

PINAL COUNTY PLANNING AND ZONING COMMISSION  
(PO NUMBER 249810)

Regular Meeting

9:00 a.m.

Thursday, March 21, 2024

Emergency Operations Center

301 E. 11<sup>th</sup> 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           RIGGINS: We'll call to order the regular meeting of  
2 the Pinal County Planning and Zoning Commission at 9 a.m. on  
3 Thursday, March 21, 2024. And could we do a call to order for  
4 a quorum?

5           BILLINGSLEY: Yes sir. Commissioner Mooney.

6           MOONEY: Here.

7           BILLINGSLEY: Commissioner Davila.

8           DAVILA: Here.

9           BILLINGSLEY: Commissioner Schnepf.

10          SCHNEPF: Here.

11          BILLINGSLEY: Commissioner Lizarraga. Chairman,  
12 we're - I'm being told that Commissioner Lizarraga's actually  
13 online. IT's trying to work through technical difficulties so  
14 that we can hear him, but in the meantime we'll say he's  
15 absent.

16          RIGGINS: Okay. If he does get online, just  
17 interrupt the meeting to notify.

18          BILLINGSLEY: Yes sir. Commissioner Klob. Same  
19 situation. I'm told Commissioner Klob is also trying to get  
20 connected online. Commissioner Keller. Commissioner Hartman.

21          HARTMAN: Here.

22          BILLINGSLEY: Commissioner Del Cotto.

23          DEL COTTO: Here.

24          BILLINGSLEY: Commissioner Mennenga.

25          MENNENGA: (Inaudible).

1 BILLINSLEY: Chairman Riggins.

2 RIGGINS: Here. And we -

3 BILLINGSLEY: Sir, we have a quorum.

4 RIGGINS: Present at the dais, we have a quorum.

5 And electronic, we'll just add to that as they come in. Okay,  
6 very good. Let's move on to the Planning Manager Report.

7 OLGIN: Good morning Chair, Members of Commission,  
8 Gilbert Olgin, Planning Manager. The report we have today in  
9 regards to the County is we're - Brent Billingsley is going to  
10 give us an update on the - our update for the Code.

11 BILLINGSLEY: Mr. Chairman, Members of the  
12 Commission, Brent Billingsley, Community Development Director.  
13 As everyone is aware on the Commission and hopefully in the  
14 public, the County has been working for quite some time to  
15 update its zoning code, as well as other documents that are  
16 foundational documents for the County. We are currently  
17 conducting a legal review with both internal and outside  
18 counsel with respect to that update. We've been sending  
19 individual sections to the Commission for their review and  
20 comment. We are hoping in the May-June timeframe to begin  
21 having actual work sessions with the Commission to go through  
22 the proposed code section by section. That's my update.

23 RIGGINS: Very good, thank you. Commission Members,  
24 any questions on the upcoming code work that we're all going  
25 to be getting into? None being, anything else on the report?

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 21<sup>st</sup>  
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 21<sup>st</sup> 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.



1 MASON: Hi again Mr. Chair, Commission Members.

2 Elsie Mason, Development Services, here to present a tentative

3 plat for Entrada Del Oro Unit 2. Chair, Vice Chair,

4 Commissioners, Elsie LaRee Mason, I'm here to present case S-

5 012-23, Entrada Del Oro Unit 2, Parcel 3A. This is a proposal

6 requesting approval of the tentative plat, Entrada Del Oro 2 -

7 Unit 2, Parcel 3A, for 133 lots on a 52.91 acre parcel area in

8 the CR-3/PAD. This was approved under case PZ-PD-027 in 2000.

9 The project is located north of Entrada Del Oro Boulevard

10 within the Gold Canyon area. Again, the size is 52.91 acres

11 with 133 lots. The landowner/developer is Superstition North

12 L.C., and the engineer is Atwell Group. Here's the County map

13 showing the area in the County. Highway 60. The area land

14 use here, again this is a phase of a broader development. The

15 existing zoning is CR-3, Single Residence zone. The planning

16 cases are provided. The area outside of this neighborhood is

17 General Rural, south is General Rural, east is General Rural

18 and to the west, the larger community is also zoned CR-3.

19 Here's the tentative plat cover sheet. I know details are

20 hard to make out here, but here's what we're all - overall

21 presenting. The overall portion of the proposing. And the

22 three separate sections 1, 2 and 3. Here are the development

23 standards from the case from 2000, showing a minimum lot area

24 of 5,750, a minimum lot width of 50 feet, and a 10 foot

25 minimum distance between buildings. Staff recommends approval

1 with 11 stipulations. Does the Commission have any questions?

2 RIGGINS: Thank you very much. Commissioners, any  
3 questions from staff on the tentative plat? Any questions at  
4 all? In that case, we'll go ahead and have the applicant come  
5 up and tell us about the plat.

6 LAKE: Chairman, Board Members, I think the Chairman  
7 might be the only one that remembers this. When we first got  
8 this approved in the late 90s or 2000s, Entrada Del Oro - and  
9 we've been working on it for most of my career. This is a  
10 project, it was approved I think in 2001. Tentative plat has  
11 been adopted and changed, but I think the latest one was 2005.  
12 Entrada Del Oro has been developed and it's a hugely  
13 successful, it's doing very well and people love to live out  
14 there. We are requesting to change the tentative plat for  
15 Unit 2, Parcel 3A. And really effectively what we're doing is  
16 we're changing the street layout within that parcel. So  
17 instead of the cul-de-sacs all being on the west side, we've  
18 flip-flop the roads that run east/west and put the cul-de-sacs  
19 on the east side of the property. And that's really all we're  
20 changing. The development standards, the lot sizes,  
21 everything else remains the same. We're still within the unit  
22 count that we stipulated to with the original zoning case, and  
23 so that's really all we're doing. But that street  
24 reconfiguration required this tentative plat amendment. So  
25 that's all we're here. I'm happy to answer any questions. I

1 have a presentation, but I don't know that you necessarily  
2 need unless you want it. So I'll be quiet given the length of  
3 your agenda.

4 RIGGINS: Very good. I'm just looking at image 2 of  
5 your presentation, and you're flipping the cul-de-sacs on the  
6 southern portion of it, but not -

7 LAKE: The southern, yes.

8 RIGGINS: But not the northern portion.

9 LAKE: Yes sir.

10 RIGGINS: And other - all of the concepts remain the  
11 same.

12 LAKE: Correct.

13 RIGGINS: Any questions? Anybody at all?  
14 Commissioner Mooney?

15 MOONEY: Oh no, no, I was pointing out there.

16 RIGGINS: Okay. Yes?

17 BILLINGSLEY: Mr. Chairman, Members of the  
18 Commission, we've been working with Sean on this and we worked  
19 this, through this, not just through planning, but obviously  
20 through the engineering department as well. So we're in  
21 support.

22 RIGGINS: Very good. No questions, thank you very  
23 much. As it is a tentative plat, there is no public portion  
24 of this particular case, so I'll turn it back to the  
25 Commission and ask if there is any further discussion among

1 ourselves, questions or discussion with staff, or we're ready  
2 to make a motion.

3 DAVILA: Mr. Chair, if I may.

4 RIGGINS: Commissioner Davila.

5 DAVILA: I'd like to make a motion to approve  
6 findings 1 through 7 as set forth in the staff report, and  
7 approve the tentative plat in planning case S-012-23 with the  
8 11 stipulations as presented in the staff report.

9 RIGGINS: Thank you very much. We have a motion,  
10 who would like to second that?

11 SCHNEPF: Second.

12 RIGGINS: Commissioner Schnepf seconds the motion.  
13 All those in favor signify by saying aye.

14 COLLECTIVE: Aye.

15 RIGGINS: Any opposed? It passes unanimously.  
16 Okay, we'll move on to our second and last tentative plat,  
17 which is S-040-22.

18 MASON: Hello again Planning Commission, Chair, Vice  
19 Chair. LaRee Mason, Development Services for Borgata Unit 2,  
20 S-040-22. This tentative plat is requesting approval for 218  
21 lots on 157 - approximately 157 acres in R-7/PAD under case  
22 PZ-PD-010-13. The location is west of North Thompson Road and  
23 south of West Hunt Highway in the San Tan Valley vicinity, on  
24 a parcel size of 157.41 acres. Again, there are 218 lots in  
25 this phase. That landowner/developer is San Tan Heights, LLC

1 with Scott Switzer and Sunrise Engineering with Chris Moore.

2 RIGGINS: I have a question that - just to make sure  
3 that I - this and this -

4 MENNENGA: Don't match.

5 RIGGINS: Don't match. So I am assuming that this  
6 is - since this is actually shows the property, I assume  
7 that's it. But the way this shows, it shows it down in Casa  
8 Grande and it's not, it's up in the -

9 MENNENGA: San Tan Valley.

10 RIGGINS: Yeah, San Tan Valley, outside of Florence  
11 area. So I just wanted to make sure that no one made a  
12 mistake on that.

13 MASON: Okay. (Inaudible) through this. This is in  
14 the San Tan Valley area? Let's look. It's in San Tan Valley  
15 area?

16 RIGGINS: Yes.

17 MASON: Okay. Let's go forward and look at that.

18 RIGGINS: Yeah, that shows it just fine, that puts  
19 it on Hunt Highway. Yeah, it's a lot further north.

20 MASON: Okay.

21 RIGGINS: Yeah, about 15-20 miles off. Well, it's  
22 good if it's a long ways off, then you can tell. But just a  
23 little ways off it's hard to tell.

24 MASON: I guess let's skip through the maps then and  
25 just show you the tentative plat itself. So here's the cover

1 sheet, Commission. I'm going to expand to some of the areas  
2 of the development. For your review, here are the development  
3 standards from the cover sheet. There are three different lot  
4 sizes proposed here. If you'd like a minute to review that.  
5 I'll move on if not. Staff recommends approval with 12  
6 stipulations.

7 RIGGINS: Okay, thank you ever so much.  
8 Commissioners, any questions on this tentative plat?  
9 Commissioner Mooney.

10 MOONEY: Page 111 of the packet, and then it shows  
11 down page 4 or 5. On number 6, whether the proposed  
12 subdivision will place an unreasonable burden on the ability  
13 of the County or other local governments to provide for  
14 streets, water, sewage, etc. This happens to be an area that  
15 I live in and drive daily. A concern is the opposite side of  
16 San Tan - of Thompson Road and Hunt Highway has been and  
17 almost completely filled in, and they're still in the final  
18 building stages. The apartments that are to be built on Hunt  
19 Highway beside the Dairy Queen have not started, and we've  
20 already had 4 additional side streets put on Thompson Road. I  
21 didn't see anything in there about lights and where these  
22 streets would potentially come out across from existing roads.  
23 I know that in other areas of San Tan that is not happened,  
24 and it makes it very difficult. This is a curve, and I don't  
25 believe the streets are ready to handle that traffic. We also

1 have 500 apartments being built behind Walmart. And so a  
2 traffic study is not doing a true traffic analysis in my  
3 opinion. So how is that - what sorts of road improvements  
4 (inaudible) I do not see that in here.

5 MASON: Mr. Chair, Commissioner Mooney, this is just  
6 a sort of pre-approval for a development. The final plat  
7 process is handled through Public Works, and assurances with  
8 the Board of Supervisors is done at that stage.

9 MOONEY: Okay.

10 RIGGINS: That's correct. Any other questions of  
11 this tentative plat? There none being, and insofar as we  
12 don't have a public participation portion of tentative plats,  
13 we'll turn it back to the Commission for any questions,  
14 further questions of staff, discussion among ourselves, or if  
15 we're ready for a motion.

16 SCHNEPF: Commissioner Riggins.

17 RIGGINS: Commissioner Schnepf.

18 SCHNEPF: I'd like to make a motion. I move to  
19 approve findings 1 through 7 of case S-040-22, with 12  
20 stipulations as presented in the staff report, and approve the  
21 tentative plat.

22 RIGGINS: We have a motion, do we have a second?

23 DAVILA: I'll second.

24 RIGGINS: Second by Commissioner Davila. All those  
25 in favor signify by saying aye.

1 COLLECTIVE: Aye.

2 RIGGINS: Any opposed?

3 MOONEY: Opposed.

4 RIGGINS: Opposed. One opposed. The case passes.

5 Okay, we'll move on to our next case. It is 5 to 11, we  
6 should be just fine. The next case has actually three  
7 segments to it. They'll all be necessary to have separate  
8 votes, but I'm sure that the applicant will probably handle  
9 the entire case in its presentation on the front side. So we  
10 have a PZ-PA, which is a Non-Major Comprehensive Plan, we have  
11 a zoning case, and then we have a PAD. So we'll go ahead and  
12 begin case PZ-PA-005-23.

13 DEOKAR: Good morning Chair, Vice-Chair, Commission  
14 Members. Sangeeta Deokar, Senior Planner, presenting the case  
15 named Tela Peralta. As mentioned by the Chair, there are  
16 three portions, three applications - a land use change, a  
17 rezone, and a PAD overlay. So the first portion is that of  
18 the land use change, from a Major Open Space to General  
19 Commercial for 124.86 acres. And the next two cases are the  
20 rezone and a PAD overlay for the same area. The rezone  
21 includes a request from General Rural, Local Business zone and  
22 a Manufactured Home zone to Commercial Zoning District. Just  
23 to give an overview, again, the size is 124.86 acres for a  
24 commercial C-3 zoning. Location is east off of U.S. 60, off  
25 Peralta Road and end of the Gold Rush Road. The owner is Amy



1 Doyle, and representing Rafter D Cattle Co. Inc., and we have  
2 the agent, Rose Law Group, Jordan Rose - Jennifer is  
3 representing Rose Law Group, Jennifer Hall. The County map  
4 shows the location of the cases that have been requesting the  
5 changes. One can see that it is marked, it's just west of -  
6 sorry, east of Apache Junction and south of the green portion,  
7 which is a Major Open Space, and northern portion of the  
8 County. Further zooming into the area map, and one can see  
9 that it is largely part of the Arizona State Land, and the  
10 northern portion is the Tonto, National Forest, and the yellow  
11 portion is the Peralta Regional Park - Pinal County's park.  
12 And the red portion shows the number of parcels that are  
13 requesting the land use change, the rezone and the PAD  
14 overlay. The Comprehensive Plan currently as stated earlier,  
15 is a Major Open Space. The red boundary shows the parcels  
16 that are requesting these changes, and one can see that the  
17 proposed change in land use is to Commercial, showing the  
18 changes in the bottom map. The aerial on the west side of the  
19 slide shows the overall, you know, terrain of the area.  
20 Again, a further aerial showing the large riparian area to the  
21 south portion, south and east. It's going diagonally on this  
22 property. The zoning, as stated earlier, it is - existing is  
23 GR all around. One can see the Peralta Road on the northern  
24 west side. Existing zoning for this is CB-1 and Manufactured  
25 Home and General Rural. It's been hatched in the portion, and

1 one can see a portion in the white to the east side, which is  
2 the cattle ranch that has been an active cattle ranch. This  
3 is the 600 foot buffer zone showing, you know, the outreach  
4 that one does, however, additional outreach has been done to  
5 agencies, various agencies beyond this buffer. Some site  
6 context and surroundings. Trying to show that in terms of the  
7 pictures also indicating, the central portion is a small  
8 scaled site plan, and the northern portion is the Superstition  
9 Wilderness, the Tonto National Forest. You can see there's a  
10 picture on the right. State Land surrounding this whole  
11 property. And one can see the Peralta Regional Park to the  
12 southwest of this proposed project. Some history and  
13 background on this parcels. The Backus/Doyle family has owned  
14 the property since 1977, and when they acquired this position,  
15 they already had the CB-1, MH and GR zoning. And that is  
16 under the case PZ-506-77. The cattle ranch has been in  
17 operations since 1850s. It has changed ownership multiple  
18 times, however, the current owners are the same family, Backus  
19 and the Doyle. The owners do have access to the site, to  
20 State Land, and are also in the process of acquiring this  
21 permanently for this project. Owners have been using this  
22 venue due to its unique location for wedding events and with  
23 temporary use permits that have been applied for to the County  
24 multiple times. This is the proposed development plan, and  
25 the red arrow to the west side of this shows the main access

1 from the Peralta Road, to the east, Gold Rush Road, as named  
2 currently. On the east side, which is circled in blue, is an  
3 existing cattle ranch, and there is no changes to that that  
4 have been requested. It's going to continue its operations as  
5 per the request, and the application. Just kind of showing an  
6 overall access from the west side of the property, and I'm  
7 going to show the development plan as has been shared by the  
8 applicant. The Phase 1 of this is the eco-resort, which is  
9 the guest venue, the event space. Restaurant with wine  
10 tasting and the culinary experiences that they have been  
11 sharing in the temporary use permits that have been issued.  
12 There's a gift shop that has been, as part of the project, and  
13 guest employee parking with solar shades, transportation, drop  
14 -off area and resort residences. The two red markings that  
15 are shown are the first phase of this development. Some  
16 renderings and images that have been just added to kind of get  
17 an idea of what the applicant is proposing. So this is Phase  
18 1. The Phase 2 is the eco-lodging single room residences  
19 shown in blue bubbles, which is also their development of  
20 trails and largely the single room residences as part of this  
21 Phase 2 development. Trails within the resort, open space  
22 development with natural plant material and, you know, working  
23 on the development of the overall site will go across in all  
24 the phases. The Phase 3 of this is showing the event size,  
25 which is, you know, small and medium sizes, having wine

1   tasting events. There's a spa that has been proposed.  
2   There's employee bunkhouses just opposite of the cattle ranch,  
3   that have been shown in small black dots. The amphitheater,  
4   which is showing kind of a rendering again, an image on the  
5   site. Trash and recycling. So these are either a project, you  
6   know, Phase 3, some of the activities that are planned, and  
7   again, an image for the open kind of event areas that have  
8   been shown in the image at the bottom left. So these are the  
9   three phases that the applicant is proposing. And some of the  
10   features, basically, for the development plan actually ensures  
11   protection of the open spaces and the desert environment with  
12   minimal disturbance respecting the unique Superstition area  
13   ecology. The underlying theme is to kind of gel with the  
14   environment, have - adopt sustainable methods for  
15   construction, and uses only allowed would be for the  
16   ecotourism. Passive activities, passive, you know,  
17   recreational activities that are part of this eco-resort.  
18   Building structures will be earth hugging and you seen those  
19   little outcrop houses blending within the surrounding  
20   environment. There would be height restrictions for those.  
21   Site plan process will be triggered after the zoning  
22   entitlement and ensure all stipulations are met related to  
23   this eco-resort. As are shared in this table, the permitted  
24   uses for this commercial, one can see an outline that are  
25   specific and only specifically related to the resort and the

1 hotel accessory uses, including retail sales and services,  
2 personal services, recreation facilities, detached residential  
3 units, weddings and other events that would be part of this.  
4 Amusement such as, you know, certain activities would be  
5 within enclosed areas. Bars, cocktail lounge, nightclubs,  
6 health clubs, you know, restaurants, and so this  
7 establishments that are related to this resort. Proposed  
8 development standards for C-3 zoning as are shown, showing the  
9 base zoning and the updated standards. Open space development  
10 standards, we're trying to ensure that 35 percent of this  
11 whole area would be remained open, preserved and protected  
12 from any kind of alteration that would also include no  
13 development on 15 percent and greater slopes, riparian areas  
14 that would be protected, rocky outcrop and dense vegetation,  
15 which is part of this natural beauty and environment that this  
16 mountain area has to offer. Some pictures along north.  
17 South. East into the into the property. And west. Some  
18 items for the Commission consideration. The total area, as  
19 mentioned, is 124.86 acres, currently designated as Major Open  
20 Space in the Pinal County Comprehensive Plan. This Major Open  
21 Space basically is used for recreational areas, and although  
22 it is asking for commercial land use request, the intent still  
23 remains the same. The commercial land use request is for  
24 activities related to these passive recreation activities,  
25 trails, wildlife corridors and, you know, recreation amenities

1 that are a part of the eco-resort. The uses actually aligns  
2 with the vision to be used for passive activities under the  
3 Open Space designation per Comprehensive Plan, and it does  
4 meet the vision, although it is asking for a commercial rezone  
5 to include the restaurant and the resort aspects of economic  
6 development. So to continue with some of the items, the  
7 current zone is CB-1, Manufactured Home and General Rural.  
8 This is, as I said, mentioned, happened in 1977. And if this  
9 case is not approved, the applicant still has the option to  
10 kind of develop that under the CB-1 zoning, MH zoning and GR  
11 zoning, which does open that to a much denser development than  
12 what is being requested at this point under the eco-resort.  
13 The density is capped right now, which is 0.41 dwelling units  
14 per acre has been requested, a total of 51 dwelling units,  
15 which includes the eco - the residences and the single room  
16 residences, dwelling units. It curtails the opportunity for  
17 intense development and aligns with the intent for land use  
18 for minimum development on the pristine areas for Superstition  
19 Mountains. The PAD overlay restricts the uses to resort-  
20 associated recreational activities, and extensive stipulations  
21 have been added. There were approximately 43 stipulations  
22 that the County has added for these cases. A large outreach  
23 was - agencies were also, you know, shared this application.  
24 AZ Game and Fish, the State Land, the SALT - Superstition Area  
25 Land Trust - Department of Agriculture for all kinds of

1 vegetation, invasive, you know, species for the trees and the  
2 vegetation. Air Quality shared stipulations. All of them  
3 have been added, and their inputs have been added in and kind  
4 of, they have been translated into the stipulations for this  
5 case. Some of the public responses that we received, there  
6 were 30 letters received in opposition to in favor. The  
7 concerns were that of the gun range, the helicopter facility,  
8 which were earlier there as Phase 1, or I would say Sub 1,  
9 when the applicant submitted, however, they were removed in  
10 the final submittal that the applicant has updated. A noise  
11 pollution in the wilderness was again related to the gun range  
12 and the helicopter right, and the facility that was intended  
13 earlier. The other - the concerns have been largely the  
14 traffic volumes with a new resort that would be added due to  
15 amphitheater, wedding venue and other event spaces as part of  
16 the project. The Gold Canyon community has consideration of  
17 the dark sky community requirements, they had concerns with  
18 those. They were also concerns with illegal camping and trash  
19 issues, natural environment and ecology at risk, solitude and  
20 calm environment at risk. The resort would be accessible only  
21 to people who can afford, and it kind of excludes the locals.  
22 These were some of the concerns that were shared, and of  
23 course the disappearance of the desert environment. Some  
24 letters in support that we received were two, and a couple of  
25 phone calls. Some of the aspects, as I said, positive

1 features of the site plan was clustering of the units that  
2 reduces areas of development, and you know, encroaching on  
3 natural areas, and for access, utilities and everything. So  
4 that clustering has helped. Ecotourism is environmentally  
5 friendly and less harmful as the applicant is ready to follow  
6 all the stipulations and concerns that have been raised, and  
7 also additional amenities that are available to people that  
8 are currently lacking. So staff recommends approval with 43  
9 stipulations as part of the staff report. I'm open for any  
10 questions at this point. We also have a presentation from the  
11 applicant. The applicant, along with the owners are here for  
12 any details that the Commission may want to know about.

13 RIGGINS: Commission Members, any questions from  
14 staff on the presentation for this case? Anyone? There none  
15 being, we'll go ahead and let the applicant come up and get  
16 started.

17 GALVIN: Good morning Mr. Chairman, Members of the  
18 Commission. I'm Tom Galvin, partner at Rose Law Group. I'm  
19 actually a colleague of Jordan Rose, who unfortunately cannot  
20 be here today, she's accompanying her son to look at colleges,  
21 but she wanted to express her complete honor to be  
22 representing on this case. In fact, I am joined here today by  
23 the Backus and Doyle families, I'm also honored to be  
24 representing them. I'd also like to thank staff for not only  
25 for the presentation they gave this morning, but for the hard



1 work and diligence they've been doing throughout this project.  
2 As you can see, there's considerable amount of attention that  
3 was provided here. However, I do want to point out a couple  
4 of things that were mentioned in the project - I'm sorry, in  
5 staff's application that I just want to point out have been  
6 changed in the application you are hearing today. But this  
7 case really is about two major things. There are some details  
8 that I need to address, but I also want to talk to you about  
9 the larger picture. However, this case is a rare situation  
10 where we have a downzoning, reducing density, and the small  
11 details that I want to point out to you is that after  
12 reviewing the opposition letters, I just want to mention some  
13 of the things that people might have been confused about. We  
14 are allowing the current use to continue if this project is  
15 approved, however, there will be no gun range, there will be  
16 no amphitheater. And I think that really ameliorates and  
17 addresses a lot of the objections that you saw in one of the  
18 slides here this morning. This is also going to be a closed  
19 door resort, so no members of the public will be able to enter  
20 the facility, only the guests that have reserved ahead of  
21 time. Guests only. This proposal incorporates feedback from  
22 the neighbors. These are from people who live in the  
23 community, and as you can see, we listen to the community.  
24 Also, regarding the helicopters, the Doyles were proactive,  
25 and they actually rented a helicopter and they flew the best

1 possible route to personally assure the best way that the  
2 helicopter trips could be taken. Now, I want to talk about  
3 the larger picture about this project and why it's so  
4 exciting. First of all, the Backus family and the Doyle  
5 family have been good stewards of the land. As you saw here  
6 today, they've owned the land for nearly 50 years. They know  
7 the land better than anyone. And as you can see, there's been  
8 cattle ranching here since the 1850s and that still continues,  
9 and that will still continue if this project is approved. But  
10 not only is the Backus family and the Doyle family responsible  
11 and good stewards of the land, but we're asking today the  
12 County to be partners in that, and for the County to undertake  
13 what I consider to be responsible land management. And that  
14 is a downzoning of this project instead of homes at one acre  
15 per lot, you saw here today the proposal is 0.41 acres -  
16 dwelling units per acre. So this is about the County  
17 protecting a beautiful piece of property. As you saw in the  
18 photos today, it's just a gorgeous piece of land. And the  
19 other thing is that this project was zoned in its current  
20 zoning before the Backus and Doyle families purchased the  
21 property. However, as we all know, Pinal County has greatly  
22 changed and expanded and exploded in the last 50 years, so  
23 what might have been appropriate zoning at the time or  
24 contemplation of what might be going there today, I think no  
25 one knows the property better and what's best for the property

1    than the family that sits behind me. I also want to point out  
2    that zoning currently allows you can build more than 100  
3    homes. You can include a mobile home park. You can include a  
4    bar and a restaurant and a gas station. And the alternative  
5    we see here today, the beautiful alternative, would be a lot  
6    less impactful than that on the land. This proposal, I  
7    believe, is an improvement to ensure the beauty of this  
8    gorgeous property, and I think that is the main priority here,  
9    is to ensure the property to be enjoyed by many people for  
10   decades and years to come. Also, I want to specifically talk  
11   about the Doyle and Backus families. I'm really proud to be  
12   standing here with them, they're sitting directly behind me.  
13   They care passionately about this project and about this  
14   property, and I think it's really an honor and really a gift  
15   from them that people will be able to enjoy the property the  
16   way that the Doyle and Backus family see fit. It allows this  
17   family to do what they have been doing for the last 4 years.  
18   They have already been hosting events here through temporary  
19   use permits, and there have been no complaints. People have  
20   been able to enjoy the property and it's been absolutely  
21   fantastic, and they want to continue that on a permanent  
22   basis. So therefore, under this proposal, a PAD overlay would  
23   provide a protection that would prohibit other uses than is  
24   what is currently happening today. And I believe that guests  
25   will recognize the natural landscape and that the environment

1 is the appeal, and that is why they're coming here to visit  
2 this property. And if you don't mind, Mr. Chairman, if you  
3 would like me to do so, I can do our presentation, which would  
4 only take a few minutes, but if you don't need it, I  
5 understand as well.

6 RIGGINS: I believe this is a pretty important case  
7 to the County, and I'm sure there's some people in the  
8 audience that would like to hear it.

9 GALVIN: Fantastic. Okay.

10 RIGGINS: So I believe you need to go ahead and do  
11 what you think is necessary.

12 GALVIN: Perfect. Yes sir. Okay, so if we can go  
13 to the next slide, please. And as I said, Amy and Mike Doyle  
14 have had this property in their family for generations. As  
15 you heard earlier, they purchased this project in 1977. And  
16 not only are they here today, but there's several other  
17 prominent members of the community who would love to speak in  
18 support of this project. Look at that beautiful vista right  
19 there. Next slide please. Thank you. Let's see if I get  
20 this right. Here we go. Chuck and Judy Backus, who are Amy  
21 Doyle's parents, originally bought the land and set the family  
22 on a path for conservation, which has led to us today. The  
23 family wants to share what is perhaps the most beautiful part  
24 of Arizona with a small group of travelers from across the  
25 world. Working with the highest end of luxury resort

1 operators to preserve the natural desert and insert very high  
2 end tents to allow for a luxury experience in the heart of the  
3 Superstition Mountains. And these are photos to show how they  
4 would be celebrating our beautiful desert. The goal is to  
5 become the best small eco-friendly resort in the world. As  
6 you can see, this is a very respectful, low impact development  
7 here on the property. I want to thank you, Mr. Chairman, for  
8 allowing us to show that presentation, but I want to  
9 underscore the main point of this proposal here today. This  
10 is a downzoning case. We rarely see these types of  
11 applications. What we're going to see here is that the  
12 density is being reduced from a very, I would call very hard,  
13 impactful current zoning, which unfortunately I don't think  
14 anyone here would want that to occur if it could. So I  
15 implore you and request of you to recommend approval for this  
16 project. Thank you. Oh, we're not going to show the video,  
17 but thank you.

18 RIGGINS: Okay, thank you very much. Commissioners,  
19 questions for the applicant? Commissioner Hartman.

20 HARTMAN: Thank you Chairman. How high up again  
21 would your tents go or your building?

22 GALVIN: I'm going to ask Ms. Backus or Ms. Doyle  
23 for the detail. You talk about feet or how many stories?

24 HARTMAN: The slope, I believe. Sangeeta, you  
25 mentioned the slope. Is it 15 percent or what is it?

1 DEOKAR: Cannot exceed 15 percent.

2 HARTMAN: Cannot exceed.

3 DEOKAR: (Inaudible) in those areas. (Inaudible).

4 RIGGINS: So everything complies with Pinal County's  
5 hillside requirements.

6 GALVIN: Yes.

7 HARTMAN: That's what I was wondering. Good, thank  
8 you.

9 RIGGINS: Okay, anyone else? Commissioner Mennenga.  
10 Vice Chair Mennenga, pardon me.

11 MENNENGA: I just want to say that I'm pretty  
12 thrilled we're not putting 60 foot lots on a pristine piece of  
13 property in Apache Junction.

14 GALVIN: Me too. Absolutely.

15 MENNENGA: That's part of my business, but still, I  
16 mean a couple of these I've looked at are just incredibly  
17 beautiful pieces of property and, oh, great location. These  
18 resorts like this, I mean they're just beautiful. One opened  
19 in Sedona, and I know there's some other stuff coming.

20 GALVIN: Absolutely.

21 MENNENGA: (Inaudible).

22 GALVIN: Thank you.

23 SCHNEPF: Commissioner Riggins.

24 RIGGINS: Commissioner Schnepf.

25 SCHNEPF: So I just want clarification, because we

1 heard something from staff, and then we're hearing some from  
2 you on the no gun range, no amphitheater, but the helicopter  
3 PAD is still something you are looking into.

4 GALVIN: I don't - yes, yes. But the design of the  
5 location and the travel route of the helicopters will be as  
6 least impactful as possible. It will not go over any  
7 residential, it's going to go over driven roads.

8 SCHNEPF: Okay.

9 GALVIN: Yep.

10 SCHNEPF: And your tents, are they - is this year-  
11 round business?

12 GALVIN: Yes, these are going to be permanent  
13 structures year round. Correct.

14 SCHNEPF: And they will have HVAC?

15 GALVIN: I'm sorry?

16 SCHNEPF: HVAC, air conditioning?

17 GALVIN: Yes.

18 SCHNEPF: Heating and stuff like that. Okay. Thank  
19 you.

20 GALVIN: Thank you.

21 RIGGINS: Any other Commissioners, questions? I  
22 have a couple.

23 GALVIN: Okay.

24 RIGGINS: First one is, there are numerous exhibits  
25 here that purport to show a conceptual site plan, but there is

1 - in my packet there is no conceptual site plan. Is there not  
2 a conceptual site plan?

3 GALVIN: We have a conceptual site plan.

4 RIGGINS: But is it part of the packet? Well, I  
5 don't have it. Because I have - and I'll tell you exactly  
6 where my concern comes from. Stipulation 9 puts the site plan  
7 absolutely approval at the Board of Supervisors. Okay, so  
8 this conceptual site plan is part of this case.

9 DEOKAR Yes, it is part of this case, however it -

10 BILLINGSLEY: Sangeeta, please use the microphone,  
11 sit down and use the microphone so we can hear you.

12 RIGGINS: And let me just, let me help you with that  
13 before you state it. Provided this is the conceptual site  
14 plan, it's part of the case. If it's somewhat altered by the  
15 Board of Supervisors, that's altogether possible. But at  
16 least we have a blueprint that we're going forward with from  
17 the Commission.

18 DEOKAR: Yes, this is a draft, the first draft.  
19 Further detailed survey would be required to put those  
20 structures. They could be changing in terms of location based  
21 on slopes, other analysis, and one can see that the riparian  
22 area and it's extends with inputs from different departments,  
23 it would - it's just, it's just conceptual. At this stage, we  
24 are requesting a rezone and a PAD overlay to ensure that the  
25 uses do not change as what have been recommended in the



1 packet. So it is - it goes to a site plan process once this  
2 entitlement is done.

3 RIGGINS: And I understand that 100 percent. And  
4 there are many stipulations that were forwarded obviously by  
5 many different agencies with their own concerns, and obviously  
6 the different parties and the Board of Supervisors can reflect  
7 upon the site plan and make changes. However, a wholesale  
8 total change of this cannot happen. There can be many  
9 detailed changes that can happen, but this is being put in as  
10 part of this case as the conceptual site plan.

11 DEOKAR: That's correct.

12 RIGGINS: So that allows stipulation number 9 to be  
13 acceptable. Without a conceptual site plan, it's not. And do  
14 you concur with that?

15 GALVIN: Yes, Mr. Chairman. Good point, thank you.

16 RIGGINS: I have dug around in the paperwork I have,  
17 but I don't seem to be able to find it anyplace, but in some  
18 inputs that came from public, there was a mention that  
19 somewhere in this case there is the ability that at some  
20 indeterminate time in the future, this entire thing could be  
21 changed back to a one housing unit per acre using a strictly  
22 administrative process. Is that in this case?

23 DEOKAR: There is a mention in the PAD document  
24 which is stating that up to one dwelling unit.

25 RIGGINS: We have a zoning case here.

1           GALVIN: Mr. Chairman, I think - are you asking  
2 about whether or not there'll be a reversion of the zoning if  
3 this is approved?

4           RIGGINS: And again, I could not find it in the  
5 documents, okay? But there is a comment here that within this  
6 application - and I didn't find it - but within this  
7 application, I'll read it directly. The applicant at some  
8 time in the future would be able to increase the density up to  
9 one housing unit per acre as a strictly administrative  
10 process.

11          GALVIN: I believe you do have, the new zoning would  
12 require up to one dwelling unit per acre, correct? But it  
13 won't be - that is not contemplated in the plan here at all,  
14 whatsoever.

15          RIGGINS: Well that isn't our question. The  
16 question is, is that - let me go to our Community Development  
17 Director.

18          BILLINGSLEY: So, the best way to explain this is  
19 when we were first presented with this case, there's nothing  
20 in our code that speaks to building an eco-friendly resort,  
21 and just simply doesn't speak to it. This case is very much a  
22 special case on a number of levels. And some of the initial  
23 conversations were to just do a hard zoning case with no plan,  
24 with no site plan, etc., so that you would have a hard zoning  
25 in place and therefore the folks who own the property could

1 market it and get it out there in front of folks. Because  
2 it's eco-friendly and because they're desiring a lot of  
3 flexibility in terms of the types of projects that could be  
4 built in this area, as well as the multitude of different  
5 developers that are - and/or hotel companies that they've  
6 talked to and have shown interest, there was an emphasis to  
7 provide as much flexibility as possible to entertain those  
8 negotiations to be able to move forward with a quality  
9 development. On the other side, there was a staff concern  
10 about wanting to have a site plan, specificity in terms of a  
11 number of units, specificity in terms of density, specificity  
12 in terms of preservation of native landscape and truly making  
13 it eco-friendly. So we found a balance. I'm sure that many  
14 of you, as you look through the packet, the application and  
15 ultimately the approval document or recommended motion, there  
16 are a whole lot of stipulations on this case. It was probably  
17 a shock to you when you looked at it. You look at it and you  
18 say 43 stipulations, what the heck's going on? 43  
19 stipulations represents a meet in the middle between the staff  
20 and the applicant to try and satisfy both parties. As it  
21 stands now, the GR zoning, that residential portion, would  
22 allow one dwelling unit for every 1.25 acres. What they're  
23 proposing is an eco-resort. In terms of reversionary zoning,  
24 that's not something that the County does, nor have we  
25 discussed having provisions in this to revert back to GR,

1 Commercial and Mobile Home going forward. I hope that all,  
2 that makes sense.

3 RIGGINS: Well yes, it makes sense. In the  
4 situation of giving it it's zoning, it takes it to one place  
5 where it can do certain things. Putting the PAD over the top  
6 of it totally changes all that. Do they have the ability to  
7 revert back out of their PAD with simply an administrative  
8 process?

9 BILLINGSLEY: We don't do reversionary zoning. So  
10 no, we would stick to the stipulations and the approval of the  
11 zoning case and then the PAD overlay over the top of that,  
12 which restricts uses.

13 RIGGINS: Is the applicant aware of anything along  
14 these lines?

15 GALVIN: No Mr. Chairman, but I completely agree  
16 with staff's assessment, and this is the - the conceptual site  
17 plan you see here, the plan that was proposed by the  
18 applicant, this is what they want, with the full understanding  
19 that a PAD overlay provides these certain restrictions, which  
20 we believe provides the County assurances that this is how the  
21 project's going to look.

22 RIGGINS: And that all looks very well, I just - I  
23 have - and the only reason I brought up the conceptual site  
24 plan is because I just didn't have it where I could see it.

25 GALVIN: Right.

1           RIGGINS: But since this is here, things conform,  
2 and this is an assertion by an outside party that this exists,  
3 I couldn't find it, but that would be something that would, if  
4 it was true, would be definitely a problem with this case.  
5 Maybe when the public gets up to speak, if somebody has some  
6 knowledge of this, they'll bring it up.

7           GALVIN: The way I view it, Mr. Chairman, is the  
8 same way that staff has just expressed it, and it doesn't  
9 change our outlook or our position.

10          RIGGINS: Okay. Well I, I couldn't find it myself,  
11 but then I couldn't find the conceptual site plan either.

12          GALVIN: (Inaudible) no there, there, so thank you.

13          RIGGINS: Okay. Any other questions, Commissioners,  
14 before we bring the public portion of the case up? None at  
15 all, thank you very much.

16          GALVIN: Thank you all.

17          RIGGINS: At this time, we'll go ahead and open up  
18 the public participation portion of this case and ask anybody,  
19 whomever, that wishes to come up and speak to it. I would ask  
20 to see a show of hands who all intends to speak. Okay, not  
21 problem at all. All right, whoever would like to come up  
22 first, and remember, we need to get your name and address on  
23 the ledger, and if you can give that to us verbally before you  
24 begin.

25          ANTONIO: Hi, my name is Chuck Antonio, I live at

1 10211 East Rugged Mountain Drive in Gold Canyon. And I've  
2 already written that information down here. And I appreciate  
3 the opportunity to talk with you, and I do respect the owners.  
4 There are some - if you have a 4 to 5 star resort, you're  
5 going to have a staff to customer ratio of 1 to 1 or 2 to 1,  
6 depending on how things are handled. So if you have 100  
7 guests, you're going to have 100 to 200 staff supporting the  
8 guests. And on this particular application, you would have  
9 management, desk, kitchen, bartenders, waiters, waitresses,  
10 laundry, room cleaning, bus drivers, landscape maintenance,  
11 vehicle maintenance, building maintenance, so a lot of people.  
12 These people are going to drive back and forth to the resort,  
13 they're not going to bus, like we've been led to believe that  
14 the customers are going to be bused in or flown in by  
15 helicopter. This is going to put quite a bit of extra work or  
16 traffic on Peralta Road. This already has a problem. In  
17 addition to the staff, we're talking about additional staff  
18 too, for a spa and for other applications. Trash pickup,  
19 recycle pickup, water trucks, possibly, I don't know how the  
20 water's going to be handled. Food delivery trucks,  
21 inspectors. So a much greater impact on Peralta Road and the  
22 people living near Peralta Road, and the people driving to the  
23 trailheads to experience the Superstition Wilderness. Other  
24 traffic possible associated with it also. So that's a huge  
25 impact, and not only is it an impact on the road itself, but

1 it's an impact on the noise level. You saw some of the  
2 complaints or some of the concerns that the residents have  
3 that not just live in the area, but also the Pinal County  
4 residents that use Peralta Trails for recreation, and also  
5 just to get away from the city. So basically you're putting a  
6 little city right next to some trailheads and the wilderness.  
7 And even though there are some - I understand that there's  
8 some building requirements to keep the building low, the  
9 property is in a basin. There are several streams that leave  
10 the Superstition Mountains and enter into Barkley Basin and  
11 the surrounding area, and that's a much lower area. It  
12 doesn't take much of a hike to get above that area, which now  
13 you're looking down into the resort area. So that creates a  
14 visual pollution. So we're really concerned about the noise  
15 pollution, and the noise pollution would come from increased  
16 traffic. Just if you hike in the Superstition Wilderness - I  
17 lead hikes and I spend a lot of time there - I can hear people  
18 talking to each other two valleys away because noise really  
19 travels a long way in the open, mountainous area. So where  
20 this is located is going to produce noise that we're going to  
21 be able to hear on all the trails that leave from Peralta  
22 Road. The - plus helicopters coming in, the typical traffic  
23 and the typical noise you hear in a city like the garbage  
24 trucks and stuff like that. Also, there's concern about light  
25 pollution. Pinal County has a light pollution ordinance, what

1 kind of light pollution are we going to have from this resort,  
2 especially for people hiking at night and people camping and  
3 backpacking in the area. And it is a visual pollution also.  
4 People come there for solitude, they come there to get away.  
5 They don't want to see another city that they're leaving to  
6 try to get away from. So this would be a concern for a visual  
7 pollution, with the power lines and the helicopters and the  
8 buildings and everything else. So basically it's, even though  
9 it's called eco-friendly, I understand that and it's a good  
10 idea, but when you have these pollution problems, it's really  
11 not being eco-friendly to the users that have been coming  
12 there for years and years. So I think some of the people that  
13 you probably heard from were concerned about the domino  
14 effect. So we got a regional park, and now we have an eco-  
15 resort, and it's just a floodgate opens and now we have more  
16 and more requests for rezoning and for building more, and  
17 pretty soon we have a Peralta Road that's lined with  
18 businesses and with homes. So it's one of the few places that  
19 Pinal County residents can go to get away from the city. We  
20 don't need to be building a small city in the midst of that  
21 area. Thank you.

22 RIGGINS: Thank you. Commission - before you step  
23 down, Commission Members, any questions of the speaker? None  
24 being, thank you very much.

25 WARDLE: Hello, my name is Christopher Wardle, I



1 live at 10769 East Lazy Doc Court in Gold Canyon, which is in  
2 Peralta Trails, which is at the base of the Superstition  
3 Wilderness, and not far from the ranch. I have signed in  
4 already.

5 RIGGINS: Thank you.

6 WARDLE: I won't disagree that the applicants are  
7 good stewards of the land. I walk past the ranch often, and  
8 just was the other day on the Coffee Flat Trail, which they  
9 maintain a section of, I believe. And I appreciate their  
10 listening to the voice of the community and removing the  
11 amphitheater and the gun range, which would disturb the  
12 wilderness in many ways. However, this persistence of leaving  
13 the helicopters, I think is an issue. In addition to the  
14 other issues, the thin edge of the ledge or the domino effect  
15 which Chuck brought up, which is a big problem. But specific  
16 to this is helicopter traffic, that would change the community  
17 dramatically. And I've heard that the applicant's agents say  
18 that they explored the optimal route for the helicopters, but  
19 nonetheless, these things could change. And the amount of  
20 traffic can change, as with all the traffic associated with  
21 this as the use of the facility increases. I think it's a bad  
22 idea to allow air traffic in there, that's really a fixed base  
23 of operations is building an airport right there at the base  
24 of the Superstition Wilderness. I don't think that's a good  
25 idea at all. If that could be removed and some stipulation

1 applied that the other things that are removed couldn't be  
2 added in later. So I know that was brought up. I think you  
3 brought up, Chairman, that can they - can it revert. So  
4 they've said they'll remove the gun range, they said they'll  
5 remove the amphitheater, can these be added back in at some  
6 point if they deem that it's necessary? Helicopter traffic,  
7 if they do agree to remove it, I think should also be added as  
8 a stipulation so that it couldn't be added back in. Thank you  
9 for hearing me.

10 RIGGINS: Thank you very much, sir. Commissioners,  
11 any questions of the speaker? Thank you sir. Our next  
12 speaker, please. Thank you.

13 BUTLER: Good morning Chairman Riggins, Vice Chair  
14 Mennenga, Members of the Commission. Thank you for the  
15 opportunity to speak. My name is Elizabeth Butler, I live at  
16 931 North Hilton Road in Apache Junction, and I have signed  
17 in. I know that this development is proposed to be eco-  
18 friendly, but - that sounds fabulous, but what does it mean?  
19 So I did a little investigation, and according to The  
20 International Ecotourism Society, ecotourism is a combination  
21 of responsible travel to natural areas that conserves the  
22 environment, sustains the wellbeing of the local people, and  
23 involves interpretation and education, and the education is  
24 meant to be inclusive of both the staff and the guests. So  
25 it's about uniting conservation with communities and

1 sustainable travel. This means that those who implement it  
2 are -it's suggested that they adopt some of the following  
3 ecotourism principles. They build environmental and cultural  
4 awareness and respect. They provide positive experiences for  
5 both the guests and the hosts. They provide direct financial  
6 benefit for conservation. They generate financial benefits  
7 for the local people and the private industry. They design,  
8 construct and operate low impact facilities, and they  
9 recognize the rights and spiritual beliefs of the indigenous  
10 people of their community and work in partnership with them to  
11 create empowerment. So it's a lot of emphasis on the culture,  
12 not just the environment. And there are apparently some  
13 entities that have decided to certify ecotourism, and they  
14 emphasize the three Cs - or excuse me, 4 Cs - of conservation,  
15 community, culture and commerce. So it sounds like a great  
16 idea when the property really meets those standards. What I  
17 heard during the two presentations were that the owner and  
18 applicant is primarily focused on preserving the open space.  
19 I failed to hear anything about sustaining the wellbeing of  
20 the local people, or offering interpretation and education to  
21 the guests or the staff, or respect for or involvement of the  
22 indigenous people of our area. Commercial zoning would allow  
23 for many activities that are antithetical to sustainability  
24 and the 4 Cs of ecotourism. I expect that there's a way for  
25 the landowner to offer real ecotourism without commercial

1 zoning. I urge the Commission to recommend denial of the  
2 request for the commercial zoning, and to recommend that the  
3 applicant work with community development to see if they can't  
4 find another zoning that would allow real ecotourism to occur  
5 on the property. Thank you.

6 RIGGINS: Thank you very much. Commission Members,  
7 any questions of the speaker? None being, thank you. Our  
8 next speaker, please. Good, that's a good. That's good,  
9 don't forget that.

10 GRADY: Hello Mr. Chairman, Commission, my name is  
11 Kim Grady, I have signed in. I live at 3956 North Sunset  
12 Road, in unincorporated Pinal County. Elizabeth didn't  
13 mention that she is a former Commissioner for Open Space and  
14 Trails, as am I, so this is why I have an interest in this  
15 project. Elizabeth and I both had a lot to do with the  
16 Peralta Regional Park, which is very, very special to all of  
17 us, and I believe that park reflects what we want to have  
18 happen in that area. So I watched the video describing the  
19 plan for this eco-resort. It was made to appear as though it  
20 was rustic and keeping with the surroundings where it's going  
21 to be located. However, the commercial zoning is incompatible  
22 with how the public views land use in that area. And it  
23 sounded like you guys already know about this, but this is the  
24 Open Space and Trails Master Plan, and it sounded a lot like -  
25 the development plan sounded a lot like Peralta Regional Park,

1 so I'm pretty sure you know about that and you have probably  
2 incorporated a lot of things into that, I'm pretty sure. The  
3 plan has been in place since 2001, and is part of Pinal  
4 County's Comprehensive Plan. In the plan, 7 regional parks  
5 are laid out. The first park, Peralta Regional, which I know  
6 Quarter Circle U was very instrumental in making that park  
7 happen and we really appreciated that. Anyway, the master  
8 plan has the public's views, issues and needs regarding any  
9 development in Pinal County. Sustainable land use and  
10 preservation of natural resources are paramount in that master  
11 plan. There is also some - one of the goals in the master  
12 plan, goal number 4, lays out how PADs should be approached,  
13 and I think that you guys are looking at that, or you have  
14 looked at that. It's very important that PADs be nonrevocable  
15 and that they be sensitive to the surrounding area. That's  
16 very important. I believe if zoned commercial, the increased  
17 use in traffic to the area will threaten the suitable habitat  
18 in the area, increase potential for invasive plant species  
19 taking hold of the area, and will negatively affect water  
20 sources. The fact that this location is considered historical  
21 compounds these issues and the need for preservation. You can  
22 argue that economic development is a good tradeoff, but  
23 there's got to be a better way. We got to find a better way.  
24 In the domino effect that Chuck mentioned, I agree with that.  
25 I think the development pressures within Pinal County are

1 increasing at a rapid rate, and the pressure to develop  
2 unincorporated lands within Pinal County are intense. We saw  
3 a 41 percent growth rate in recent years. That's phenomenal.  
4 So I fear that domino effect, and what is to stop the rest of  
5 that land surrounding this site to be zoned the same? I don't  
6 think there's anything, it's going to - it's just going to  
7 keep going. This opens the door for unwanted foreign land  
8 purchases and even more development. So with that, my husband  
9 and I agree, we'd love to see a gun range and a bar, but maybe  
10 not in this area, and so that's why I oppose this action.

11 RIGGINS: Thank you very much. Commission - before  
12 you step down, probably there won't be any, but Commissioners,  
13 any questions of the speaker?

14 GRADY: I'm a Commissioner, too - was.

15 RIGGINS: There none being, thank you very much.

16 GRADY: All right.

17 RIGGINS: Anyone else to come up, any other speakers  
18 to come to speak to this case?

19 CHRIST: Good morning Mr. Chairman, Vice Chairman,  
20 Members of the Commission, my name's Harold Christ. I live at  
21 525 East Butte in Florence, Arizona. So right across the  
22 street from you here, not too far. But thank you for -

23 RIGGINS: Have you signed in?

24 CHRIST: I have, yes sir.

25 RIGGINS: Thank you.

1 CHRIST: Yes sir. I'm the original developer of  
2 Gold Canyon Ranch, and I faced a lot of the same questions and  
3 issues and so forth that I'm hearing here this morning as we  
4 began to do that back in the 70s. So when you talk about 50  
5 years, I know Scott as long as I've known you. You probably  
6 didn't have as much hair then either, neither did I.

7 RIGGINS: (Inaudible).

8 CHRIST: It does. It keeps going. But as we've  
9 seen that whole Superstition area develop, it is a special  
10 place. It's something that Mr. Backus and his wife and I had  
11 a lot of great times talking about how things could be done,  
12 how things could be preserved. What is this going to become?  
13 What's going to happen to this area? And with the amount of  
14 State Land, federal land, BLM Land, there's just a - there's a  
15 limited amount of this type of land where certain things can  
16 happen. And the area of Gold Canyon happened to be one of  
17 those. We - Sandy Smith, which most - a lot of you know - and  
18 I worked a long time on things like the bypass to get around  
19 all the traffic that goes up and down 60 and whatnot. But we  
20 also worked on getting trails going back into this particular  
21 area. We donated land whatnot back in the day to be able to  
22 do that, so that people could have access back and forth into  
23 these very, very beautiful areas. The Backuses in my time of  
24 knowing them, Chuck was the original provost of Arizona  
25 State's campus at the Polytech after Williams Air Force Base

1 was closed. His delight in being able to leave that campus  
2 and all that was going on there, and to go into taking care of  
3 his cattle and taking care of the land so forth, was always a  
4 lot of fun to go and watch and see what he was doing to  
5 preserve that and how he did it. And I think you'll find  
6 people with integrity, the Doyles as I've gotten to know them  
7 over the years as well, people with strong, strong integrity.  
8 If people will give them a chance to put things together in  
9 the right way, things of taking away the gun range and the  
10 different things that you've talked about, will lead to  
11 bringing quality development into that area. I'm not sure  
12 that you'll see a whole lot more happening there, maybe you  
13 will, maybe you won't. I remember when that little area that  
14 they're talking about that has the filling station and the  
15 general store was put in there back in the 70s, and at that  
16 time I said, gee, this is never going to happen. And it  
17 didn't. But it still remains a kind of an outpost in that  
18 area. So I hope that you all will take a strong look at this,  
19 that you'll be mindful of what preserving this area is really  
20 all about, and not be taken in by what may happen because you  
21 all are in control of what is going to happen in this County.  
22 You've got a wonderful staff, there's able to control these  
23 things and work on these things, and bring you some sage  
24 advice on how to do it. So thank you for your time, thank you  
25 for all that you do for the County. And if you have any



1 questions, I'd be glad to answer them for you.

2 RIGGINS: Thank you much. Commissioners, any  
3 questions of the speaker? Thank you.

4 CHRIST: Thank you.

5 RIGGINS: Any other speakers? Anybody else to come  
6 up to speak to this case? Please. Now, you don't want to  
7 speak from the public?

8 GALVIN: No.

9 RIGGINS: Okay. Any - I haven't closed the public  
10 portion yet.

11 GALVIN: If I may Mr. Chairman, I just want to  
12 clarify a couple of items that came up during -

13 RIGGINS: Well, but I haven't closed the public  
14 participation portion yet.

15 GALVIN: Okay, okay. All right.

16 RIGGINS; Is there anybody else from the public that  
17 wishes to come up and speak? Anyone at all? There none  
18 being, we'll close the public participation portion of this  
19 case, and we will ask the applicant to come back up, if he has  
20 any other things to say.

21 GALVIN: Chairman, thank you. Look how quickly it  
22 came up. Mr. Chairman, I just want to address a couple of  
23 items that came up, while I came up here earlier. One,  
24 regarding the helicopters. I just want to clarify a key item  
25 here. The applicant plans to dedicate a portion of the

1 property, a 40 by 40 pad to the sheriff's office for a use of  
2 a helicopter PAD , and then they will work out an agreement  
3 with the sheriff's office regarding helicopters. Regarding  
4 the complaints or concerns brought up regarding traffic, the  
5 applicant plans to carefully plan out when employees will be  
6 coming onto the site, and deliveries coming onto the site, so  
7 they're going to implement traffic numbers, traffic studies,  
8 traffic statistics, what have you, to make sure that it's  
9 least impactful. Of course that would also be beneficial for  
10 the guests as well. And I also want to point out that as you  
11 saw in the record, in our application, we have been working  
12 with environmental agencies, quite a few in fact, and this  
13 application today does involve a private property. This  
14 involves private property rights. However, the Backus and the  
15 Doyle families have been responsible good stewards of the land  
16 for the last 50 years. As you heard Mr. Christ what he said  
17 in his very poignant remarks regarding what he has seen over  
18 the property of the last 50 years, there's no one who knows  
19 this land better than them. And then any issues revolving  
20 around lighting, noise, those are all going to be in  
21 compliance. And of course, once again, you don't want to have  
22 anything that would violate the dark sky ordinance when the  
23 whole attraction for guests to come is to enjoy the beautiful  
24 Arizona sky. Thank you.

25 RIGGINS: Thank you. Commissioners, any question?

1 Please don't step down. Any Commissioners, any questions?

2 SCHNEPF: I do have one.

3 RIGGINS: Commissioner Schnepf.

4 SCHNEPF: On East Gold Rush Road, does that road end  
5 at Circle U Ranch, or does it continue to go on? (Inaudible)  
6 farther east.

7 GALVIN: It ends there.

8 SCHNEPF: It ends right there, okay, thank you.

9 GALVIN: Thank you.

10 RIGGINS: Other Commissioners. Oh Brent, please,  
11 the Planning Director.

12 BILLINGSLEY: Mr. Chairman, Members of the  
13 Commission, thank you for recognizing me. I just spent my  
14 time over here going through the whole packet. And Chairman,  
15 you asked me a question earlier, I think I have an answer for  
16 you. I think what the person that commented as to what was  
17 interpreted as the ability for the zoning to revert, I think I  
18 know where that came from. Specifically stipulation number  
19 34. If you can show the site plan. I'm asking staff if they  
20 can show the site plan. Under 34, as we said before, the  
21 reason that you do the planned area development overlay is to  
22 restrict uses consistent with what's being proposed on the  
23 property, and that's exactly what has happened in stipulation  
24 34. But if you look at the second - it's not really a bullet,  
25 but the second item under stipulation 34, it is detached

1 residential units. Those are proposed as part of the PAD and  
2 the attached site plan. If you can see that and you look at  
3 the north side, northwestern side of the site plan, they are  
4 showing several detached units in that area. That's not  
5 specific to developing one unit an acre for the site, it's  
6 specific to those units as laid out on the proposed site plan  
7 at the density calcs as provided by the applicant. So I think  
8 that clarifies that concern, hopefully.

9 RIGGINS: Okay, thank you. Yeah, I went through it  
10 quite diligently and I never - I didn't think of it in that  
11 aspect, but thank you very much for that. Any other questions  
12 of the applicant?

13 MOONEY: I have a -

14 RIGGINS: Commissioner Mooney.

15 MOONEY: So the gun range and the amphitheater, out.

16 GALVIN: Out.

17 MOONEY: Okay, then I think we need to address  
18 stipulation number 29, because it says any events taking place  
19 at the amphitheater location. So wouldn't we change, remove  
20 that and/or change it to state that they have agreed to remove  
21 the gun range and the amphitheater, and that would be one of  
22 the stipulations?

23 GALVIN: Yep, that corresponds with what we've been  
24 saying, so yes.

25 RIGGINS: And if you'll allow me. I believe, Brent,

1 that the gun range by not being in the list of uses in 34, is  
2 removed out of that. That's taken care of there.

3 BILLINGSLEY: Yes sir. It's merely a  
4 misunderstanding between what was initially submitted, versus  
5 what we have today.

6 RIGGINS: Right. But I don't see where the  
7 amphitheater has truly been removed from this.

8 BILLINGSLEY: That's correct. As a matter of fact,  
9 my ears kind of perked when Sangeeta was giving her  
10 presentation because the latest version that I reviewed had a  
11 amphitheater, so I was unaware it was being removed.

12 RIGGINS: Where should we acknowledge that it's out  
13 of the program? Obviously stipulation 29 can't stand.

14 BILLINGSLEY: Yeah. Obviously we need to remove  
15 stipulation 29, and perhaps we replace it that the  
16 amphitheater, as proposed, will be removed. How about that?  
17 If the applicant's fine with that.

18 GALVIN: Can you maybe just - this is just a  
19 question. Could you do a motion to strike number 29? Is that  
20 -

21 RIGGINS: It will be part of the motion to insert  
22 it. We'll strike it and replace it with what he just did.

23 BILLINGSLEY: We'll just do it as an amendment.  
24 Instead of what it says in 29 right now, we'll just change  
25 that to say the amphitheater as proposed will be removed.

1           RIGGINS: Yeah, it'll be an amended portion of the  
2 motion.

3           GALVIN: Right, thank you.

4           RIGGINS: Okay, that is those questions. Also, I do  
5 believe that the stipulations as I read them, have pretty  
6 specific restrictions on lighting. I believe that's two  
7 different sets of guidelines.

8           BILLINGSLEY: Mr. Chairman?

9           RIGGINS: Yes.

10          BILLINGSLEY: To that point, as part of our  
11 negotiations with the applicant, they have agreed to lighting  
12 zone 1, which is the most restrictive lighting zone - most  
13 restrictive lighting zone in the code.

14          RIGGINS: And they've also agreed to Arizona Game  
15 and Fish guidelines. So that is - yeah, that's pretty good.  
16 Okay I do have one question that isn't brought up here, but is  
17 there a proposal that for this development all water is going  
18 to be hauled?

19          GALVIN: I know there is going to be significant  
20 hauled water. There's some wells, I believe, or is it all -

21          ??: There's some wells that would be -

22          GALVIN: Some wells, but mostly hauled.

23          RIGGINS: Wells onsite?

24          ??: Correct, we already have them on the  
25 (inaudible).

1           GALVIN: Current wells. Current wells onsite.

2           RIGGINS: Okay, so the water is expected to be  
3 provided onsite. So you're going to have to get approval from  
4 Department of Water Resources to do that. So the only thing  
5 that you're - oh, it's a lease. That is true. Yeah, since  
6 it's a rental, so it isn't necessary. That's correct. That's  
7 correct. But the water is going to be sourced from property.  
8 So basically the hauling just eliminates a distribution  
9 system.

10          GALVIN: Mr. Doyle will answer.

11          RIGGINS: You'll need to go ahead and sign in.

12          DOYLE: Okay.

13          RIGGINS: Give us your name.

14          DOYLE: Sure. My name's Mike Doyle, part of the  
15 applicants, I guess, is the best way -

16          RIGGINS: And your address?

17          DOYLE: What's the address? Hard to believe it, but  
18 I never mail anything to myself.

19          RIGGINS: I understand. I understand.

20          DOYLE: 20765 East Gold Rush, Gold Canyon. Thank  
21 you. With respect to the water, I guess the best way to  
22 describe it right now is that it will be a work in progress  
23 for whoever the developer is. If it was to happen today, it  
24 would probably be hauled water. But some of the developers  
25 have other ways of getting things done, eco-friendly, working

1 maybe with EPCOR, so there are alternatives. But we don't -  
2 well I better just leave it at that for now. That's something  
3 that they're going to have to work out.

4 RIGGINS: And obviously there's - Brent, obviously  
5 there's no certificate of occupancy without valid potable  
6 water.

7 BILLINGSLEY: Mr. Chairman, Members of the  
8 Commission, there is no water service to the area, there's no  
9 sewer service to the area, there's no electrical service to  
10 the area. These are all challenges that staff's aware of,  
11 that the applicant's aware of, and I know there's a  
12 stipulation in here - I was actually looking to find it right  
13 now with respect to that, but that's something that we're  
14 going to work out at the site plan level, prior to  
15 development.

16 RIGGINS: Okay.

17 DOYLE: Can I add one more thing regarding the  
18 electricity side? Just so everybody knows.

19 RIGGINS: Certainly.

20 DOYLE: So when my father-in-law and my mother-in-  
21 law bought this ranch back in 1977, Dr. Backus has an  
22 expertise in solar, and it became the first entirely solar  
23 driven ranch in the world. And to this day, it's still a  
24 solar operation. I think the expectation on the electrical  
25 side is that it will be solar somehow, someday.



1 RIGGINS: Okay. Any - since you're up, any  
2 questions? Commissioners, any questions? Okay, very good.  
3 Thank you.

4 DOYLE: Thank you.

5 RIGGINS: Anything else?

6 GALVIN: No sir.

7 RIGGINS: Okay, very good.

8 GAVLIN: Thank you.

9 RIGGINS: Commission Members, any questions?

10 MOONEY: Chairman, I just wanted to point out.

11 RIGGINS: Commissioner Mooney.

12 MOONEY: I don't know if Brent found it, but it  
13 looks like number 15 - stipulation 15, Brent. Water generated  
14 on this site will be the responsibility of the owner to  
15 dispose or contract hauling services.

16 BILLINGSLEY Yeah, the portion that I found is  
17 currently there are no services on the site with respect to  
18 water, electricity and sewer. Water supply is planned to be  
19 hauled from offsite, stored in large water holding tanks,  
20 along with existing wells on the site. Sewer disposal will be  
21 designed with conventional septic systems for the resort unit.  
22 A plan for power on the resort through distributed system of  
23 solar arrays, as is stated in the PAD narrative, on covered  
24 parking lots beside resort buildings. All site-generated  
25 trash will be serviced by a private contract with Waste

1 Connections Arizona. While provision of these services is  
2 adequate to address staff comments, at this phase of the  
3 development staff notes a point of concern regarding the  
4 exclusive reliance on onsite utility services for a  
5 significant commercial endeavor. I'm just taking that right  
6 out of the staff report, but essentially what we agreed to as  
7 part of the project is to resolve all those issues to the  
8 satisfaction of the various state, federal and local  
9 requirements at the site plan level. It's more than who's  
10 providing water service, we also have to meet the  
11 International Fire Code for a commercial development in terms  
12 of sprinklering in certain cases. Obviously the state  
13 administrative code as it deals with waste disposal, and the  
14 National Electrical Code and the International Building Code  
15 with respect to electrical requirements for these commercial  
16 facilities when they're built. They have to be built by a  
17 commercial contractor and permitted as such. Does that help?

18 RIGGINS: Okay. All right. Commission, any other  
19 questions for the applicant? Okay, thank you very much.  
20 Could we get up on the screen, if we're going to amend  
21 stipulation 29, could we get up on the screen how it will be  
22 amended?

23 BILLINGSLEY: Can you please load the stipulations  
24 and hopefully it's okay with you instead of typing it up.  
25 It's a short amendment, so hopefully I can just read that into

1 the record.

2 RIGGINS: If you - you can read it to the person  
3 making the motion.

4 BILLINGSLEY: Okay, perfect. I'll read it twice.  
5 I'll read it once now and then when the person makes the  
6 motion I'll read it again.

7 RIGGINS: Okay.

8 BILLINGSLEY: So what was proposed is to amend  
9 stipulation 29 by deleting the existing text, and inserting:  
10 The amphitheater, as proposed in the application, to be  
11 removed.

12 RIGGINS: It's simple enough.

13 BILLINGSLEY: If that's okay with the applicant.

14 RIGGINS: Okay, very good. Okay, at this time then,  
15 it sits with the Commission. Do we have any further questions  
16 of staff, or do we have discussion among ourselves, or are we  
17 prepared to make a motion? And I will remind whoever makes a  
18 motion that we have three separate cases here to hear on. We  
19 have to begin with the Comprehensive Plan change, then we have  
20 a zoning change, then we have a PAD.

21 DAVILA: Mr. Chair, if I may.

22 RIGGINS: Commissioner Davila.

23 DAVILA: Yeah. I'd like to thank the applicants for  
24 preserving the area and not going a little hog wild with their  
25 current zoning. I know this project's important to Supervisor

1 Serdy and it's very important to Pinal County. So I'd like to  
2 move that the Planning and Zoning Commission forward a  
3 recommendation of approval of case PZ-PA-005-23, with no  
4 stipulations.

5 RIGGINS: We have a motion for approval, do we have  
6 a second?

7 MENNENGA: Second.

8 RIGGINS: Second by Commissioner Vice Chair  
9 Mennenga. All those in favor signify by saying aye.

10 COLLECTIVE: Aye.

11 RIGGINS: Any opposed? The motion passes  
12 unanimously. Do I have a motion for the second case?

13 DAVILA: Mr. Chair, I'd like to make a second  
14 motion.

15 RIGGINS: Commissioner Davila.

16 DAVILA: I move that the Pinal County Planning and  
17 Zoning Commission forward a recommendation of approval to the  
18 Board of Supervisors with one stipulation for case PZ-035-23,  
19 and that stipulation is listed in the staff report.

20 RIGGINS: Along with its one stipulation.

21 DAVILA: One, yeah.

22 RIGGINS : Yeah, along with its one stipulation.  
23 Okay, we have a motion for approval, do we have a second?

24 DEL COTTO: (Inaudible).

25 RIGGINS: Commissioner Del Cotto seconds. All those

1 in favor signify by saying aye.

2 COLLECTIVE: Aye.

3 RIGGINS: Any opposed? That motion passes  
4 unanimously. We have one more case for a motion.

5 DAVILA: If I could, Mr. Chairman.

6 RIGGINS: Yes, Commissioner Davila.

7 DAVILA: I'd like to make a motion that we move that  
8 the Pinal County Planning and Zoning Commission forward a  
9 recommendation of approval for case PZ-PD-010-23 to the Board  
10 of Supervisors with its 43 stipulations as listed in the staff  
11 report, with the exception of 29, which will be amended to  
12 state: The amphitheater, as proposed in the application, is  
13 to be removed.

14 RIGGINS: We have a motion, do we have a second for  
15 the motion?

16 MOONEY: (Inaudible).

17 RIGGINS: Commissioner Mooney seconds the motion.  
18 All those in favor signify by saying aye.

19 COLLECTIVE: Aye.

20 RIGGINS: Any opposed? It passes unanimously.

21 ??: Thank you.

22 RIGGINS: And just for those of you from the  
23 Superstition area, this gavel is from George Johnson, who any  
24 of you have any remembrance was a great, great proponent of  
25 the area of the Superstition Mountains, the area that you're

1 all in. So - and we honor his remembrance by that gavel.

2 Thank you very much. It is noon, what is the pleasure of the  
3 Commission? We still have -

4 MENNENGA: 5 or 6.

5 RIGGINS: Yeah, we still have quite a bit to do. So  
6 are we going to break for lunch?

7 ??: I believe so.

8 RIGGINS: Okay. We will go ahead. It is just a few  
9 minutes past noon, we'll break until 1:00. So we stand in  
10 adjournment until 1:00.

11 [Lunch break]

12 RIGGINS: We'll reconvene the regular meeting of the  
13 Pinal County Planning and Zoning Commission at 1:05 on March  
14 21, 2024. Our first case is again three actions. PZ-PA-001-  
15 24, which is a Non-Major Comprehensive Plan, PZ-004-24, which  
16 is a zoning, and PZ-PD-002-24, which is a PAD. So we'll  
17 probably hear the case all at once, but we'll have three  
18 different actions to vote on. So if staff would like to go  
19 ahead and begin, we're ready for you.

20 BAK: Good afternoon Mr. Chair, Commissioners. My  
21 clicker doesn't seem to be advancing the slide, so Kendall,  
22 I'll turn it over to you. Okay, should work now? Okay.  
23 Okay, there we go. Okay, as the Chair alluded to here, this  
24 consists of three cases here. It's known as mostly as Serrano  
25 Solar, Carolyn Oberholtzer being the applicant. This gives

1 you the location here. If this looks familiar, it's because  
2 it is, and also then your memory serves you well. What this  
3 boils down to is it's essentially a small cleanup item to add  
4 an additional 6 acres, and the need for that arose when  
5 primarily there was an application for that strip of land to  
6 the south and to the west, for a minor land division, and the  
7 minor land division couldn't be approved because that 53 foot  
8 strip would be below the required, I believe it's 100 foot.  
9 So this is essentially just to clean that up and allow for the  
10 minor land division to proceed. So no public comments have  
11 been received, and so staff recommends approval for all three  
12 applications. And the stipulations have essentially been left  
13 intact from the prior cases. So staff would be happy to  
14 entertain any questions the Commission may have.

15 RIGGINS: Commissioners, any questions of staff on  
16 these cases? Okay, very good. Thank you very much. Could we  
17 have the applicant come up, please?

18 OBERHOLTZER: Mr. Chairman and Commissioners, again  
19 for your records, Carolyn Oberholtzer with the law firm of  
20 Bergin, Frakes, Smalley & Overholtzer at 4343 East Camelback  
21 in Phoenix. And Glenn really said it all, this is the part of  
22 the Serrano Solar project, it's under construction. It's  
23 mostly in Pima County, but the bulk of it is in Pima County,  
24 but a small portion of it is just south of Pinal Airpark, east  
25 of Trico Road. And the site plan is in process, it's awaiting

1 approval as we speak, but as Glenn mentioned when we were  
2 doing the Minor Land Division to establish the new parcel for  
3 that, we have a buffer area of about 53 feet on the south side  
4 and the west side that were left out. The LDS church is still  
5 farming and using the irrigation ditches, so we have included  
6 those in this application now, solely because the minor land  
7 division does not allow you to have two separate zoning  
8 districts in one parcel. So this is a cleanup item, as he  
9 mentioned. The project there is totally unchanged, the site  
10 plan is totally unchanged, it's just the boundary that it is  
11 now connecting to the County line at Pima County, which is why  
12 it's called County Line Solar. I'm happy to answer any other  
13 questions.

14 RIGGINS: Gosh, it all sounds so simple. Any  
15 questions Commissioners? Questions at all? I have none as  
16 well. So we'll go ahead at this point in time and open up the  
17 public participation portion of the meeting and ask anybody  
18 that wishes to come up to speak to this case, come up at this  
19 time. Anyone at all? There none being, we will close the  
20 public participation portion of this case and turn it back to  
21 the Commission for questions, staff, discussion among  
22 ourselves, clarifications, motions, whichever direction you  
23 wish to go. Commissioner Schnepf.

24 SCHNEPF: Chairman Riggins, I'd like to make a  
25 motion.



1 RIGGINS: Okay, please do.

2 SCHNEPF: There is no further questions. Okay. I  
3 move the Pinal County Planning and Zoning Commission forward a  
4 recommendation of approval to the Board of Supervisors for  
5 case PZ-PA-001-24 with zero stipulations.

6 RIGGINS: We have a motion, do we have a second?

7 DAVILA: I'll second.

8 RIGGINS: Commissioner Davila seconds. All those in  
9 favor signify by saying aye.

10 COLLECTIVE: Aye.

11 RIGGINS: Any opposed? The motion carries  
12 unanimously. All right, we have a need for another motion.

13 SCHNEPF: Commissioner - Chairman Riggins.

14 RIGGINS: Commissioner Schnepf.

15 SCHNEPF: I move the Pinal County Planning and  
16 Zoning Commission forward a recommendation of approval to the  
17 Board of Supervisors for case PZ-004-24, with its one  
18 stipulation.

19 RIGGINS: We have a motion, do we have a second?

20 MENNENGA: (Inaudible).

21 RIGGINS: A second from Vice Chair Mennenga. All  
22 those in favor signify by saying aye.

23 COLLECTIVE: Aye.

24 RIGGINS: Any opposed? Motion passes unanimously.

25 And we have the need for one more motion.

1 SCHNEPF: Chairman Riggins.

2 RIGGINS: Commissioner Schnepf.

3 SCHNEPF: On this one, it does say 17 stipulations,  
4 but I see there's 22. So will be -

5 RIGGINS: It will be 22.

6 SCHNEPF: I'll say 22.

7 BAK: 22 would be correct, that was apparently a  
8 Scribner's error.

9 SCHNEPF: Yeah.

10 BILLINGSLEY: Mr. Chairman, we forgot to verify who  
11 was on the phone when we started back up. So can we verify  
12 who's on the phone so we know who, if we have a roll call  
13 vote, who's out there in TV land?

14 LIZARRAGA: Lizarraga.

15 KLOB: Klob.

16 BILLINGSLEY: Awesome, thank you very much.

17 RIGGINS: Thank you both very much.

18 SCHNEPF: Okay, back to business. I'd like to make  
19 a motion, Chairman Riggins. I'd like to move the Pinal County  
20 Planning and Zoning Commission forward a recommendation of  
21 approval to the Board of Supervisors for case PZ-PD-002-24  
22 with its 22 stipulations in the staff report.

23 RIGGINS: We have a motion, do we have a second?

24 HARTMAN: Second.

25 RIGGINS: Second from Commissioner Hartman. All

1 those in favor signify by saying aye.

2 COLLECTIVE: Aye.

3 RIGGINS: Any opposed? The motion passes  
4 unanimously. That was a record.

5 MENNENGA: Wow.

6 OBERHOLTZER: Thank you.

7 RIGGINS: Yes. Thank you.

8 ??: We could have done that before lunch.

9 DAVILA: I know.

10 RIGGINS: Yeah, we could have done that before  
11 lunch. That's a fact. Alrighty. Our last new case is  
12 likewise a three motion case. Again, a Non-Major  
13 Comprehensive Plan, a zoning and a PAD. So we'll go ahead and  
14 that first case is PZ-PA-014-23.

15 BAK: Okay Mr. Chairman, Commissioners, this  
16 consists of first, a Non-Major Comprehensive Plan Amendment, a  
17 rezone and a planned area development to allow for development  
18 standards for a mixed use development. The size of the  
19 proposed is approximately 16.9 acres, and this is located at  
20 the southeast corner of Bella Vista and Gantzel Road. Langley  
21 Bella Vista LLC is being the owner, and Jordan Rose of Rose  
22 Law Group being the applicant. So here we have the general  
23 location of the proposal. And here, a little bit zoomed in  
24 here in the surrounding zoning. Here we have an aerial of the  
25 project. Currently it's, as you can see, vacant. Now here we

1 have done the site plan. So within the site plan, you'll see  
2 that in the upper left of the proposed area, that would leave  
3 commercial intact, and then I think it's about 3.9 acres. The  
4 remainder of that then would be, I believe there's three  
5 buildings up to three stories of essentially apartments. And  
6 so that's the crux of the proposal there. This is looking  
7 north. So the proposal site would be to your right. This is  
8 looking south, then with your proposed site being to the left  
9 in that picture, and there's a subdivision to the right, as  
10 you can see. And this is looking east, so we're looking right  
11 into the interior of the proposed site. And then to the west.  
12 So items for the Commission's consideration, is multifamily  
13 and commercial projects do generate large volumes of traffic  
14 and noise which will impact the roads and communities nearby.  
15 And staff has received items opposing the proposal, I believe  
16 we're up to about 7 currently. I've included handouts for the  
17 Commissioners, I think there was 4 items in that handout.  
18 That this would be three story dwellings, and as you can see  
19 in those pictures, we don't see anything of that height on the  
20 horizon. And a mitigation strategy is lacking to provide  
21 buffering for three story apartments in an area where  
22 buildings of such a height do not exist. So staff's  
23 recommendation is simply for denial, and staff would be happy  
24 to entertain any questions the Commission may have.

25 RIGGINS: Thank you very much. Commissioners, any

1 questions of the staff report? None being, thank you. We'll  
2 ask the applicant to come forward.

3 GILLESPIE: Good afternoon Chair Riggins and  
4 Commissioners. My name is Jon Gillespie. I'm not Jordan  
5 Rose, I have less hair than Jordan. I am an attorney in  
6 Jordan's office, Rose Law Group, 7144 East Stetson in  
7 Scottsdale, Arizona. It's a pleasure to be with you today.  
8 I'm grateful that we were able to stick it out in the  
9 afternoon. We do have several neighbors here with us today,  
10 and one of the great benefits to be able to have a longer  
11 agenda is we've had some time to chat with neighbors, get to  
12 know them more, as well as we've met with the neighbors  
13 previously on this project. I'm here on behalf of Real Estate  
14 Equities, who is a national developer, reputable developer.  
15 With me today, Eric Omdahl, from the development group, as  
16 well from Rose Law Group I've got Jen Hall, and then from our  
17 traffic engineering side, Paul Basha from Summit Engineering  
18 was engaged as a traffic engineer on this project. And we  
19 also have Russ Posorske, who, from Fortis Development, here to  
20 talk about some of the commercial aspects with this project.  
21 I do have a slide deck, it's looking like it's blank. We can  
22 wait, I'll be patient. And thank you to staff who's reviewed  
23 this project, and for the presentation from Glenn. I  
24 appreciate that, and being here to answer questions that the  
25 Commission might have.

1               RIGGINS: Commissioners, that's all, that's all of  
2 it?

3               GILLESPIE: No, I'm going to go through the slide  
4 deck, Chair Riggins. but I want to just wait for it, if that's  
5 all right.

6               RIGGINS: Oh, not a problem.

7               GILLESPIE: And in the meantime, nobody check their  
8 phones for basketball scores, because I have everything  
9 recording. So I want to make sure no one tips me off to the  
10 scores of the games.

11              RIGGINS: Your pictures have come up.

12              BAK: And so you know, so there's two separate -  
13 that's the first one that I did receive, so there will be  
14 another one after that.

15              GILLESPIE: This isn't my slide deck though, if you  
16 don't mind.

17              RIGGINS: No, it doesn't look like it's three  
18 stories.

19              GILLESPIE: I do have it on a thumb drive, if that  
20 helps. Thank you. So what's being proposed here is a  
21 downsize in the zoning. Currently the project is 17 acres,  
22 and it's zoned for commercial uses. That occurred in 2009,  
23 that it was as a part of the downturn, they said hey, let's  
24 rezone this parcel and let's put it in a big box development  
25 here, and they downzoned to commercial as a part of the

1 greater Rancho Bella Vista Master Plan. What's proposed here  
2 is a mixed use development, so rightsizing the commercial.  
3 Not getting rid of the commercial zoning, but rightsizing it  
4 to the demand of the market today. That can be fulfilled,  
5 while also at the same time providing a dire needed  
6 multifamily product here in San Tan Valley that will provide a  
7 housing opportunity, a diversity of housing for the residents  
8 of the San Valley. A little bit about Real Estate Equities.  
9 They recently opened a project in the City of Maricopa called  
10 Copa Flats in April 2023. This just illustrates to us the  
11 strong demand that there is for their product and what's being  
12 provided. They had a thousand people lined up for that  
13 project. Maybe a family member or a relative of your own, you  
14 might have known that was in line for that. There's such a  
15 strong need for this, and Real Estate Equities is a reputable  
16 builder who is generating a lot of interest and delivers a  
17 great product. Just a sampling of who's served by this  
18 housing need and who needs it. This is the caregivers at a  
19 senior home, this is a recreation leader at the Pinal County  
20 or at the city. There's such a strong need for this housing  
21 product, and this is what we're looking to deliver to income  
22 qualified residents. So there's obviously a need, and I think  
23 that's well recognized. Let's talk about the location. This  
24 location right here makes a lot of sense from the standpoint  
25 of the existing setbacks to single family development that

1 exists adjacent to the site. The Rancho Bella Vista to the  
2 south, 500 feet approximately from where that building to the  
3 yards of the single family homes on the east side of the  
4 project. 400 feet existing barrier that's never going to  
5 develop, it's open space, dedicated that drainage track from  
6 the back of the homes, the two story homes there on the east.  
7 Some are one story and two story on the east, to the project  
8 on our east side. So really, a lot of - and this was by  
9 choice when the commercial was envisioned here, a 35 story  
10 commercial allowance with a big box development. They knew  
11 that was coming in and so they put in a nice barrier here, so  
12 that exists for this project. To talk about the commercial a  
13 little bit. Rightsizing this commercial is really important  
14 to get it out of the ground, and having the multifamily there  
15 also supports the ability to provide these services that  
16 contribute to not having to have the leakage of commercial  
17 uses outside of, outside of the San Tan Valley. It's about 4  
18 acres that will - that's a restaurant, that's a coffee shop,  
19 that's a pharmacy use, that's a, you know, a dental office.  
20 The type of users as they're heading to the north. Not an  
21 important aspect here, this is a pass by commercial use. So  
22 it's not a destination commercial use, as much as the approved  
23 big box would be for this site. With the rightsizing of the  
24 commercial, a key aspect is traffic and in discussions with  
25 neighbors, this is one of the biggest aspects that we're



1 hearing, is the traffic situation right now in our community  
2 is bad and at Bella Vista and Gantzel it's bad. The current  
3 traffic issues are concerning to them, and when you look at it  
4 from a development aspect, if this were to develop as  
5 currently zoned as a big box commercial, compared to what's  
6 being proposed with a multi-use and residential aspect, we're  
7 actually lessening the traffic impact by 7,500 to 9,000 trips  
8 a day. So the traffic impact actually goes down. And then as  
9 well from the standpoint of a development being able to be  
10 brought forward, the improvements to the road that are  
11 required for a developer to make when it's built, that also  
12 will have an impact on helping to alleviate the current  
13 traffic issues that are being faced in this part of our  
14 community. We've worked with the Board Supervisors' office on  
15 the elevations for this site. We want to establish a real  
16 agrarian rural feel to the product, and that's been worked  
17 hand-in-hand with the Supervisor to come to some of these  
18 conceptual images for the project. It does show some of the  
19 amenities for the development. The design of our project is  
20 very much turned into where we have 22 percent of the site  
21 remains as open space. We have good amenities. We've got a  
22 clubhouse, we've got a resort style pool, we've got a dog  
23 park, we've got high quality amenities that will be attractive  
24 to the tenants and fulfill their needs for amenities. So just  
25 some key takeaways. We're providing an essential workforce

1 housing for the community with luxury amenities. The site  
2 itself will be operated by Real Estate Equities, provide  
3 professional onsite maintenance and management. It's a gated  
4 community. It's a high quality product. The - to get one of  
5 these spots, like we mentioned, there's a long waiting list  
6 and there are income requirements to meet to get into this  
7 community. There's a significant decrease in vehicle trips  
8 compared to if the site was fully built out as commercial.  
9 We're eliminating the big box retail in a location that really  
10 in 2009 there was a vision and the development patterns of the  
11 area have changed to where today it's not viable for a big box  
12 commercial. There's not a full access entry into the site, it  
13 can't be developed for that proposed use. It doesn't make  
14 sense anymore to go 100 percent commercial, so we downsized  
15 that to a commercial portion that makes sense. A community's  
16 providing, targeting, you know, qualified seniors and young  
17 adults who everyone knows someone that's in our life that is  
18 faced with the challenge now of finding affordable housing,  
19 and that's what's being delivered here with this product.  
20 Before I close, I'll just share. There is a couple of  
21 stipulation amendments that we're proposing. The narrative  
22 that was provided did not fully bring out that the PAD will  
23 actually lessen the height of the commercial that's being  
24 allowed, so from 40 feet down to 35 feet. So we want to make  
25 sure that that's read into the record that the heights are

1 capped at 35. So this is a stipulation that brings it down.  
2 The PAD's actually lowering the allowed heights under what  
3 would typically be allowed in the C-2 zoning district. And  
4 also this - a second stipulation talking with neighbors over  
5 the months, we - sorry, go back there. One of the concerns  
6 have been raised from the Bella Vista neighbors is that their  
7 amenities, which are on the south side of our project, will be  
8 used by the multi-family residents. And to address that  
9 concern, we want to add a stipulation that in the rental  
10 agreement for our residents, they will have to sign an  
11 affidavit and get a notification that says you cannot use the  
12 Rancho Bella Vista amenities. And so if they were to use  
13 those amenities, then they would be in violation of their  
14 lease agreement. So we'd like to add that stipulation. I  
15 have the specific language on it, I can read it here that  
16 we've kind of come up with, or we can provide it to staff as  
17 well. But the added stipulation that we're proposing is  
18 (inaudible) be a stipulation that our residents cannot use  
19 those amenities and if they do, they're in violation of their  
20 lease agreement. With that, I hope I didn't take too long.  
21 I'd like to get an opportunity to answer any questions, and  
22 then I know we've got neighbors who want to speak, and I hope  
23 to be able to come back up and address any comments and  
24 (inaudible).

25 RIGGINS: Thank you. Commissioners, question of the

1 applicant? Vice Chair Mennenga.

2           MENNENGA: So you got three story apartment building  
3 units. In the center of that, are those single family rental  
4 units in there? Or is that parking?

5           GILLESPIE: So Chair and Commissioner Mennenga,  
6 central to the site is parking amenities and the - so the  
7 single story unit there would be a clubhouse. So it's a high  
8 quality clubhouse. There's no single family interior to the  
9 site

10           MENNENGA: So you got a total of 252 units.

11           GILLESPIE: That's correct, 252 units. That's the -  
12 parked, according to the Pinal County's requirements, and  
13 that's what interior to that site, that parking is focused as  
14 well.

15           MENNENGA: So you want to convince us that there's  
16 going to be less traffic from 252 units, or a thousand people  
17 living in there, than a Home Depot. That's just not going to  
18 fly, sorry. I've been at this business a long time, okay?  
19 And honestly, I've framed Home Depots and stuff, and if Home  
20 Depot wants to go there, they'll go there. Trust me. I've  
21 seen places where they've gone, and so they would have access  
22 to all of this, okay? I'm just (inaudible). This is probably  
23 - we look for sites to build car washes, convenience stores,  
24 and this is probably the top corner in all of San Tan Valley  
25 and Johnson Ranch. I mean that's prob - now has developed

1 into probably the busiest corner in that whole area out there,  
2 you know? Actually we'd like to buy part of that corner, I  
3 want to - I'd like to talk somebody who (inaudible) that  
4 commercial there. It's just that good of a location. It  
5 amazes me after, for 40 years, how quickly we, number one,  
6 have become a rental nation. And number two, this isn't  
7 affordable housing. Are you doing Section 8 here?

8 GILLESPIE: Chairman, a couple things to address  
9 there. So specifically to that question, it is an income  
10 qualified housing, so there is - there are requirements that  
11 it is specifically marketed to the median income in San Tan  
12 Valley. And so median income and above, and I can show for  
13 you here. This is going to take a little hot minute to... So  
14 this shows the qualifications of the incomes. There's a  
15 minimum requirement. These people have to be able to work and  
16 pay their rent, and so that's part of the vetting process.  
17 And then there's a maximum that's set to where it's really  
18 targeted to providing housing for those in our community who  
19 are in that medium range.

20 MENNENGA: And we need that, I understand.

21 GILLESPIE: So Section 8 housing is a federal  
22 program that is not targeted with this project. That's not  
23 what it is, it's not Section 8 housing.

24 MENNENGA: (Inaudible).

25 GILLESPIE: And to share on the traffic aspects.

1 You'll find in our report that we did do a traffic analysis  
2 for this site, and that - so it's not coming from me, it's  
3 coming from the traffic engineers, that obviously if it's not  
4 built, there's no traffic. But if it is built as commercial,  
5 and if a Home Depot - which Home Depot's (inaudible) because  
6 Home Depot already got built since 2009, and there's not a  
7 full access into the site, so it's not as attractive there.  
8 But if it was built out as full commercial uses, it would be a  
9 higher generator.

10 MENNENGA: Well and that's the concern, you're  
11 wanting to put three stories in the middle of a residential  
12 area here, you know? That's a little bit of a tough sell from  
13 my perspective.

14 GILLESPIE: And as has been noted by staff as well,  
15 three stories hasn't been built in this area yet, and as you  
16 saw in the presentation, to share that basketball analogy  
17 again, you line up 6 basketball courts end to end, that's the  
18 distance from our homes to the existing single family rear  
19 yards. So we think there's a nice buffer in there that this  
20 is, of all sites, makes a lot of sense for that type of design  
21 for the project. But I appreciate the questions, thank you.  
22 Did I adequately hit it all there? Sorry, thank you.

23 RIGGINS: Other Commissioners, any questions of the  
24 applicant? Okay, thank you.

25 GILLESPIE: Can I share one more actually?

1           RIGGINS: Well, we'll call you back up, after the  
2 public participation, we'll call you back up.

3           GILLESPIE: It's going to be brought with the  
4 neighbors and I've tried to mention it to each of the  
5 neighbors as we've talked to them, but just so that they're  
6 aware. The frontage on Gantzel is not improved yet, and so  
7 with this project, there's a condition number 10 where the  
8 traffic department is asking us to put in a third lane there.  
9 So currently there's two lanes and they want a third lane  
10 developed there. So with this viable development going in, it  
11 would improve - the frontage improvements would provide, you  
12 know, a little bit of relief to the general area, so that's an  
13 important aspect that I think neighbors should understand as  
14 well.

15          RIGGINS: Okay, thank you very much. We'll go ahead  
16 and open up the public participation portion of these cases  
17 and ask if there's anybody that wishes to come up. Please.  
18 How many people do we have that want to speak? Okay, fine.  
19 Please remember to write your name and address down on the  
20 log.

21          MALCOM: Okay, I wrote my name down already on the  
22 log.

23          RIGGINS: Okay, then give that to us before you  
24 begin.

25          MALCOM: Okay. My name is Irving Malcolm, I live at

1 3055 North Gunderson Drive. I've been in San Tan Valley for  
2 24 years, so I've seen everything develop out there when it  
3 was all just fields. I'm also the board president for the HOA  
4 here. I've been on that board for 15 years, so I've been that  
5 since the conception of that community. I have spoke with a  
6 lot of my homeowners about this project. Some of them, I'm  
7 sorry, had to leave because they didn't know the meeting was  
8 that long and so they had other obligations and stuff. And  
9 thank you guys for hearing us out and stuff. But I want to  
10 just deal with some of the issues that have came up from me  
11 talking to all my homeowners because everybody knows me,  
12 because I've been on the board for 15 years, and so I know all  
13 my homeowners. So I had a chance to go around and talk to  
14 them about this project and bring up some of the concerns for  
15 our community. The biggest one that he brought up, because  
16 I've been in communications with them from the start when they  
17 approached us about this project, I also had conversation with  
18 Supervisor Goodman about this project a little bit too - the  
19 biggest problem of concern about this project, is the traffic.  
20 We know that that intersection, that is a bad intersection.  
21 In the morning, my homeowners trying to get out of that  
22 intersection, it is, it is very bad. From 5:30, sometimes  
23 6:00 all the way to 8:00, because we have a school on the  
24 other side, north - the northwest side of our property. We  
25 have Poston Butte down the street, and we also have all the



1 traffic coming from Anthem. We also have all the traffic  
2 coming from Bella Vista, because we know that down Bella Vista  
3 there's another 5,000 houses down there and it's another 5  
4 that's going in further down. We also have 756 houses in our  
5 community. And we know when you got houses, because we don't  
6 have no transportation out there, you got a minimum of two  
7 vehicles per family. Some of our families got 4 and 5  
8 vehicles that's got to go in the morning, because they got  
9 kids in college and going to school. We also have a new  
10 community that's being built, it's called Bella Vista Trails,  
11 that's another 729 houses that's going to have to use the same  
12 two entry points that we have to get out of our community.  
13 Because I just spoke, Tourmaline is not going to go all the  
14 way to Judd yet, okay? And I spoke to Goodman about it, and I  
15 also spoke to Chris about it. It's not going to be going  
16 through yet, okay? So the traffic is a big problem for us in  
17 the morning. Traffic is standing traffic. I've been there a  
18 long time. I'm retired and I get out in the morning, I go and  
19 visit my community, and I get out and jog in the morning. I  
20 have seen numerous accidents at that community - I mean at  
21 that intersection, because people get impatient and they jump  
22 out in front of the cars and stuff, and it's been a lot of  
23 crashes there. We have a lot of incidents at that community.  
24 I know they said that the traffic is going to go down because  
25 of making a residential versus commercial. But what you got

1 to look at, when you make that a commercial area, you got all  
2 those residents trying to get out of there between that time  
3 zone of 6 and 8:00 in the morning. It's already enough of  
4 these to try to get out, those people are going to have a hard  
5 time trying to get out of there, too. And even if you add a  
6 third lane, it's still going to be a problem, because until  
7 you add a third lane on the other side of Bella Vista, the  
8 traffic is - there's nowhere for no - anybody to go. And  
9 these people can attest to that when they come up here that  
10 that is a bad area to get out. I made sure for this meeting  
11 this morning that I left early so I can get out of there to  
12 make the left turn to come down this way to Florence. So  
13 that's a big problem. If for some reason that you guys  
14 approve this, I just want to bring up some issues that's good  
15 for my community. One of the things is, if that's going to be  
16 there, we ought to come up with some kind of light system  
17 there, because we've got to come up with some kind of way to  
18 get our people out. We know that Bella Vista is eventually,  
19 they're talking about putting a light at Bella Vista and  
20 Tourmaline, it's not in the works right now, and that's going  
21 to be a big problem, especially when it's community, because  
22 that community - the new community that's by us, they just  
23 start selling the houses now. They just start, and I've been  
24 - I'm in negotiations - talking to them too, to stay abreast  
25 of what's going on over there. They just started, they're

1   fixing to start selling houses, and people are going to start  
2   moving into that community probably in the next month or so.  
3   And so now again, you got that added traffic that's going to  
4   be bagged up 4 blocks down Tourmaline, trying to get out on  
5   Bella Vista, which is impossible. Even coming out of the  
6   community that they proposing, there's no way that somebody  
7   can make a left turn out of that community because that light  
8   is always busy. It's always a busy light. So I just want to  
9   bring up the concerns about the traffic. The traffic is bad  
10   at the intersection, as you brought up, Vice Chairman, that is  
11   a very busy intersection right there. The second thing is the  
12   rezoning of that area. I'm fully aware when that property got  
13   zoned from the first to the second, because like I said, I've  
14   been there a long time on the board and I'm very active in San  
15   Tan Valley, in the community. By rezone, that property was -  
16   is originally zoned for commercial. Great. Taking the  
17   property and converting it to residential, that's the big  
18   elephant in the room with everybody, is that nobody wants  
19   apartments by them, I understand that, because it bring issues  
20   that apartments do bring. But if that is going to be done,  
21   then it hurts us in a way, because in San Tan Valley, we have  
22   so many residentials there that we don't have enough  
23   commercial property. So now you're taking another piece of  
24   commercial property, because we need a commercial  
25   infrastructure in San Tan Valley. So now you're taking

1 another piece of commercial property and converting it into a  
2 residential property, which we have plenty of that. We have  
3 plenty of that. And on top of that, to put a three story  
4 apartments right there, it's going to look real odd on that  
5 corner, the way that corner looks, it's going to look really,  
6 really odd to put a three story apartment on there. And if  
7 that does occur - I know they proposing to put a 7 foot wall  
8 up, but we - I mean a 6 foot wall or whatever it is, we ask  
9 them to put a higher wall to create a buffer between our space  
10 and their space. I have brought up the fact is that we have a  
11 big major park right there. We do have issues at that park,  
12 we have a lot of vandalism. Last year vandalism alone cost me  
13 about - we had to fix a lot of vandalism in my park, it cost  
14 us \$19,000 for vandalism, and a majority of that was not from  
15 our community, it was from across the street. Because  
16 everybody likes our park, it's a nice park, and everybody  
17 likes to come over there, and that's not a problem. We just  
18 ask people not to vandalize our stuff. And so we've been  
19 having a lot of issues with that recently. But the rezoning  
20 of it takes away from the economical value of bringing in  
21 businesses into the San Tan Valley area. We know that you  
22 guys know that you don't want to be a total bedroom community.  
23 You've got to have some commercial, some commercial  
24 development in the area, because we need jobs out here too,  
25 instead of everybody driving to Phoenix always. Home Depot

1 brought jobs. Walmart, when it came, I saw it brought jobs.  
2 So taking that land from commercial and then converting it to  
3 residential/commercial, I think is a bad idea. I think it's  
4 really a bad idea. Also to looking at their plans. I have  
5 talked with Chris, I have talked to Supervisor Goodman. On  
6 our property we have a lot where when they redid Gantzel, we  
7 have a lot of problem with flooding right now and damaging  
8 when they open up those gates, damage comes in and floods our  
9 property. It cost me \$8,000 a month to haul off all the stuff  
10 that we get down on our property. I was looking at their, at  
11 their plan. They got two retention areas, and the rules are  
12 if you develop your property, you make sure that the water  
13 that you produce stays on your property and don't goes on the  
14 other person's property. A few people have some concern about  
15 those heavy rains when they come down, about the two retention  
16 basins they got, making sure that that will support the water  
17 that's produced on their property. I just want to bring that  
18 up, too. The other thing is the parking area. They got 252  
19 houses, units. You got 3 and 4 bedrooms, as (inaudible)  
20 stated earlier, you know that the average house is not going  
21 to have one car, it's going to be more than one car.  
22 Especially in a 4 bedroom, you might have a family in there  
23 that's got three cars. The parking spaces there, that's there  
24 is 489 parking spaces. We know that when you got company  
25 coming over and you got 3 or 4 cars, is that going to be

1 adequate parking space for that area. And the commercial area  
2 is different from the residential area, so they're not going  
3 to be able to work out - they got to work out an agreement to  
4 park in the overflow area of the other area. So parking is  
5 there. Like I said earlier, if this is approved, if you can  
6 get - build a high wall between a buffer between our community  
7 and their community. We want to see that area developed,  
8 okay? We don't have a problem seeing that area development,  
9 but do we really need more residential on that corner?  
10 Instead, we would love to see a commercial development come in  
11 there and develop that area next to our community and stuff.  
12 And again, thank you guys for listening to me. I know the big  
13 elephant in the room is nobody wants commercial - I mean  
14 residential, multi-residential against - next to us. But you  
15 all look at next to Walmart, you already got a big apartment  
16 complex there. I heard today they was talking about a big  
17 thing - a Dairy Queen, apartment complex coming to Dairy  
18 Queen. I know I heard - well, I can't remember, but I heard  
19 that there are some more multi-residential community that's  
20 planned for the area. But do we have to put one on that  
21 corner? That's most of the residents in my community have  
22 voiced to me, and I'm here to voice their opinion because they  
23 couldn't make it here, and some of them had to leave. Again,  
24 thank you for listening to me.

25 RIGGINS: Thank you. Before you sit down, any

1 questions of the speaker? Anybody have any questions? Thank  
2 you sir.

3 MALCOM: Thank you.

4 RIGGINS: Who else like to come up and speak?

5 DUKARSKI: I have signed up. My name's Tim  
6 Dukarski, I live at 30896 North Zircon Drive in Rancho Bella  
7 Vista South. And I don't want to reiterate everything that we  
8 talked about on traffic, but I did want to point out one  
9 thing. I don't know if we can bring up the picture of the  
10 plot - plat. But anyway, what I see is for the residents and  
11 also for the stores and (inaudible).

12 OLGIN: What image were you asking for, sir, just so  
13 (inaudible) keep going, is that the one you wanted?

14 DUKARSKI: Keep going. Keep going. Yeah, it's hard  
15 to see, but what I see there is there's one way in and one way  
16 out for the shops and the whole community. Well, I guess they  
17 do have one that goes out onto Bella Vista, so there's two  
18 ways - two ways in and out. And for that amount of people and  
19 traffic, and it's that close to the intersection, there's  
20 going to be people who are residents that are going to be  
21 lined up, you know, way back, trying to get out there to get  
22 their kids to school or to their jobs or whatever they have to  
23 do. Because it'll back - that traffic backs up way beyond  
24 that, as they were telling you, where that intersection is  
25 past that complex there, they're backed up all the way there.

1 And it's even difficult for the residents in our neighborhood  
2 to get out onto that road. That's all I'll say on the  
3 traffic. But we agree with the staff's assessment, as far as  
4 you know, a three story complex does not fit into our  
5 neighborhood. Our neighborhoods, Bella Vista or Rancho Bella  
6 Vista South or the Greens, Johnson Ranch. There's nothing  
7 like that in our area. Also, a question I have is that  
8 apartment complex, it looks like most of it's continuous.  
9 There's no separation. If you see the apartment complexes  
10 that are being built today, for fire reasons or, you know, and  
11 noise reasons and such, it's broken up a lot more. This is  
12 almost like a continuous snake that goes around the whole  
13 property. And I don't know that much about the fire concerns,  
14 but to me that looks dangerous. And I think that's pretty  
15 much all I'll cover, because a lot of it's already been said  
16 and I'm not going to repeat it.

17 RIGGINS: Thank you sir. Any questions of the  
18 speaker? Thank you. Who else would like to come up?

19 AKINS: Good day, I'm Corolla Akins, I'm on this  
20 beautiful little list. I'm at 30643 North Gundersen Drive,  
21 and I'm actually directly impacted from my little bitty house  
22 on the corner there. I just wanted to bring up a few things  
23 that are not very consistent with what was presented, and I'm  
24 not quite sure how you plan on having commercial and  
25 residential and a three story, and being a gated community,



1 but have access to a business, unless you plan on having  
2 access on the outside, which would mean Gantzel and Bella  
3 Vista to get access to the businesses, but that would mean the  
4 business would have to have access through the gated community  
5 to get through the back door to open up. So that is a little  
6 bit conflicting in my page. Three stories would - when I  
7 moved here and I bought my beautiful little house, that was  
8 one of the sellers is because the area is quiet, it is  
9 beautiful, and I have a great vision of my Superstition  
10 Mountains. So building a three story building, I have a  
11 really hard time with that because it would definitely ruin -  
12 take away my view, which may not be very important to other  
13 people, but it was one of the sellers, that's why I bought my  
14 house. And also the influx of affordable housing - and I  
15 don't want to sound prejudiced or anything - is affordable  
16 housing means, sooner or later, and for a lack of better  
17 words, I would like to keep my beautiful neighborhood as  
18 pristine as it is. I don't like ghetto, and I'm afraid that  
19 that's what's going to happen with certain housings when you  
20 don't have manageable things in place, I guess what I want to  
21 say. But, I don't think the company, and as nice as it  
22 sounds, can guarantee that they will not use our park, because  
23 they can't they can't guarantee it. Even if they were to put  
24 a limitation in their, in their contract that would - they  
25 still can't guarantee that. Parking, forget it. I don't see

1 it, and I agree with you Vice Chairman, this just doesn't make  
2 sense with the counts of parking versus the apartments, plus  
3 the businesses. And that's all I have to say. I really  
4 appreciate it. I enjoy my living out here in San Tan and in  
5 Pinal County. It was one of the biggest things for me, it was  
6 my first house, so I appreciate you all's time, and thank you  
7 for listening to me.

8 RIGGINS: Thank you. Before you step down, anybody,  
9 questions the speaker?

10 AKINS: Thank you, I appreciate you all.

11 RIGGINS: Thank you. Who else would like to come up  
12 and speak to this case?

13 STEWART: Good afternoon, I've already signed in.  
14 My name is Jill Stewart, I live at 30624 North Rebecca Lane.  
15 Rebecca Lane is that little blip right at the bottom of the  
16 site plan, that is my street. Every morning - I'm sorry, I'm  
17 not good at public speaking. Every morning my two children  
18 that go to Poston Butte High School have to sit at that  
19 intersection and wait for someone to let them in so that they  
20 can go to school in the morning. Every morning I have to turn  
21 right because I cannot turn left out of my neighborhood. It  
22 is impossible. I get to turn right and then if I'm going to  
23 Anthem - I work for the schools - if I'm going to Anthem, I  
24 get to go all the way down to Hunt Highway and go around, or  
25 if I'm in my speedy little Jeep, I flip a U-turn as quickly as

1 possible and pray I don't get hit. Okay? That intersection  
2 is terrible. Getting in and out of our neighborhood is a  
3 trial. We have engines jake braking behind our house because  
4 it also backs Ironwood. All hours. And I've emailed and  
5 asked you guys to put signs up, but that's another issue. By  
6 adding this influx of traffic during peak hours, you are going  
7 to make mine and my children and every other neighbor who  
8 lives in our neighborhood, that much harder. You cannot put a  
9 light where the businesses are, and in our neighborhood,  
10 they'll be like 5 feet apart, it would just be ridiculous and  
11 asinine. This is a horrible plan. It's not good for our  
12 community, it's not good for San Tan Valley. We need more  
13 commercial. My kids have to go far away into Queen Creek to  
14 try to find a job, because there's nothing here. I am not  
15 opposed to apartments. My son lives in an apartment in  
16 Chandler, I understand the need for them, I understand the  
17 need for affordable apartments. But the placement needs to be  
18 right. This is not the right placement, and I would strongly  
19 ask that you don't make the people who've lived here - I've  
20 lived here for 21 years, I love San Tan Valley. I love  
21 leaving my neighborhood and seeing the mountains. I love the  
22 park next to my house. I am not going to police the park to  
23 make sure that the people in there are residents of my  
24 community. That's not my job. I'm not going to get shot over  
25 that. You know? It's not worth it. He's right, you cannot

1 guarantee that they're not just going to walk over into the  
2 park and ruin it. And we've put a lot of money as a  
3 community. Irving has put a lot of money into that park, and  
4 a lot of his time, sweat, blood and tears have been put into  
5 that park and to have no guarantee that it will remain a  
6 community park only is something that just can't, it can't  
7 happen. So I think I've said all I need to say. Thank you  
8 for listening and thank you for listening to the community  
9 members on this issue.

10 RIGGINS: Thank you very much. Commission Members,  
11 any questions? Thank you. Who else would like to come up?

12 BASHAM: Hello, I'm Davina Basham. I live at 906  
13 East Desert Rose Trail, part of Johnson Ranch. And I agree  
14 with everyone who's just come up here. The gentleman who came  
15 up first said it - was very thorough, said it best. We have  
16 plenty of residential, we need balance. I think it would be a  
17 great location to keep it commercial. Like the roads out here  
18 need to be expanded more, and they're not. That needs to be  
19 done prior to more of this kind of development, before  
20 bringing in even more people. So there's a certain hierarchy  
21 of - to make it organized, to make it work for the community  
22 of how things are brought into the community. Furthermore, to  
23 bring balance, keeping it commercial only, bringing and  
24 keeping those jobs there as well, will have less people that  
25 are going in and out of - like going to Phoenix and over here

1 to San Tan Valley as well. So there will be less traffic by  
2 bringing in jobs in these areas as well. So I don't think  
3 it's a good idea for this project to be developed.

4 RIGGINS: Thank you. Before you step down, any  
5 questions of the speaker? Thank you very much. Who else like  
6 to come up to speak? Please come up.

7 OSTOJIC Hello. I already put my name on the list.  
8 My name is Angelina Ostojic. I live at 2231 East Desert Rose  
9 trail. And can you go one slide back to the - oh, one more.  
10 Yes, right there. So my home is directly impacted. I am  
11 within the red line across from the park, so my home is  
12 directly across the street from the park. I have lived here  
13 for the past 5 years, and I am so glad that the traffic was  
14 mentioned, and of course the vandalism with the park. I  
15 myself have reported to the sheriff's office twice within the  
16 5 years of loiterers and trespassers. There is a sign that  
17 says if anyone is not a part of the community, that they  
18 should not be in the park, and it also says that no one should  
19 be there after 10 p.m., which of course, unfortunately does  
20 happen. And so the sheriff department, they do actually do a  
21 little bit of rounds through the park to make sure that there  
22 aren't anyone who's there who's not supposed to be. So it is  
23 a public concern, since people outside of the community have  
24 trespassed numerous times into the community, because our  
25 community is not a gated community. And it is not a public

1 park, but for some reason when people drive by, they see the  
2 park, they think it's public. So they just walk in, and so a  
3 lot of people don't even realize that it is not public  
4 property. And the roads on Google Maps are restricted, so  
5 it's not as if anyone should be there. So just because it's  
6 not closed off doesn't mean that it's available to the public.  
7 And since there's going to be a commercial dwelling there, we  
8 cannot guarantee that the people that are in the commercial  
9 settings will not enter the park, or will not enter our  
10 community without our knowledge. So they can't guarantee our  
11 public and community safety in terms of that. And in terms of  
12 the apartments themselves and people who will be dwelling in  
13 them, again, as it has been brought up, we do not know for  
14 sure if they will be able to make sure that they don't go in,  
15 because it's going to be three stories. So of course you have  
16 this wonderful view of this park and oh, it's a wonderful  
17 Sunday afternoon, why can't I just go take a drive over and  
18 just, you know, hang out for the afternoon? We can't  
19 guarantee that someone's not going to do that. And then also,  
20 because it's a three story, they will - anyone living on the  
21 second and third floor, will have direct view of my property  
22 and will have direct view of me and my comings and goings,  
23 which I personally think is kind of concerning since someone I  
24 don't know is going to be living in an apartment complex 500  
25 feet from me, being able to know my comings and goings. And

1 that, again, is concerning to me a lot. And you can't  
2 guarantee that someone in that apartment's like oh, they're  
3 not home for the afternoon, let me go rob their house. We  
4 don't know for sure, because it's not uncommon knowledge that  
5 when property building and new things that are being built in  
6 the community, crime also increases. And that's again  
7 something that the builders and the attorneys may not have put  
8 in to consider, that they're putting all of us at risk as  
9 well, because it's so close to the community where the  
10 commercial, where the commercial buildings will take place.  
11 It also was not mentioned that there is a high school half a  
12 mile away in the presentation. So there are a lot of students  
13 who ride their bikes, who walk down that road. So right where  
14 that - where all of that is being built on the map, they  
15 literally go down that street, and they go down so they can go  
16 to school in the morning. So there's kids' safeties involved  
17 as well. There is a charter bus that stops in front of my  
18 house that picks up elementary school kids. So again, we  
19 don't know who's going to be staying in these apartments and  
20 in these commercial areas. So somebody who I don't know, for  
21 example, a pedophile, comes across the commercial units, he's  
22 hey, there's all these kids at these park. Oh, there's the  
23 bus stop. So we can't guarantee child safety. So we don't  
24 know what will happen on these commercial properties. So  
25 that's another concern as well. And then, because of three

1 story apartments, they have the view of a park that is not  
2 their property to view. So why should someone live in an  
3 apartment and have this gorgeous view of a park that is not  
4 theirs? We, as a community, pay a home association fee. We  
5 pay for the maintenance and we ensure that everything is  
6 organized and clean, thanks to our lovely HOA. He's done a  
7 fabulous job with everything. So how is it that someone who  
8 has never lived there, who's never been a part of the  
9 community, all of a sudden have this gorgeous view and they're  
10 allowed to live in there, and then on top of that, being like  
11 someone making a profit off of another person's property, or  
12 another community's property, I should say. So it is not  
13 theirs to view. There's also that. And it has also been  
14 mentioned about the mountain view, because the whole reason  
15 why a lot of us had purchased the property, was because it was  
16 peaceful and because of the mountain views. So by making a  
17 three story apartment, you are literally diminishing and  
18 lowering property value. And so everybody who has invested  
19 money and time and effort into their homes, all of a sudden  
20 you're going to see a dwindle in that as well. So it's unfair  
21 for someone who has lived there for 5-plus years, have this  
22 view and then all of a sudden have it taken away because  
23 someone decides to build a three story apartment building.  
24 There's that as well. And I believe, yes. And if they're  
25 concerned about affordable housing, there are many different



1 apartments that are being built, and throughout the community  
2 there are some being built at Walmart, and there's also one on  
3 Combs and Schnepf, 200 plus apartments. So in terms of  
4 apartments, there are plenty of apartments within the  
5 community. So building another apartment wouldn't be  
6 considerable - wouldn't be considered affordable housing. And  
7 also, I was one of the people that attended the meetings that  
8 the law group had formed, and they also stated that the  
9 objective was affordable housing, but also because there was a  
10 community college down the street as well, so they also have  
11 different target audiences, not just families. So that's also  
12 something to consider as well, because there's not a lot of  
13 apartment places for people to stay for school and colleges  
14 and stuff. So that was also another objective that was not  
15 mentioned in the presentation that had been brought up in the  
16 meetings. And, let's see. I do have an alternative proposal,  
17 if anyone would want to hear about it, but I'm not sure how  
18 that would work since, again, the traffic is the most concern.  
19 So building anything new in that area at this time, I wouldn't  
20 recommend at this point in time. Until we can figure out the  
21 traffic situation, it would not be wise to build anything on  
22 that property right now. So thank you so much for your time  
23 and I greatly appreciate it.

24 RIGGINS: Thank you. Any questions Commissioners?  
25 Thank you very much. Who else would like to come up and speak

1 to this case?

2 J. STRAIT: Hi, I'm Joyce Strait, my husband Ray  
3 Strait. He did not sign in, I'll be happy to do that. We  
4 live at 3149 East Cowboy Cove Trail. It's just off the corner  
5 of Tourmaline and Bella Vista. And what everybody mentioned,  
6 I agree with wholeheartedly. To me, we moved out there in  
7 2017, November of 2017. Absolutely loved the area. We have  
8 this wonderful train that goes by which I no longer hear  
9 because I'm sound asleep or whatever, or just ignore it. But  
10 because of the train, that adds more traffic problems.  
11 Because red lights, people are in a hurry to get to work, and  
12 as a result when there is no directional lanes coming off of  
13 Tourmaline, I see people constantly looking at their phones,  
14 probably trying to find the fastest route to get to wherever  
15 they're going. Queen Creek, 24 is coming, you know, in and  
16 possibly at the end of Bella Vista. I haven't fully  
17 researched that. I see that and I just think, wow, all these  
18 people are driving with their phones in their hands and  
19 they're not paying attention. When you couple that with the  
20 traffic that's already going through there, when they  
21 mentioned that you can't, you can't turn. You wouldn't  
22 believe, we walk in the morning, we see the traffic is all  
23 backed up all the way to the train track. And I thought, wow,  
24 those people that are in a hurry, they're unable to get beyond  
25 that, and it's frustrating, and that's why there's a lot of

1 traffic incidents. We hear sirens from time to time. When we  
2 moved out there, we knew it was a long way out. A lot of  
3 things have changed since we moved out there in 2017, and one  
4 of the things that I've come to appreciate is when I think  
5 about Rancho Bella Vista South - mostly Rancho Bella Vista,  
6 because Bella Vista means beautiful view. And when you think  
7 about beautiful view, you're limiting people's appreciation of  
8 the beautiful view between the Superstition Mountains and all  
9 the Tonto National Forest and everything that you can see off  
10 to the side, and the snow that comes down in the winter, it's  
11 beautiful, it's beautiful. And it's quiet, like they said.  
12 So, I see concerns for the children that are driving, I see  
13 concerns for the children that are playing at parks. I see  
14 concern for the children that are on school busses and  
15 everything else. So I just urge you to reconsider, to think  
16 about what these people have spoken about in regards to the  
17 concerns that they have. Having a traffic light at Tourmaline  
18 and Rancho Bella Vista is still not going to prevent the  
19 problem of having another traffic light down at the corner, in  
20 the other section of Rancho Bella Vista South. So I thank you  
21 for your time. Like I said, I don't have much more to say. I  
22 think that was it. Did you have something more to say, honey?

23 R. STRAIT: You go girl.

24 RIGGINS: Thank you, thank you very much. Any  
25 questions for the speaker?

1 J. STRAIT: Do you need me to write it down here?

2 RIGGINS: Would you please, yes. Please, if you  
3 could.

4 J. STRAIT: And even though we don't have children,  
5 we have grandchildren, we have great grandchildren, and we'd  
6 like to see them safe in the future, whether they choose to  
7 live here or not. So anyway.

8 RIGGINS: Is there anybody else that wishes to come  
9 up and speak to the case? Anybody at all? Okay at this time  
10 we'll go ahead and close the public participation portion of  
11 the case, and we'll ask the applicant if he wishes to come  
12 back up and speak to anything that was said during that period  
13 or anything else that he might be interested in sharing.

14 GILLESPIE: Yes, thank you Chair Riggins. And  
15 again, thank you to Irving and the neighbors for the  
16 participation and the feedback and the comments, it's much  
17 appreciated, and I think we have some good ideas that have  
18 come out of this. Bella Vista, beautiful view. That design  
19 of the site very much was envisioned that so when the  
20 commercial development was a part of the Rancho master plan,  
21 we put in these 400 to 500 foot setbacks with that in mind.  
22 That there's going to be the back house of a big box  
23 development here, is going to be truck loading docks on the  
24 back here. It's a 35 foot commercial allowance there, so  
25 let's put in this 400 to 500 foot tract to preserve those

1 views. So that was envisioned, and that's why the proposal  
2 today conforms with that original vision for the community.  
3 To point out as well, the current height allowances, sometimes  
4 how high something is, we get a little bit afraid when we hear  
5 those numbers, but for reference the two story homes in Rancho  
6 Bella Vista right now are allowed to go up to 30 feet. So  
7 we're asking to go up to 35 feet. There's existing homes  
8 there that do go up to that 30 feet, so we are increasing  
9 height above that, but just for comparison, I think that's a  
10 good thing to discuss. The amenities, I'd like to just read  
11 into the record if I might, the proposed stipulation that we'd  
12 like to add to this case. Residents of the multifamily  
13 development, through a lease addendum requiring a notification  
14 and an affidavit to be signed by the resident, will be  
15 prohibited from utilizing any current or future Rancho Bella  
16 Vista South HOA amenities, except when as an invited guest of  
17 a Rancho Bella Vista South property owner.

18           OLGIN: Chair, Vice Chair if I may. Interrupting,  
19 Gilbert Olgin.

20           RIGGINS: Yes.

21           OLGIN: Typically, staff gets a chance to review all  
22 of these stipulations, or the ones that we create. We haven't  
23 seen any of these, so we haven't had time to vet them out, or  
24 even speak amongst management in regards to their impacts.  
25 So, we'd like that opportunity to at least, you know -

1 typically my first time this has happened where stipulations  
2 are created based on the ones that we give and they don't -  
3 not in agreement, but this is new ones we haven't even  
4 reviewed yet. So if this is, you know, the will of the  
5 Commission, staff would like the opportunity to sit down on  
6 these and make sure that they're in the best interests of the  
7 County.

8 RIGGINS: Community Development (inaudible).

9 BILLINGSLEY: I can tell you with respect to this  
10 particular proposed stipulation, and we've been through this  
11 before, with the Commission, we would not support that  
12 stipulation because it's not enforceable by the County. We're  
13 not going to get copies of all the lease agreements or track  
14 them when one unit's leased to another unit, or be able to  
15 track who it's going to the - it's not something the County  
16 could support because it's simply not enforceable by the  
17 County.

18 RIGGINS: Thank you.

19 OLGIN: And I just also want to mention, if I may,  
20 quickly on the same note. There is a multifamily across the  
21 corner from you, it's called Bella Camino. And that project,  
22 you can see on the map that was shown earlier, 2018 was one of  
23 the first, I think, second multi-families that came in.  
24 Heavily, heavily protested, but it was approved. It's not  
25 three stories, it was two. But my point was that we revised

1 the document about 4 times, and it took a lot of work as you  
2 seen today with Tela Peralta, it took a lot of work for us to  
3 get there. So we'd like that opportunity, you know.  
4 Obviously we're denying, or asking for denial today, but  
5 there's example, I did that project, I rezoned that project  
6 right across from you and it's - there is an ability to do  
7 these projects, but just with new steps being thrown out at  
8 the last minute, we would just like a chance to review them.  
9 Thank you.

10 GILLESPIE: Okay. Chair Riggins, thank you,  
11 Gilbert, Brent, much appreciated and that's great feedback.  
12 The stipulation is presented as an offering from the developer  
13 just to do the most we can to show that we're serious about  
14 protecting those amenities. And the point is taken on the  
15 enforcement aspect. If it can't be written in as a  
16 stipulation, we're committing to it. That's our commitment.  
17 Another commitment that I think makes a lot of sense would be  
18 to place signs on our property boundary towards our residents  
19 that show Rancho Bella Vista Homeowners Association property  
20 owner use only for the amenities. So that's another practical  
21 aspect that could be implemented to give notification that  
22 it's not for the general public use. As has been mentioned,  
23 it's currently being used, it sounds like a lot of the  
24 community might come there. That's not related to our  
25 development. So I think those type of, what we're proposing,

1 can help alleviate that concern that's already existing. I am  
2 going to ask Mr. Paul Basha to come up in a minute to share  
3 some of his perspective on the traffic impact, and the  
4 analysis that's been done for this site, if that would be all  
5 right. And before he comes up, I would also like Russ, who is  
6 from Fortis Development, to come in to speak a little bit to  
7 the commercial development aspects and kind of what effort's  
8 been taken. He's intimately aware of the history there with  
9 the commercial development. So if they could just take a  
10 minute for that. And then I was made aware from Chris  
11 Wanamaker who's here as well, not to put him on the spot as  
12 well, but he's got - we've got his expertise in the room. I'd  
13 love to invite him to come up as well and share his  
14 perspective on improvements that are in the future for Bella  
15 Vista, and then as well what's being asked of the applicant  
16 with this project. If that would be all right, Chairman.

17 RIGGINS: It's a little bit awkward. This is  
18 actually a final discussion of what was in the public  
19 participation portion. If this was to have been done, it  
20 should have been done in the beginning when you had the full  
21 floor to describe this case 100 percent. I believe that the  
22 Commission will entertain these concepts, to have these people  
23 come up at this point in time, but I will forward most  
24 vociferously that they should be fairly brief. If there was a  
25 longer piece of this, I mean the public didn't have a chance



1 to comment to any of these things that are being said, they're  
2 being said after the public participation portion, which is  
3 out of format.

4 GILLESPIE: Understood Chairman. My apology if I  
5 should have -

6 RIGGINS: Well, it's doesn't require an apology,  
7 it's just the fact of the issue. So the people that are here  
8 to hear this meeting have no chance to speak to what's about  
9 to be said. These things should have been said before. This  
10 point in time at the end is generally to speak to what was  
11 said in the public participation portion. These people can  
12 come up, they need to sign up, each one, and we'll need to  
13 keep their presentations brief at this point in time.

14 GILLESPIE: Understood Chair Riggins. And I hope  
15 that they understand as well. They are responding to the  
16 comments that have come from the neighbors today.

17 RIGGINS: I'm not talking about them responding to  
18 the comments of the neighbors, I'm talking about the neighbors  
19 not being able to respond to their comments. That's why you  
20 don't do this at the end of the meeting in this fashion.

21 GILLESPIE: Understood, thank you.

22 RIGGINS: So, let's go ahead and - you enumerated  
23 three different people?

24 GILLESPIE: Yes. I'll start with Russ, who's the  
25 Fortis Developer who has insight on the commercial project and

1 history with the development attempts. And then if Paul  
2 wouldn't mind coming up and they'll keep their comments brief,  
3 and then Chris is with the County, and I think it's helpful  
4 information to - that's been raised in the public portion  
5 regarding what are the improvements on the road and what's  
6 being foreseen for future improvements there.

7 RIGGINS: Okay. And we - are you intending to do a  
8 follow up when they're done yourself?

9 GILLESPIE: No, I think that will do. Unless if the  
10 Commission has any questions, particularly for me, I will be  
11 available.

12 RIGGINS: Very good. Every - all these gentlemen  
13 that are going to come up are going to need to sign in, give  
14 your name and address as well.

15 POSORSKE: I'm going to apologize in advance. I've  
16 had a bad throat for about a week now.

17 RIGGINS: We'll need your name and address down on  
18 the log before you begin. Please. And give that to us before  
19 you start.

20 POSORSKE: Okay. My name is, Russ Posorske, I'm the  
21 founder of Fortis Development. I office at 7317 East Greenway  
22 in Scottsdale, and I live in Phoenix, Arizona.

23 RIGGINS: Thank you.

24 POSORSKE: I've been a valley developer for 30  
25 years. I promise you've all shopped someplace that I've

1 built. I did the first 8 Kohls anchored shopping centers in  
2 the Valley, and I've done over 3,000,000 square feet, and  
3 haven't really accomplished any of it without visiting with  
4 the neighbors and listening to their concerns and trying to  
5 make a sense of place in a commercial development, rather than  
6 simply a collection of boxes or users or what have you.  
7 Hedging my bets a little bit because if this turns back to a  
8 commercial side, I'd like all of you -

9 RIGGINS: Sir, this actually is a presentation to  
10 us.

11 POSORSKE: All right sir. I'm sorry.

12 RIGGINS: Please keep it directed to the Commission.

13 POSORSKE: I'm sorry, sir.

14 RIGGINS: Thank you.

15 POSORSKE: I'd like the neighbors, if this turns  
16 back to a commercial development, I'd love to have them come  
17 and speak on behalf of commercial development, because it  
18 seems like that's the real desire here. The multifamily  
19 project here is not the problem, it's actually the solution of  
20 the 4 major complaints that all of the neighbors have  
21 expressed. The first is traffic, and I understand the traffic  
22 engineer will speak to that. But reducing the number of trips  
23 between 7,500 and 9,000 a day is a significant traffic  
24 decrease from what I would build if I built out a 15 acre, 20  
25 acre commercial development. There'd be significant traffic.

1 If I put a VASA Fitness or an EOS, it's be 24 hour traffic.  
2 So it's a solution to the traffic issue. Three stories is 30  
3 feet. With a parapet, it's 33 to 35. Commercial zoning here  
4 is 40 feet. So again, this is part of the solution to the  
5 problem, in that this is no higher than the commercial  
6 development would be, and maybe lower than what I would  
7 eventually build here. Home Depot with a parapet can easily  
8 be 35 to 40 feet. So there was a comment about bringing  
9 commercial crime, you know, on the little piece that I'm  
10 contemplating doing here would probably be 10,000 feet instead  
11 of 120,000 square feet of retail use or commercial use. So if  
12 you believe that 10,000 feet of commercial use will produce  
13 crime, 120,000 square feet of commercial use will produce 12  
14 times as much crime. And I understand, I've - every home  
15 whether - I've been lived up in Cave Creek, in little towns  
16 and places like that, I've coveted the views that I have had,  
17 but I've also understood that this is a dynamic valley and  
18 this is a dynamic County, and it's going to get built out.  
19 And I think by embracing something, developers of quality,  
20 find people who do this very well around the country, and  
21 something you know, and developers that are willing to work  
22 with you to solve problems. It was a pretty good start in  
23 mitigating the 4 major concerns that every neighbor has  
24 expressed. This project mitigates the 4 concerns that they've  
25 expressed versus retail.

1           RIGGINS: Thank you, sir. Before you step down, any  
2 questions of the speaker? Thank you very much.

3           POSORSKE: Thank you.

4           RIGGINS: And could you please give us your - or  
5 write your name and address down in the log and then give that  
6 to us before you begin.

7           BASHA: Chair Riggins, my name is already written  
8 down, Jon wrote it down for me. Chair Riggins, Members of the  
9 Planning Commission, thank you for your time this afternoon.  
10 My name is Paul Basha, I'm a consulting traffic engineer.  
11 I've been a traffic engineer for half a century now. My  
12 exclusive purpose in talking to you now is to answer questions  
13 that were raised by speakers about traffic. The way traffic  
14 engineers estimate future traffic volumes created by potential  
15 developments, be they commercial or residential or industrial  
16 or whatever, is by using data. Data from the United States,  
17 primarily, some from Canada, of existing commercial  
18 businesses, existing single family homes, existing multifamily  
19 homes. We count the traffic at those developments and then  
20 develop a rate per 1,000 square feet for commercial or per  
21 home for residential. Using that information that's been used  
22 since the mid 1970s, incidentally, a commercial property - a  
23 commercial development on this property of 150,000 square feet  
24 would generate more than double the traffic of a 250 unit  
25 apartment complex. That's simply facts. Be happy to answer

1 any questions you may have.

2 RIGGINS: Thank you very much. Commissioners, any  
3 questions for the speaker? None being, thank you. Who else  
4 was to come up? Did we have three?

5 GILLESPIE: If Chris is willing to share some  
6 insight on the County's proposed improvements, we'd give him  
7 the last word.

8 GAREY: Chairman Riggins, Vice Chair Mennenga, it  
9 would be appropriate if the Commission has a question of  
10 County staff, that staff may be able to answer. In this  
11 situation where we have the applicant's counsel requesting  
12 staff make a presentation, I don't think that would be  
13 appropriate.

14 RIGGINS: And I had no idea when they were speaking  
15 of it. No, I think it's absolutely not appropriate. So no,  
16 we -

17 GILLESPIE: Okay, thank you.

18 RIGGINS: We wouldn't go in that direction.

19 GILLESPIE: He's available, I would assume, for  
20 questions if the Commission has it. Thank you Chair.

21 RIGGINS: Oh, certainly. Certainly. So  
22 Commissioners, any further questions of the applicant? None  
23 being, thank you. That was a wave off.

24 MOONEY: No, I do.

25 RIGGINS: Oh, you do? I apologize.

1 MOONEY: That's okay.

2 RIGGINS: Commissioner Mooney.

3 MOONEY: It's a question, but a comment as well.

4 Would the applicant consider a two story apartment complex?  
5 And if you can't answer that right now, that's fine. There  
6 are no other three stories, and while it was mentioned that it  
7 is shorter than a commercial piece of property, my concern as  
8 a resident of San Tan Valley, is - and the surrounding areas -  
9 is that all of a sudden everybody is going to want to start  
10 adding three and then maybe, oh, that's not too high and it's  
11 not as high as a commercial, and then we look at four. And I  
12 think we don't want this to develop into a bedroom community,  
13 but my concern is with the height. And so that was just a  
14 question.

15 GILLESPIE: Through the Chair. Thank you,  
16 Commissioner Mooney. The question of whether we'd entertain  
17 going to two stories, I'll certainly defer to Mr. Omdahl if  
18 he's giving consideration to that. But given the size of the  
19 site, I don't believe that it could be designed with a two  
20 story, and I don't believe that it makes sense to lessen the  
21 height below what's currently allowed, which is up to 35 feet.  
22 And so in terms of the height, for the height purposes, I'm  
23 not sure that we see that as addressing the crucial concern,  
24 because we feel like there's an adequate buffer there for the  
25 proposed use. I will share that this is not a site plan

1 review, and so the County has heard the comments expressed  
2 today, and as we go into the site plan review, building  
3 locations and heights will certainly need to be taken into  
4 consideration as we get the site plan itself approved. And so  
5 we've received some really good feedback there on that aspect,  
6 and I think we can continue that discussion as we go to  
7 Supervisors and then to the site plan. So we're absolutely  
8 want to have that discussion, and we'll take that feedback.  
9 Thank you.

10 RIGGINS: Okay. Commissioners, any other questions  
11 of the applicant?

12 OLGIN: Chair, Vice Chair, Commission.

13 RIGGINS: Yes.

14 OLGIN: If I may. The height would be determined at  
15 the zoning level, not at the site plan level. So in regards  
16 to how high you could go, we would do that at the zoning  
17 level. So just so we don't misrepresent or confuse anybody,  
18 this is where we would do it, it wouldn't be at a site plan.

19 GILLESPIE: (Inaudible).

20 RIGGINS: Thank you for the clarification. Any  
21 other -

22 KLOB: Through the Chair.

23 BILLINGSLEY: I think it was Mr. Klob.

24 RIGGINS: Oh, go ahead Mr. Klob - Commissioner Klob.

25 KLOB: Thank you. So I have some challenges here.



1 That, you know, number one, you're looking for a density of  
2 19.5 units per acre when the neighboring communities are - you  
3 know, that's roughly three times what the neighboring  
4 communities represent. So - and I get, you know, multifamily  
5 you have to get the density up there, but, you know, that's a  
6 big jump. Combine that with - and I know some of the things  
7 I'm going touch on are not necessarily part of this proposal,  
8 but being the information was presented, so I'm going to  
9 comment on it. You provide parking for 484 spaces is what's  
10 required. That's also - you provided exactly that. As  
11 someone who has been in multifamily, both development and  
12 management like myself and my family for many years, where do  
13 guests park? And that's probably one of the biggest  
14 challenges - my wife is a manager of a community in Chandler,  
15 and on a pretty regular basis there are arguments and  
16 sometimes have led to fights and police being called, because  
17 somebody parked in somebody's spot. So these are things that  
18 so many multifamily developers are not taking into  
19 consideration, and some cities are actually now have changed  
20 their guidelines. As we talk about these guidelines, there's  
21 also - you know I look at the site plan and I see these three  
22 huge buildings. You compared it to the development in  
23 Maricopa, and I know the development in Maricopa, and those  
24 buildings are half the size in length. They are three  
25 stories. I don't have a huge issue with the three story

1 aspect of it. Amassing on these buildings are just out of  
2 proportion for this space and this location. And, you know,  
3 the design and the esthetics that you've shown are not this  
4 architectural wonder that you tend of proclaim. They're very  
5 institutional. They're very much look like a dorm, maybe a  
6 hotel, not a, you know, not a home. And what frustrates me  
7 when I see projects like this, is this project could never be  
8 approved in Queen Creek, Chandler, Gilbert, you know, most of  
9 the Phoenix Valley. You would never get this project  
10 approved. It doesn't meet the esthetics, it would never clear  
11 design review, and they would never let - allow such large  
12 buildings with zero articulation, zero changes to the roof  
13 lines and so on. And to see projects that come into, you  
14 know, the County only, you know, they're completely dumb  
15 down from what would, you know, be only approved - or what  
16 would be approved in a neighboring community, it's really  
17 unfair to the community around you, you know, to the people  
18 that live here. So I just have some real issues with this  
19 project. (Inaudible). If you'd like to - if the applicant  
20 would like to respond to that, great, if not, we can move into  
21 kind of discussions with, you know, back to the Commission.

22 RIGGINS: Would the applicant like to respond to  
23 that?

24 GILLESPIE: Yes sir. Thank you Commissioner Klob,  
25 that's good feedback. Regarding the parking, we do meet the

1 Pinal County standards for a multi-family development, so  
2 there's no parking reduction that's being requested. Real  
3 Estate Equities, with their national brand in development  
4 across the country, I think they would be able to stand up  
5 here and say that two parking spaces per unit is actually  
6 above what they typically would see in other jurisdictions.  
7 So we know that we want to park this site sufficiently and  
8 appropriately so that residents and their guests have adequate  
9 parking and there's no motivation to skimp on parking. So  
10 that's to make sure we're aligned there. Thank you for the  
11 feedback on the architecture of the three story length of the  
12 massing, I think that's feedback that our architecture team  
13 can take back and work on. Chair Riggins, if I might, I might  
14 look over to Eric here. There has been some questions about  
15 the site plan and the heights and the locations of buildings.  
16 I think the applicant would be happy to continue the case to  
17 discuss more about the placement of those buildings,  
18 orientation, and the heights that are being proposed there,  
19 and come back before this Commission, if it would do the  
20 Commission - give the Commission an opportunity to relook at  
21 the project, as well as staff has mentioned, if stipulations  
22 are being proposed, we'd love to work - continue to work with  
23 staff. They've mentioned a willingness to have that  
24 discussion. We'd be happy to continue this case and come back  
25 to discuss further how we can better align with the County,

1 the Commission and the neighbors' views, if the Chair would  
2 entertain such a motion.

3 RIGGINS: Well, it wouldn't be the Chair that  
4 entertained that, it would be the Commission as a whole. So  
5 at this point in time, I will ask the Commissioners if they  
6 have any further questions whatsoever of the applicant. There  
7 none being, we'll have you sit down.

8 GILLESPIE: Thank you.

9 RIGGINS: Thank you. Okay Commissioners, it is back  
10 to the Commission to have any further questions of staff,  
11 discussion among ourselves, or a motion. Vice Chairman  
12 Mennenga.

13 MENNENGA: Well after listening to all this, it  
14 looks to me like you've got a lot of work to do here. For  
15 instance - well, I'm pretty much opposed to three stories at  
16 that location. There is no three stories in San Tan Valley  
17 that I know of, and setting that precedent, you know. I mean  
18 we've approved a lot of rental communities, single stories and  
19 stuff, and I understand the size here and stuff, but you know,  
20 your parking, you've got over 100 three and four bedroom units  
21 in this complex. Well you're going to have 3 or 4 cars for  
22 most of those units that size. So you definitely going to  
23 have to go back and figure out some more parking here, because  
24 you've got these bigger units in there. And yeah, these  
25 massive buildings, wow. I mean, you know, thousands of

1 apartment complexes going up. I - and just rare that you see  
2 this size of buildings, fire control and other reasons. I  
3 mean it's just, you know, and I agree with Commissioner Klob,  
4 you know. As a matter of fact, I just turned down a similar  
5 complex unit in Casa Grande like this, because of the three  
6 stories and parking and stuff like that. So yeah, if you want  
7 to extend it, I think you've got a couple months of work here  
8 with staff. Staff's already not - is not in favor of this.  
9 That should give you an indication you've got a lot more work  
10 to do here, okay? So - and if not, I can propose a motion to  
11 deny this thing, you know? And I know where that's going at  
12 this point. So, Gilbert.

13 OLGIN: Chair, Vice Chair, Commission Members, just  
14 to be transparent and to not provide any false hopes. This  
15 isn't about an apartment complex or a multi project, this is  
16 about loss of commercial opportunities. That's what is behind  
17 our decision of denial. As you've seen, as you all know, one  
18 of the traffic issues that we have, in my personal opinion, is  
19 because lack of commercial opportunities and because those  
20 that we have - the Walmart and the Home Depot - everybody's  
21 going there to get what they want. Those that can't get there  
22 because of traffic end up going to other places. So I don't  
23 think the design of the project is going to satisfy, you know,  
24 the planners. I think it's the lack of commercial  
25 opportunity. And I - we've been told, you know, by the Board

1 that the project across the street I talked about earlier,  
2 that wasn't commercial. We rezoned it to a portion of  
3 commercial and multifamily, or MR as it is today. This is  
4 commercial, all of it. So that, I believe, is the bigger  
5 question is how much commercial can the County lose? I know  
6 it's property rights, I totally understand that, but services  
7 are now at the forefront here in the County. And bringing  
8 more restaurants, bringing more Home Depots and Lowe's, and  
9 you know, not to say this is where it's going to go, but I  
10 think that's the deeper concern from the planning staff.

11           MENNENGA: Well let me give you an example. I  
12 myself have worked on economic development for 30 years. I  
13 was past president of CAREDF, the economic development  
14 organization in Casa Grande and, you know, in Coolidge and  
15 stuff. And so when Maricopa first started, they were part of  
16 our organization, and we kept saying to the city - as a matter  
17 of fact, a couple city members were part of our organization -  
18 you can't put houses there, we've got to set aside some  
19 property for commercial. And they didn't. And unfortunately  
20 all Maricopa is now is a bedroom community. And we kept  
21 saying, set aside some (inaudible). You know, now they're at  
22 a point - had a visit recently with the city manager and the  
23 mayor - they're short about 6-7 convenience stores that they  
24 desperately need. They're short 4 or 5 car - and other  
25 services. We've looked over there it's what we do for a

1 living, and there's nowhere to put this stuff because they put  
2 houses on all these corners and stuff. So again, I mean  
3 there's cases where we have downzoned from commercial, another  
4 case we did here, but I mean - and granted we're in this  
5 period right now where everything's going to Amazon and  
6 everything else. That may change, may not, don't know. But  
7 you know, we need medical services, other services in these  
8 communities. And look, I would - I understand rental  
9 communities, I'm pretty shocked how quick they're coming. You  
10 know, a single story rental community probably don't work on  
11 here, it's big enough. Two story would possibly work, but  
12 again, you got a lot of work to do for this Commission, and  
13 I'm just speaking for myself. They're probably never going to  
14 approve this project.

15 SCHNEPF: Commissioner - Chairman, I have a comment.

16 RIGGINS: Commissioner Schnepf.

17 SCHNEPF: There was a time back in 2018 when we had  
18 a special area plan created for San Tan Valley, that's because  
19 of the challenges and the needs of this area growing  
20 unincorporated. No town, no city. And we're looking at,  
21 what, 100,000 plus people, give or take - I don't know what  
22 the exact numbers are today. So the special area plan was  
23 created. The County put a lot of time, a lot of effort and a  
24 lot of money into it. And something like this project, which,  
25 you know, not to say that it's not needed, you know, there's

1 always multi - housing that's needed in a community of that  
2 size, but this kind of community falls under like the urban,  
3 based on the Plan San Tan - special plan area for San Tan  
4 Valley - where you're looking at yes, 10-plus dwelling units  
5 per acre. Well we're here almost doubling that here. I guess  
6 that falls into that urban. But what we're dealing with is  
7 land entitlements. We have a lot of that, and then we have  
8 State Land that is the big landowner in San Tan Valley. So  
9 when you have already zoned commercial on a corner that would  
10 benefit the community, with all the traffic, yes, there's  
11 traffic, there's going to be traffic throughout the County no  
12 matter where you go. And I don't know if it's ever going to  
13 get better, I think it's only going to get worse with all the  
14 homes and everything. But when you have already a zoned  
15 commercial property, when we did that study, when that study  
16 was done, I think back at the time it was like 98 percent of  
17 everyone was leaving San Tan Valley to go shop and go for jobs  
18 and everything like that. So here we are taking a  
19 commercially zoned corner, that give it enough time somebody  
20 will want to come in and develop it eventually. I'm not  
21 saying right now, but with that amount of people around,  
22 there's business to be had, and somebody will want to use that  
23 property for commercial in one form or another. And we're  
24 already losing, and we have retail leakage leaving the area.  
25 So now we're taking commercially zoned property and we're



1 going to change it into multi-housing, with a little bit of  
2 commercial, which isn't going to really be a lot, to be honest  
3 with you. So it's a hard challenge for the growth of the  
4 community to see something like this come in on an area like  
5 that, that is needed to stay commercial. Because as we start  
6 transitioning from our zoned commercial away, we're losing  
7 that piece and we're - I don't see a commercial developer  
8 coming in and buying State Land from the State Land Department  
9 at a high premium cost to put a lot of commercial in. So I  
10 think we have to preserve what we have now before we start  
11 losing it all, because one day we will have an incorporation  
12 done. There is an effort right now, and so I think it  
13 behooves the Planning and Zoning Commission to remember that,  
14 to see, you know, what are we going to have already entitled  
15 by the time this area - that area incorporates, and what will  
16 be not left for them to be able to put in or to grow in a way  
17 that would sustain the community. So those are my comments.

18 RIGGINS: Other Commission Members. Commissioner  
19 Mooney.

20 MOONEY: I would just like to make a comment on the  
21 traffic. This is just my opinion, but I believe that  
22 commercial traffic wouldn't impact the community as much as  
23 the commuter traffic leaving, as the gentleman had stated  
24 earlier. When everybody's trying to commute to work and do  
25 those sorts of things and then to build the commercial isn't

1 going to open until 9 or 10:00 in the morning when rush hour  
2 has left. So I just think that the - and I was part of that  
3 Plan San Tan effort to keep commercial space for down the  
4 road. Thank you.

5 RIGGINS: Other Commissioners? Commissioner Del  
6 Cotto.

7 DEL COTTO: Chair. Maybe at this point, maybe it  
8 is, or could be more of a well-rounded, mixed use type of an  
9 environment where people could possibly live there, work  
10 there, and maybe have more sense of community there with  
11 people, like I say, living, working, maybe not as many units,  
12 so on and so forth, but to try to find some in between, or  
13 ground in between where we're at and what it seems like  
14 everyone else may want or not want right now. So maybe it's  
15 time to just kind of rethink it a little bit, or reshape it,  
16 and make it more compatible and/or easier to swallow.

17 RIGGINS: Commissioners? I will have one  
18 observation. There seems to be two very formative and  
19 foundational issues in this case. One of them is a critical  
20 loss of commercial property that cannot be brought back. In  
21 that aspect, a continuance serves no purpose whatsoever.  
22 Another foundational issue is that this is totally built  
23 around the concept of a three story set of apartments.  
24 Changing things around the edges doesn't change that either,  
25 and a continuance doesn't address that either. So any other

1 Commissioners, any discussion, questions of staff, any - are  
2 we prepared for a motion?

3 SCHNEPF: Chairman Riggins.

4 RIGGINS: Pardon me?

5 SCHNEPF: Chairman Riggins, right here.

6 RIGGINS: Oh, that's Commissioner Schnepf.

7 SCHNEPF: I would like to make a motion.

8 RIGGINS: Yes, please do.

9 SCHNEPF: I move the Planning and Zoning Commission  
10 forward a recommendation of denial for case PZ-PA-014-23 to  
11 the Board of Supervisors.

12 RIGGINS: We have a recommendation of denial, do we  
13 have a second?

14 MOONEY: Second.

15 RIGGINS: We have a second from Commissioner Mooney.  
16 All those in favor signify by saying aye.

17 COLLECTIVE: Aye.

18 RIGGINS: Any opposed? The denial is unanimous. We  
19 have two more cases.

20 SCHNEPF: Chairman Riggins.

21 RIGGINS: Yes, Commissioner Schnepf.

22 SCHNEPF: I move the Planning and Zoning Commission  
23 - I'd like to make a motion. I move the Planning and Zoning  
24 Commission forward a recommendation of denial of case PZ-051-  
25 23 to the Board of Supervisors.

1 RIGGINS: We have a motion of denial, do we have a  
2 second?'

3 MOONEY: Second.

4 RIGGINS: We have a second from Commissioner Mooney.  
5 All those in favor signify by saying aye.

6 COLLECTIVE: Aye.

7 RIGGINS: Any opposed? The denial is unanimous. We  
8 have a final motion to make.

9 SCHNEPF: Chairman Riggins, one more time.

10 RIGGINS: Yes, Commissioner Schnepf.

11 SCHNEPF: I'd like to make a motion that, I move the  
12 Planning and Zoning Commission forward a recommendation of  
13 denial of case PZ-PD-020-23 to the Board of Supervisors.

14 RIGGINS: We have a motion for denial, do we have a  
15 second?

16 MOONEY: Second.

17 RIGGINS: We have a second from Commissioner Mooney.  
18 All those in favor signify by saying aye.

19 COLLECTIVE: Aye.

20 RIGGINS: Any opposed? The denial is unanimous.

21 Okay. We're done with that case. That case will still be  
22 heard by the Board of Supervisors with a recommendation of  
23 denial. Now okay, is there a desire to take a 10 minute break  
24 before we -

25 MOONEY: There's a desire to go home.

1                ??: I mean Steve's up next, right?

2                RIGGINS: I would love to get myself just a bit more

3                -

4                ??: (Inaudible) postpone again?

5                RIGGINS: Yeah, Chair's -

6                ??: Yeah, we'll take a break.

7                RIGGINS: Chair's going to unilaterally go for a 10  
8 minute break. We'll be back 5 minutes till 3.

9                [Break]

10              RIGGINS: We'll reconvene the regular meeting of the  
11 Pinal County Planning and Zoning Commission on March 21<sup>st</sup>, 5  
12 minutes until 3 p.m. And our next two and final orders of  
13 business are both text amendments. The first one is on the  
14 subdivision regulation text amendments. PZ-C-001-22.

15              OLGIN: Chairman, Vice Chair, Commission, can we  
16 verify that we have the Commissioners still on the phone?

17              RIGGINS: Yes, please do.

18              OLGIN: Commissioner Klob, are you still there?  
19 Commissioner Klob? Last call. No. Who else was on the -

20              RIGGINS: Lizarraga.

21              OLGIN: Commissioner Lizarraga, are you still on the  
22 phone?

23              LIZARRAGA: Yeah, I'm still here.

24              OLGIN: Perfect.

25              RIGGINS: Okay, that gives us what? That gives us 8

1 still, so we've got a good quorum. Okay, it's the Steve show.

2 ABRAHAM: Thank you, Mr. Chair and Commissioners.

3 Thank you for having me here again today. I brought with me  
4 two special guests to help assist in the discussion of the  
5 2023 Subdivision and Infrastructure Design Manual and  
6 amendments to Title 3, which is your subdivision regulations  
7 as part of the Pinal County Development Services Code. With  
8 me today is Chris Wanamaker, he is your County Engineer, and  
9 Kevin Costello, he is a Deputy County Attorney with the County  
10 Attorney's Office. And he is an expert and brings a lot of  
11 background and expertise to matters dealing with Public Works  
12 and subdivisions. And you've seen Chris Wanamaker before. So  
13 if it pleases the Chair and the Commission, I'd like to do one  
14 discussion, because these two items are really married, but we  
15 have to do two separate and distinct public hearings for each  
16 of these items, and two separate and distinct motions, which  
17 I've outlined in your staff report and have some slides to  
18 that effect on this presentation. If that is okay.

19 RIGGINS: As long as you don't confuse us.

20 ABRAHAM: Very good. Just a quick recap of why  
21 we're here and what these documents are. The 2023 Pinal  
22 County Subdivision and Infrastructure Design Manual and  
23 amendments to Title 3, these will affect all developments that  
24 are eligible for these two processes in the entire County. So  
25 these are County-wide regulations, they're not specific to one

1 unique site, but they will guide and regulate how subdivisions  
2 are processed and built, and then also how public improvements  
3 are designed, submitted for review and built in our County.  
4 The Subdivision and Infrastructure Design Manual and Title 3,  
5 Title 3 actually allows the creation of the Subdivision and  
6 Infrastructure Design Manual. The Subdivision and  
7 Infrastructure Design Manual is an approximate 400 page  
8 document that deals with all manner of public infrastructure,  
9 including roadways, curbs, drainage requirements, signage,  
10 traffic signals, traffic engineering, it is very comprehensive  
11 and complete. And we have those because public improvements  
12 eventually become the responsibility of the County after  
13 they're constructed and accepted by the County, so we want to  
14 make sure that they're built to a very high standard that when  
15 we accept them and are required to maintain them in  
16 perpetuity, that they are of the highest quality for safety  
17 and the most current design, and acceptable engineering  
18 practices. Now, why do they need to be amended? Well, your  
19 Subdivision and Infrastructure Design Manual was originally  
20 adopted back in 2006 as a companion piece to our, what we call  
21 and the building next door, the modern subdivision  
22 regulations. And along the way, the design documents that the  
23 engineering field uses, which are listed here, including  
24 design and technical engineering manuals from ADOT, MCDOT, MAG  
25 and AASHTO, have all been amended several times since 2008.

1 So it's time - and also our business practices, and also the  
2 way development is submitted to the County has changed over  
3 the years as well. So it's been a while since we've taken a  
4 good hard look at these, at this document. So what is  
5 changing? Well, after that amount of time, a lot's changing;  
6 however, those changes fall into two distinct categories which  
7 are the specifications of design and the submittal  
8 requirements. So there's some new things in there in regards  
9 to accessing public right-of-way, traffic calming, street  
10 signage, traffic circles, street lighting, material testing.  
11 And some things to consider while going over this design  
12 manual is that the design manual provides specifications for  
13 required improvements, not if the improvement is actually  
14 required. And again, these are standards for construction  
15 design in the public right-of-way, and they are fully and  
16 completely engineering and standards based. So it's largely  
17 responsible for the dialog between designing and engineering  
18 and internal County reviews. Now, your public involvement.  
19 So we did our standard palette of public involvement, which  
20 includes posting on the website. It's been available for  
21 public comment for about 6 months now. There are physical  
22 copies available for review. There was a posting in the  
23 newspaper, there - we actually did get some comments back, so  
24 word was spread about the update of the manual. I put a  
25 transcript of those emails into your packet to show some of



1 the dialog that we had regarding some changes that were  
2 suggested. There is an anticipated public hearing in May for  
3 the Board of Supervisors for ultimate adoption. And the  
4 design manual itself is going to be completely reformatted and  
5 hopefully will be a little bit easier to use with our new  
6 digital submittal technology, which seems to be the preference  
7 of the design community these days. It's going to look a  
8 little cleaner. Hopefully some of the formatting will make  
9 some of the more ministerial things that are inside that  
10 document, be easier to transfer from one document - electronic  
11 document - to the next. It also features some updates to our  
12 road cross sections, and also there's some new information  
13 that are being put into the back of the document as an  
14 appendix regarding materials testing. The materials testing  
15 component is an effort to, again, make sure that these public  
16 improvements and the materials used within these public  
17 improvements that we require, are of the utmost and highest  
18 quality and consistency when being applied in public right-of-  
19 way. So we recommend you forward a recommendation of approval  
20 to the Board of Supervisors, and I do have a motion, because a  
21 late-arriving comment came in, and it's regarding signs and  
22 it's in regards to Section 13.2.2(K), and we'd like you to  
23 read that new section into the record to adopt that additional  
24 stipulation. Now this - okay, so planner hat off and  
25 procedural hat on. This is the motion that if you are okay

1 with this motion, then you obviously would say approval. But  
2 if you are not okay with it, then you would change that to  
3 denial. The amendment, if you're okay with that amendment,  
4 you would include that and read the entire thing on here. And  
5 if there are additional changes that you would like to see in  
6 the document, we actually need you to say amending what  
7 section you want to amend, and then you would read out the  
8 change as part of your one continuous motion. So hopefully  
9 that's easy to understand if there's changes that need to be  
10 included on the floor that come from the Commission. And it  
11 doesn't appear that there will be public involvement at this  
12 stage, although there has been public involvement in this  
13 process for you to consider. On the Subdivision and  
14 Infrastructure Design Manual, I would be happy to answer any  
15 additional questions that you may have.

16 RIGGINS: I have just one - just a procedural  
17 question. Is it considered now that we're on this in our  
18 hearing, that this case is open for hearing right now?

19 ABRAHAM: It is.

20 RIGGINS: Or do we have to formally open it?

21 ABRAHAM: Oh, you do have to formally open a public  
22 hearing, yes.

23 RIGGINS: Yeah, that's exactly what I thought. You  
24 don't have any nice words for me for that one do you?

25 ABRAHAM: I don't. Kevin, any suggestions.

1 RIGGINS: All right. I'll wing it, I'll wing it.

2 ABRAHAM: Okay.

3 RIGGINS: I'll make it happen. Anything else on the  
4 design review manual?

5 ABRAHAM: I don't.

6 RIGGINS: I will just go through the efforts and  
7 times we've all spent with this. We've had the County go  
8 through several meetings and actually some meetings on the  
9 outside of our normal schedule to go through the  
10 recommendations on this. We've read through this, I do  
11 believe, fully twice, and there have been recommendations put  
12 into it. The last time, I believe our last meeting, we did a  
13 full read through it of the last set of changes that were put  
14 in, recommended by the Commission. So what we are being asked  
15 to deal with right now, we have totally as of our last  
16 meeting, we have totally read through this and approved what  
17 we saw. So we could, if we wanted to now, request to read  
18 through the whole thing again. If we wanted to. But we've  
19 already in the last meeting seen it and approved of its form  
20 and the amendments that got stuck into it over the meetings we  
21 had to review it. So I would suggest, personally, that we  
22 have been through it, they have changed nothing, other than  
23 the one amendment that they're posting for us, I would suggest  
24 that there is not a need to open the document and fully review  
25 it for this hearing because we have already done so. You like

1 that? Well that - I would - and should we do that by motion?

2 ABRAHAM: I don't think you need to, but you  
3 definitely need to open up the public hearing.

4 RIGGINS: Oh no, I understand, but we'll do that by  
5 acclamation then, and if everybody on the Commission is an  
6 agreement that we have reviewed it adequately, because I  
7 believe we certainly have, then I will dispense with the -  
8 yes, Commissioner Mooney.

9 MOONEY: I'm sorry. I'm still too new to this  
10 process. And I know last time we discussed - and Todd isn't  
11 here - on, I don't know if you can flip to a page 37 text  
12 amendment. B.2.6 letter G. And it talks about the water. Is  
13 this the only form that there will be any direction given to  
14 the water hat the communities will then have to maintain after  
15 homeowners take control?

16 RIGGINS: Now where are we? What we're looking at  
17 isn't what you're talking about.

18 DAVILA: Yeah we see a lot designs.

19 RIGGINS: We're under lot designs.

20 MOONEY: I was on page 37.

21 ABRAHAM: Are you in the subdivision regulations or  
22 the design manual, ma'am?

23 MOONEY: I must be in the second (inaudible).  
24 Subdivision, I'm sorry. So that would be the next section.  
25 My computer had to update, so I'm going on my notes, I'm

1     sorry.   Okay, I apologize.

2                 RIGGINS:   Okay, so you're in Title 3 that your  
3     question was in.

4                 MOONEY:   Yes.

5                 RIGGINS:   Okay, so we're in the design manual.  
6     Okay.   So if everybody feels it is appropriate that we go  
7     ahead and at this time don't do a full read-through of what we  
8     just fully approved in our last session, and made our  
9     amendments that were included in the document, I will suggest  
10    at this time we open the public hearing concerning text  
11    amendment.   Okay, this is the same public hearing for both?

12                ABRAHAM:   No, you need two separate public hearings,  
13    but you could title the public hearing for the 2023 Pinal  
14    County Subdivision and Infrastructure Design Manual.

15                RIGGINS:   Okay, so that's a - it doesn't have a case  
16    number then.

17                ABRAHAM:   Does not.

18                RIGGINS:   Okay.   Well I suggest that at this time,  
19    we need a motion to open the hearing for the 2023 Pinal County  
20    Subdivision and Infrastructure Design Manual public hearing.

21                HARTMAN:   So moved.

22                RIGGINS:   Commissioner Hartman has a motion to open,  
23    do we have a second?

24                DAVILA:   I'll second it.

25                RIGGINS:   Commissioner Davila seconds, all those in

1 favor stipulate by saying aye.

2 COLLECTIVE: Aye.

3 RIGGINS: Any opposed? It passes unanimously. Is  
4 there any discussion concerning the text changes and  
5 amendments that is desired to be had at this time? If there  
6 is none, I will ask for a motion for approval. And there is a  
7 -

8 GAREY: Chairman Riggins, Vice Chair Mennenga,  
9 Members of the Commission, if you'd like to invite any members  
10 of the public. I know that you don't see anybody here -

11 RIGGINS: I - no, no, actually you are just as right  
12 as you can be. That is my - I absolutely -

13 DAVILA: Take the win.

14 RIGGINS: It's getting, it's getting closer to the  
15 end of the day and your as correct as you - thank you for  
16 saying that. It's at this point in time we will open the  
17 public participation portion of this hearing concerning the  
18 Subdivision and Infrastructure and Design Manual and ask if  
19 anyone in the public would like to come up and speak to this  
20 case. Anyone at all. In that event, we will close the public  
21 participation portion of this case and move it back to the  
22 Commission. Questions of staff, discussion among ourselves,  
23 or a motion.

24 DAVILA: Mr. Chair, if I may.

25 RIGGINS: Commissioner Davila.

1           DAVILA: I'd like to move that the Planning and  
2   Zoning Commission forward the 2023 Pinal County Subdivision  
3   and Infrastructure and Design Manual, clean version, as  
4   presented by staff, with recommendation of approval to the  
5   Board of Supervisors by staff with the following amendments.  
6   Amending Section 13.2.2.K to read: All signs will be  
7   installed using ADOT Signing and Marking Standards (Detail S-  
8   3).

9           RIGGINS: We have a motion, do we have a second?

10          MENNENGA: Second.

11          RIGGINS: Vice Chair Mennenga seconds. All those in  
12   favor signify by saying aye.

13          COLLECTIVE: Aye.

14          RIGGINS: Any opposed? The motion passes  
15   unanimously. We will move on to our next case. I will ask  
16   for a motion that we open the public hearing on text amendment  
17   PZ-C-001-22.

18          MOONEY: I'll so move.

19          RIGGINS: Commissioner Mooney makes a motion, do we  
20   have a second?

21          DAVILA: I'll second.

22          RIGGINS: Commissioner Davila seconds. All those in  
23   favor signify by saying aye.

24          COLLECTIVE: Aye.

25          RIGGINS: Any opposed? The public hearing is open

1 by a unanimous vote. Is there any desire to - there might be  
2 a desire on Commissioner Moody's part to - had a question on a  
3 certain place, could you bring that up?

4 MOONEY: Yes. So it was on page 37 of (inaudible)  
5 2.6.

6 DAVILA: Title 3.

7 MOONEY: Title 3. I didn't write that down. I  
8 apologize, my computer needed to update.

9 ABRAHAM: Madam, can you give me that section one  
10 more time?

11 MOONEY: E.2.6.

12 RIGGINS: 3.2.6.

13 MOONEY: Where's the water section? I'm just about  
14 the water. Talked about -

15 RIGGINS: 3.2 or 3.20?

16 MOONEY: Maybe I forgot the zero. It was letter G.  
17 No, it's not that one.

18 ABRAHAM: Mr. Chair, may I may approach to look at  
19 Ms. Mooney's -

20 RIGGINS: Certainly, please do.

21 MOONEY: It is strictly my notes, my computer's  
22 gone, so it's what I wrote down last night. Right there, okay  
23 so we have I.

24 ABRAHAM: Do happen to recall the section header?  
25 Like was it 3.4 or 3.6?



1 MOONEY: I thought it was 3.2.6, but -

2 ABRAHAM: 3.2.6.

3 MOONEY: It can - concern was about the turf and  
4 potable water limitations. And then it discussed effluent  
5 water. And I apologize if you can't find it.

6 RIGGINS: That's okay.

7 ??: We're here all day.

8 RIGGINS: It's not - oh it's getting to be a surly  
9 bunch. Surly bunch.

10 MOONEY: It was not in the redline section. 3.2.6.

11 [Time spent looking for the section]

12 MOONEY: There was a whole list, so it would become  
13 letter G. It was a whole list of all the different items and  
14 it talked about the water. And maybe you can just answer the  
15 question, is this the spot where they have - sorry, is this  
16 the area or the proper document? Because Todd Williams had  
17 told me that it may be in a different section when I asked  
18 this question last time about the requirements for potable  
19 water, and some communities have effluent water for their  
20 landscaping. So is there any minimal or maximum efforts in  
21 this particular document, or it would there be another  
22 document coming down the road? And I can only use our  
23 community as an example, is we can only use effluent water and  
24 we're not getting enough. And part of our new community that  
25 we're annexed in is potable, and I know there's limitations on

1 that. So I don't know if this is the document, and that's why  
2 I brought this particular...

3 ABRAHAM: Well -

4 MOONEY: It was said you couldn't give them limits,  
5 but because of the issues with the water when it comes to  
6 potable, is there any limitations? And it's just a question  
7 and maybe it's not for here.

8 RIGGINS: I just went through the entire Title 3,  
9 and I didn't read every single thing, but I didn't see  
10 anything that it was even close to that.

11 MOONEY: Okay. When I said G, there was a list of  
12 all the alphabet with just different titles altogether.

13 ABRAHAM: So in general with Title 3 and the design  
14 manual, when they work together, the water provider works out  
15 how much of effluent they can use and how much groundwater  
16 they can use as part of that. And that relationship is made  
17 with the State and ADEQ. As far as the County is concerned,  
18 we want to - I mean our primary concern is that there's  
19 assured water supply and that has been granted by the State.  
20 Now we do have provisions about you can use effluent for turf  
21 watering, and there are some provisions about when that can  
22 occur, which is just basically irrigation at this point. So -

23 RIGGINS: But the quantification would still happen  
24 through the designated provider.

25 ABRAHAM: That is correct, yes.

1 MOONEY: So the question being, with the type of  
2 water it becomes, can you limit the amount of turf?

3 ABRAHAM: So yeah, the subdivision regulations  
4 wouldn't limit the amount of turf, and that might be more of a  
5 zoning stipulation.

6 MOONEY: Okay, and I wasn't sure where to go,  
7 because I'm still learning.

8 ABRAHAM: Yeah, because - and that would actually,  
9 you know, since we're working on the zoning ordinance, it may  
10 be good to keep that in mind that when you're dealing with how  
11 open space is designed, the zoning process is really the  
12 perfect time to handle that, because that's when you look at  
13 your PADs and site plans and things along those lines.

14 MOONEY: I'll keep that in mind. Thank you, I  
15 apologize.

16 RIGGINS: No, not a problem. Not a problem.

17 MOONEY: My computer needed to update, so I lost my  
18 spot.

19 RIGGINS: No, I understand. That's why I still  
20 stick with paper. But I can, but I can sure lose things with  
21 paper too.

22 MOONEY: No, I - if I could have a paper  
23 (inaudible).

24 RIGGINS: Okay, the case is open. We're at the  
25 point of if we wish to have further discussion on it. If

1 there's no discussion at this point in time, I will open the  
2 public participation portion of PZ-C-001-22 and see if anybody  
3 from the public would like to get up and speak to it. Anybody  
4 at all? There none being, I'll close the public participation  
5 portion of the case and turn it back to the Commission. Do we  
6 have any further discussion among ourselves, or are we  
7 prepared to make a motion concerning the case?

8 DAVILA: Mr. Chairman, I'd like to make a motion.

9 RIGGINS: Commissioner Davila.

10 DAVILA: I move that the Planning and Zoning  
11 Commission forward case PZ - is this it? Okay, sorry, I  
12 didn't know it had a case number. Forward case PZ-C-001-22, a  
13 subdivision regulations text amendment to Title 3 -  
14 Subdivisions, PCDS to Section 3.05.010 through Section  
15 3.65.060, as indicated in the attached document, clean  
16 version, and presented by staff with a recommendation of  
17 approval to the Board of Supervisors with the following  
18 amendments.

19 ABRAHAM: Mr. Chair, unfortunately you do have to  
20 read all of number 5.

21 DAVILA: Section 3.15.110.B, by adding new  
22 Subsection 5, Section 3.15.110.B.5, where permitted, applicant  
23 may file all necessary documents electronically. Such  
24 submittal shall be of high quality to ensure legibility and  
25 shall be in a format that can be easily printed. These

1 formats include, but are not limited to, PDF, .doc, .xls and  
2 .jpeg. Only when specifically requested will DWG or SKP files  
3 be accepted. It is recommended that the applicant contact the  
4 Planning Division to ensure acceptability of a file format if  
5 different than those described herein. Applicants may submit  
6 all materials electronically using the County's ePlan  
7 Review/ePermitting online submittal portal,  
8 citizenaccess.pinalcountyz.gov/citizenaccess/default, or as  
9 amended, provided on the Community Development Department  
10 website.

11 RIGGINS: We have a motion, do we have a second?

12 HARTMAN: Second.

13 RIGGINS: Second by Commissioner Hartman. All those  
14 in favor signify by saying aye.

15 COLLECTIVE: Aye.

16 RIGGINS: Any opposed? Then those cases are  
17 completed. And I know everybody wants to stay for the  
18 utility. Mr. Billingsley, are you - he's gone, I can't -  
19 nobody wanted to do the solar utility grade presentation  
20 anyway.

21 OLGIN: It's been removed, sir. We're not doing  
22 that presentation today.

23 RIGGINS: Well yeah, but that was a suggestion.

24 OLGIN: Okay, fair enough, fair enough. Thank you,  
25 appreciate the opportunity.

1           RIGGINS: Okay, well then in that case, I will ask  
2 for a motion for adjournment.

3           ??: So move.

4           KLOB: Through the Chair.

5           RIGGINS: Yes, Commissioner Klob.

6           KLOB: One quick thing. I got a couple of things  
7 that I've been talking to the County Attorney about, and what  
8 he recommended is that I make a request to the Commission.  
9 I'm looking at - I'm going over my notes here. To essentially  
10 have just like a board discussion. I'm looking through my  
11 notes, and I'm not finding it off the top my head, I'm sorry.  
12 General future discussion by the Commission as an agenda item.

13          GAREY: Chair Riggins.

14          RIGGINS: Yes.

15          GAREY: Vice Chair Mennenga, Members of the  
16 Commission. Section - I believe it's 7 of the rules - I don't  
17 know if I could find that - Section 7 delineates orders of  
18 business, and it includes a call to the commission where oral  
19 comments or suggestions from an individual commission member  
20 reading items or staff action will be allowed. This is not  
21 intended to allow discussion or action on the item, but merely  
22 to provide the Commission a chance to express its opinions  
23 regarding the need for future action by Commissioner staff.  
24 It's not an agenda item today. It's customary in our Board of  
25 Supervisors meetings there is an agenda item, it's similar to

1 that, where the floor is given to the Members of the Board, or  
2 in this case, the Commission, to request that items be placed  
3 on a future agenda for discussion.

4 RIGGINS: That's generally a Call to the Commission,  
5 is it not?

6 GAREY: Yes, exactly.

7 RIGGINS: And we have quit putting those on our  
8 agenda.

9 GAREY: Right. So I think that's what Commissioner  
10 Klob is asking for, to be placed on the next agenda so that on  
11 that agenda when there is a Call to the Commission, he can ask  
12 for a couple of things that he's been thinking about to be  
13 discussed by looking at a future meeting.

14 RIGGINS: So yes, it's absolutely appropriate in a  
15 call the Commission for a Commission Member to request and  
16 vet, and see if the Commission would like to hear a  
17 presentation on certain subjects.

18 GAREY: Right.

19 RIGGINS: But you are correct, we do not have a Call  
20 to the Commission. So is it appropriate through acclamation  
21 for the Commission to ask that we reinstate in our next  
22 agenda, the Call to the Commission start having it be put on  
23 our agenda again?

24 GAREY: I think that would be appropriate, yes.

25 RIGGINS: Okay. And that's - everybody feels good

1 with that? We don't need a motion? We'll do it by  
2 acclamation. So Commissioner Klob, we will have a Call to the  
3 Commission on the next meeting, and then you will have the  
4 appropriate format to bring these topics up.

5 KLOB: Very good, thank you.

6 RIGGINS: And thank you, sir. And we have a  
7 standing motion for adjournment. Did we get a second?

8 DAVILA: I'll second it.

9 RIGGINS: We have a second from Commissioner Davila.  
10 All those in favor signify by saying aye.

11 COLLECTIVE: Aye.

12 RIGGINS: Meeting adjourned.

13

14

15

16

17

18

19

20

21

22

23

24

25

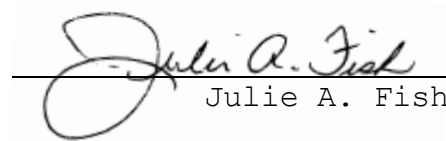


1 I, Julie A. Fish, Transcriptionist, do hereby  
2 certify that the foregoing pages constitute a full, true, and  
3 accurate transcript in the foregoing matter, and that said  
4 transcription was done to the best of my skill and ability.

5 I FURTHER CERTIFY that I am not related to nor  
6 employed by any of the parties hereto, and have no interest in  
7 the outcome hereof.

8

9  
10

  
Julie A. Fish

11  
12

13

14

15

16

17

18

19

20

21

22

23

24

25