -
16 since the first time we heard this case, I've had major issues
17 with it. And, you know, testimony the last time about the
18 applicant circumventing the rules in a previous location, it's
19 pretty clear that they've tried to circumvent the rules in
20 this location, and even going so far as to allow, you know, a
21 chicken coop when it's not that and never has been, and never
22 will be that. These are those issues that kind of either lead
23 me down to the path of the character and being a good steward
24 and a good neighbor to the community, or not. And with these
25 things in mind, I'd actually like to make a motion of denial

1 for this project.

2 RIGGINS: Well, we still don't have these
3 stipulations in front of us, as far as being able - ah, we do
4 have them. Our screens are blank - mine is, anyway.

5 MOONEY: Mine is.

6 DAVILA: They all are.

7 RIGGINS: All our screens in front of us are blank.

8 MENNENGA: You can read them up there, Scott.

9 RIGGINS: There we go. Okay, so Commissioner Klob,
10 just keep your motion in abeyance for just a moment.

11 KLOB: Sure.

12 RIGGINS: So Commission, we have now, it's just
13 before us, is there any other questions for the County at this
14 time? For staff? Discussions on the stipulations? Or is
15 someone ready to make a motion? And if there is no questions
16 of staff or among ourselves, somebody has proposed a motion.
17 So in that case, formally, Commissioner Klob, will you go
18 ahead and make your motion?

19 KLOB: Yes. I make a motion of - that the Pinal
20 County Planning and Zoning Commission forward a recommendation
21 of denial for case number SUP-033-23 to the Board of
22 Supervisors.

23 RIGGINS: Okay, we have a motion for denial, do we
24 have a second?

25 MOONEY: I'll second.

1 RIGGINS: Commissioner Mooney seconds it. We better
2 go ahead and do a roll call count.

3 OLGIN: Yes sir. In regards to the SUP, we'll do
4 the roll call count. Chairman Riggins, yes or no?

5 RIGGINS: A no vote is refuting the motion.

6 OLGIN: Okay, so a no vote is refuting the motion.

7 RIGGINS: Yes, a no vote refutes the motion of
8 denial. So I am voting no.

9 OLGIN: Vice Chairman Mennenga.

10 MENNENGA: No.

11 OLGIN: Member Del Cotto.

12 DEL COTTO: No.

13 OLGIN: Member Hartman.

14 HARTMAN: No.

15 OLGIN: Member Keller.

16 BILLINGSLEY: Absent.

17 OLGIN: Member Klob.

18 KLOB: Yes.

19 OLGIN: And Lizarraga.

20 LIZARRAGA: No.

21 OLGIN: Member Schnepf.

22 SCHNEPF: No.

23 OLGIN: Member Davila.

24 DAVILA: No.

25 OLGIN: Member Mooney.

1 MOONEY: Yes.

2 RIGGINS: Okay. I have that as -

3 OLGIN: Two yeses and the rest are no.

4 RIGGINS: Yes. Just two yeses.

5 OLGIN: Two yeses and the rest are no.

6 RIGGINS: The rest are no. So the motion fails, so
7 I will ask the Commission if anybody else is prepared to make
8 an alternate motion.

9 DAVILA: Mr. Chair, if I may.

10 RIGGINS: Commissioner Davila.

11 DAVILA: Yeah, I'd like to make a motion that the
12 Pinal County Planning and Zoning Commission forward a
13 recommendation of approval to the Board of Supervisors, with
14 23 stipulations. The 20 listed in the staff report, with the
15 revision of number 7 to state: The owner or developer to
16 construct and/or extend a 6 foot chain link fence along the
17 western edge of tennis court, including a noise blanket/sound
18 mitigation device. Additional extended chain link fence shall
19 not be required. And with the additions of 21: The 4 storage
20 sheds on the property as shown on the plot plan, excluding the
21 proposed casita, shall be used for storage purposes only and
22 shall not be used for occupancy in violation of the Pinal
23 County Development Services Code as determined by the
24 Community Development Director or designee. Such a
25 determination shall result in the revocation of the special

1 use permit and code enforcement action. The addition of
2 number 22: The pickleball court currently existing on the
3 property shall be removed prior to SPR approval. And 23: The
4 applicant to provide a landscape plan, including irrigation,
5 that will support an oleander hedge at a height of at least 8
6 to 10 feet at final growth to mitigate for sound and visual
7 impacts. Oleanders shall be planted as minimum 15 gallon size
8 and spaced at a 5 foot separation, and shall be planted along
9 the western, southern and eastern tennis court fence lines.

10 RIGGINS: Okay, we have a motion, do we have a
11 second?

12 DEL COTTO: Chair.

13 RIGGINS: Commissioner Del Cotto - oh, discussion?

14 DEL COTTO: No, I'd like to second that.

15 RIGGINS: Commissioner Del Cotto seconds. All those
16 in favor, stipulate by saying aye.

17 COLLECTIVE: Aye.

18 RIGGINS: Opposed?

19 MOONEY: Opposed.

20 KLOB: Nay.

21 RIGGINS: The motion carries. So okay. Thank you
22 all very much. This of course will be going to the Board of
23 Supervisors at the scheduled time for final approval by the
24 County. Okay, let's move on to our tentative plats. The
25 first one is S-012-23.

Owner consents to the recordation of this Consent and Waiver after approval of the above-referenced case by the County. If Owner withdraws its application prior to final action of the County or the County denies the application, Owner is released from this Consent and Waiver.

OWNER: Rafael Font De Mora
[Print Entity Name]

OWNER: _____
[Print Entity Name]

[Signature]
Signature

Signature

Its: _____
[Title, if applicable]

Its: _____
[Title, if applicable]

Dated: April 24, 2024

Dated: _____

INDIVIDUAL ACKNOWLEDGMENT: *[To be filled out if NOT a corporation, partnership, or trust]*

STATE OF _____)

COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2024, by

[Insert Name of Signor(s)]

[Signature]

Notary Public

My commission expires: _____

TOMÁS VIÑA ALMUNIA, NOTARIO DE CUBELLES Y DEL ILUSTRE COLEGIO NOTARIAL DE CATALUNYA-----

DOY FE: Que considero legítima la firma y rúbrica que obra en el folio que antecede, de DON RAFAEL MARÍA FONT DE MORA titular del Pasaporte de Estados Unidos de América número 643232582, por coincidir con el documento de Identidad que tengo a la vista y ser por mí conocida. Quedando anotado bajo el número VEINTINUEVE de mi Libro Indicador, Sección Segunda. En Cubelles, a veinticuatro de abril de dos mil veinticuatro. -----



A large, stylized handwritten signature in black ink, written over the notary seals and the identification number.

EXHIBIT "A"
TO
RESOLUTION NO. 2024-SUP-033-23
[Legal Description of the Property]

APN #509-14-006K

COMMENCING AT THE CENTER OF SECTION 13, TOWNSHIP 3 SOUTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, SAID POINT BEING MARKED BY A ½" REBAR LYING NORTH 89 DEGREES 50 MINUTES 14 SECONDS. EAST (BASIS OF BEARING) 2644.30 FEET FROM THE WEST ¼ CORNER OF SAID SECTION 13;

THENCE SOUTH 00 DEGREES 05 MINUTES 09 SECONDS WEST ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 13, 40.00 FEET TO A ½" REBAR'S#41076;

THENCE SOUTH 89 DEGREES 50 MINUTES 14 SECONDS WEST PARALLEL WITH AND 40.00 FEET SOUTH OF THE EAST-WEST MID-SECTION LINE OF SAID SECTION 13, 193.44 FEET TO A ½" REBAR LS#41076 AND THE POINT OF BEGINNING:

THENCE SOUTH 00 DEGREES 41 MINUTES 28 SECONDS WEST 232.19 FEET TO A ½" REBAR LS#41076;

THENCE SOUTH 55 DEGREES 09 MINUTES 25 SECONDS WEST 5.02 FEET TO A ½" REBAR LS #41076;

THENCE SOUTH 00 DEGREES 05 MINUTES 09 SECONDS WEST 386.01 FEET TO A ½" REBAR LS # 41076;

THENCE SOUTH 89 DEGREES 50 MINUTES 33 SECONDS WEST 240.61 FEET TO A ½" REBAR LS # 41076;

THENCE NORTH 00 DEGREES 04 MINUTES 42 SECONDS EAST 621.01 FEET TO A ½" REBAR LS#32278;

THENCE NORTH 89 DEGREES 50 MINUTES 14 SECONDS EAST PARALLEL WITH AND 40.00 FEET SOUTH OF THE EAST-WEST MID-SECTION LINE OF SAID SECTION 13, 247, 26 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

SUP-033-23 STIPULATIONS

- 1) Approval of this SUP (SUP-033-23) will require, at the time of application for development, that the applicant/owner submit and secure from the applicable and appropriate Federal, State, County and Local regulatory agencies, all required applications, plans, permits, supporting documentation and approvals;
- 2) The applicant/property owner shall meet the requirements of the International Fire Code, as adopted by Pinal County and administered by the Pinal County Building Safety Department;
- 3) Applicant shall attend a site plan pre-application meeting to initiate the site plan approval process;
- 4) A landscape plan and irrigation plan shall be submitted for site plan review;
- 5) A lighting plan with photo metrics will not be allowed for the tennis courts for site plan review;
- 6) All structures over 200 square feet will require a permit;
- 7) Owner/developer to construct and/or extend a six foot chain link fence along the western side of tennis court including a noise blanket/ sound mitigation device. Additional chain link fencing around the tennis courts will not be required;
- 8) Campus type activity will not be allowed per SUP-033-23;
- 9) Stabilization of Commercial parking, drives, and yards shall be conducted pursuant to Pinal County Air Quality Code of Regulations Chapter 4, Article 4;
- 10) Air quality dust registration is required if the earthmoving activity causes 0.1 acres or more of land disturbance;
- 11) All construction activity must conform to the earthmoving activity requirements in accordance with Section §4-3-160 thru 190 of Pinal County's Air Quality Code of Regulations;
- 12) An emergency circulation plan will be required to be submitted an approved prior to site plan approval (approved site plan with SUP will suffice this requirement);
- 13) All off-street parking areas shall comply with ADA standards for accessible design;
- 14) Any expansion beyond the two existing tennis courts will require re-approval;
- 15) A Traffic Impact Analysis (TIA) will be required to be submitted to the County Engineer at the time of Site Plan submittal for review and approval. All peripheral road and infrastructure improvements shall be per the approved Traffic Impact Analysis to mitigate impacts on all surrounding roadways to be completed at the developer's cost. These may include construction of acceleration/deceleration lanes, left turn pockets, traffic signals or other public improvements as approved by the County Engineer. The TIA shall be in accordance with the current Pinal County TIA Guidelines and Procedures and shall be approved prior to the Site Plan approval;

- 16) Any additional right-of-way dedications needed for any required infrastructure improvements (as identified in the approved Traffic Impact Analysis) for any roadways shall be the responsibility of the applicant. All roadway and infrastructure improvements shall be in accordance with the current Pinal County Subdivision Standards or as approved by the County Engineer;
- 17) All right-of-way dedication shall be free and unencumbered;
- 18) Any roadway sections, alignments, access locations, and access movements shown in the rezoning application are conceptual only and have not been approved by the Pinal County Engineer; and
- 19) A drainage report will be required to be submitted to the County Engineer at the time of Site Plan submittal for review and approval to ensure provisions have been made to accommodate offsite runoff and to ensure onsite retention of storm water runoff or as approved by the County Engineer;
- 20) Applicant shall apply for all required permitting, facilitate inspections, and receive required approvals from the Building Safety Division regarding existing improvements on the property noted in the existing Code Enforcement case, prior to formal Site Plan approval;
- 21) The four storage sheds on the property as shown on the Plot Plan, excluding the proposed Casita, shall be used for storage purposes only and shall not be used for occupancy in violation of the Pinal County Development Services Code, as determined by the Community Development Director or designee. Such a determination shall result in the revocation of this Special Use Permit and code enforcement action;
- 22) The pickle-ball court currently existing on the property shall be removed prior to SPR approval;
- 23) The applicant to provide a landscape plan, including irrigation, that will support an Oleander hedge at a height of at least ten (8-10) feet at final growth to mitigate for sound and visual impacts. Oleanders shall be planted as minimum 15 gal size and spaced at a 5' separation and shall be planted along the western, southern and eastern tennis court fence lines.

AFFIDAVIT OF PUBLICATION

State of Florida, County of Orange, ss:

Yuade Moore, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of Tri-Valley Dispatch, a newspaper published at Casa Grande, Pinal County, Arizona, Tuesday, Thursday, and Saturday of each week; that a notice, a full, true and complete printed copy of which is hereunto attached, was printed in the regular edition of said newspaper, and not in a supplement thereto, for 1 issues. The publications thereof having been on the following dates:

PUBLICATION DATES:

Apr. 25, 2024

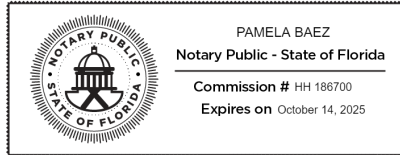
NOTICE ID: wSwo8iXx80iLCwENmLcH

NOTICE NAME: SUP -033-23 BOS NOPH

(Signed) Yuade Moore

VERIFICATION

State of Florida
County of Orange



Subscribed in my presence and sworn to before me on this: 04/26/2024

[Signature]

Notary Public
Notarized remotely online using communication technology via Proof.

NOTICE OF HEARING
NOTICE OF PUBLIC HEARING BY THE PINAL COUNTY BOARD OF SUPERVISORS AT 9:30 A.M., ON MAY 15, 2024 AT THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR A SPECIAL USE PERMIT IN AN UNINCORPORATED AREA OF PINAL COUNTY.
SUP-033-23 – PUBLIC HEARING/
ACTION: Rafael Font de Mora, landowner/applicant, requesting approval of a Special Use Permit for a Tennis Training Facility on 3.46± acres in the GR (General Rural) zone, on parcel 509-14-006K, situated in a portion of Section 13, Township 03 South, Range 07 East of the Gila and Salt River Base and Meridian, located 0.42 miles east of North Royce Road along West Phillips Road in the Queen Creek vicinity.
Information regarding the case can be found online at: <https://www.pinal.gov/236/Notice-of-Hearings>
ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE HEARING AT THE TIME AND PLACE DESIGNATED ABOVE, AND SHOW CAUSE, IF ANY, WHY THIS PETITION SHOULD NOT BE GRANTED. DOCUMENTS PERTAINING TO THIS CASE CAN BE REQUESTED AND ARE AVAILABLE FOR REVIEW FROM PINAL COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT PLEASE CALL (520) 866-6442 FOR MORE INFORMATION
DATED THIS 15TH DAY OF APRIL 2024
TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT MUST CONTAIN THE FOLLOWING INFORMATION:
1) Planning Case Number (see above)
2) Your name, address, telephone number and property tax parcel number (Print or type)
3) A brief statement of reasons for supporting or opposing the request
4) Whether or not you wish to appear and be heard at the hearing
WRITTEN STATEMENTS MUST BE FILED WITH:
PINAL COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
P.O. BOX 2973 (85 N. FLORENCE, FIRST FLOOR)
FLORENCE, AZ 85132
Contact for this matter: Sangeeta Deokar, Senior Planner
E-mail Address: Sangeeta.Deokar@pinal.gov
Phone: (520) 866-6641
No. of publications: 1; date of publication: Apr 25, 2024

NOTICE OF HEARING

NOTICE OF PUBLIC HEARING BY THE PINAL COUNTY BOARD OF SUPERVISORS AT 9:30 A.M., ON **MAY 15, 2024** AT THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR A **SPECIAL USE PERMIT** IN AN UNINCORPORATED AREA OF PINAL COUNTY.

SUP-033-23 – PUBLIC HEARING/ACTION: Rafael Font de Mora, landowner/applicant, requesting approval of a Special Use Permit for a Tennis Training Facility on 3.46± acres in the GR (General Rural) zone, on parcel 509-14-006K, situated in a portion of Section 13, Township 03 South, Range 07 East of the Gila and Salt River Base and Meridian, located 0.42 miles east of North Royce Road along West Phillips Road in the Queen Creek vicinity.

Information regarding the case can be found online at:

<https://www.pinal.gov/236/Notice-of-Hearings>

ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE HEARING AT THE TIME AND PLACE DESIGNATED ABOVE, AND SHOW CAUSE, IF ANY, WHY THIS PETITION SHOULD NOT BE GRANTED. DOCUMENTS PERTAINING TO THIS CASE CAN BE REQUESTED AND ARE AVAILABLE FOR REVIEW FROM PINAL COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT PLEASE CALL (520) 866-6442 FOR MORE INFORMATION

DATED THIS 15TH DAY OF APRIL 2024

TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT **MUST** CONTAIN THE FOLLOWING INFORMATION:

- 1) Planning Case Number (see above)
- 2) Your name, address, telephone number and property tax parcel number (**Print or type**)
- 3) A brief statement of reasons for supporting or opposing the request
- 4) Whether or not you wish to appear and be heard at the hearing

WRITTEN STATEMENTS MUST BE FILED WITH:

PINAL COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
P.O. BOX 2973 (85 N. FLORENCE, FIRST FLOOR)
FLORENCE, AZ 85132

Contact for this matter: Sangeeta Deokar, Senior Planner
E-mail Address: Sangeeta.Deokar@pinal.gov
Phone: (520) 866-6641

Anything below this line not for publication

PUBLISHED ONCE:

Trivalley Dispatch

CERTIFICATION OF POSTING

I hereby certify that the notice shown below was/were posted on the property described in the notice on 5/2/2024
COMMUNITY DEVELOPMENT DEPARTMENT

BY: _____ Kendall Riley, Planner _____ DATED: 5/2/2024
[signature] [print name and title]

NOTICE OF HEARING

NOTICE OF PUBLIC HEARING BY THE PINAL COUNTY BOARD OF SUPERVISORS AT 9:30 A.M., ON **MAY 15, 2024** AT THE PINAL COUNTY ADMINISTRATIVE COMPLEX, IN THE BOARD OF SUPERVISORS HEARING ROOM, 135 N. PINAL STREET, FLORENCE, ARIZONA, TO CONSIDER AN APPLICATION FOR A **SPECIAL USE PERMIT** IN AN UNINCORPORATED AREA OF PINAL COUNTY.

SUP-033-23 – PUBLIC HEARING/ACTION: Rafael Font de Mora, landowner/applicant, requesting approval of a Special Use Permit for a Tennis Training Facility on 3.46± acres in the GR (General Rural) zone, on parcel 509-14-006K, situated in a portion of Section 13, Township 03 South, Range 07 East of the Gila and Salt River Base and Meridian, located 0.42 miles east of North Royce Road along West Phillips Road in the Queen Creek vicinity.

Information regarding the case can be found online at:

<https://www.pinal.gov/236/Notice-of-Hearings>

ALL PERSONS INTERESTED IN THIS MATTER MAY APPEAR AT THE HEARING AT THE TIME AND PLACE DESIGNATED ABOVE, AND SHOW CAUSE, IF ANY, WHY THIS PETITION SHOULD NOT BE GRANTED. DOCUMENTS PERTAINING TO THIS CASE CAN BE REQUESTED AND ARE AVAILABLE FOR REVIEW FROM PINAL COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT PLEASE CALL (520) 866-6442 FOR MORE INFORMATION

DATED THIS 15TH DAY OF APRIL 2024

TO QUALIFY FOR FURTHER NOTIFICATION IN THIS LAND USE MATTER YOU MUST FILE WITH THE PLANNING DEPARTMENT A WRITTEN STATEMENT OF SUPPORT OR OPPOSITION TO THE SUBJECT APPLICATION. YOUR STATEMENT **MUST** CONTAIN THE FOLLOWING INFORMATION:

- 1) Planning Case Number (see above)
- 2) Your name, address, telephone number and property tax parcel number (**Print or type**)
- 3) A brief statement of reasons for supporting or opposing the request
- 4) Whether or not you wish to appear and be heard at the hearing

WRITTEN STATEMENTS MUST BE FILED WITH:

PINAL COUNTY PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
P.O. BOX 2973 (85 N. FLORENCE, FIRST FLOOR)
FLORENCE, AZ 85132

Contact for this matter: Sangeeta Deokar, Senior Planner
E-mail Address: Sangeeta.Deokar@pinal.gov
Phone: (520) 866-6641

Anything below this line not for publication

PUBLISHED ONCE:

Trivalley Dispatch