

PINAL COUNTY PLANNING AND ZONING COMMISSION
(PO NUMBER 252269)

Regular Meeting
9:00 a.m.
Thursday, March 20, 2025

Pinal County Administrative Complex
Emergency Operations Center
85 North Florence Street, Florence, Arizona

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1 MENNENGA: Yes, I'm sorry here.

2 KRAUSS: Yeah, Vice Chair Klob.

3 KLOB: Here.

4 KRAUSS: Member Del Cotto. Member Hartman.

5 HARTMAN: Here.

6 KRAUSS: Member Keller.

7 KELLER: Here.

8 KRAUSS: Member Lizarraga?

9 LIZARRAGA: Here.

10 ?: I heard here.

11 ?: Yeah, he's here.

12 KRAUSS: He's here? Member Schnepf.

13 SCHNEPF: Here.

14 KRAUSS: Member Davila.

15 DAVILA: Here.

16 KRAUSS: Member Mooney.

17 MOONEY: Here.

18 KRAUSS: Member Pranzo.

19 PRANZO: Here.

20 KRAUSS: Member Tom Scott.

21 SCOTT: Here.

22 KRAUSS: We have a quorum.

23 MENNENGA: We have a quorum. Okay, sounds great,

24 thank you. Second item on the agenda is a call to the public,

25 and I've got -

1 MOONEY: Planning Manager.

2 MENNENGA: I'm sorry, you're right, Planning
3 Manager's Report. Do we have anything?

4 KRAUSS: Yes. Chairman, I just wanted to formally
5 welcome Mr. Tom Scott to the Commission. He was recently
6 appointed - actually, it was yesterday, I believe - and we are
7 pleased to have him. He's got a extensive resume with
8 community and public service, so just welcome, welcome Tom,
9 thank you for your service.

10 SCOTT: Thank you.

11 KRAUSS: Now, Director Billingsley has a few
12 comments, Chair.

13 MENNENGA: Sure, go for it.

14 BILLINGSLEY: The first one is, in case any of you
15 weren't at the last meeting, the Commissioners were just
16 issued new technology. So we converted from old worn out
17 laptops to iPads, and it's come to my attention from a couple
18 of the members that there are some challenges with those
19 iPads. They brought that to my attention, so I've asked staff
20 to put together some directions that could be followed in
21 terms of downloading agendas and navigating. And if you have
22 any individual questions or need assistance, please reach out
23 to Todd and he'll get somebody assigned to help you with that
24 training and to help you with those devices. Unfortunately,
25 if you call me, I won't have an idea. I'll hand you a stone,

1 tablet and a chisel. But we'll get somebody to help you with
2 that. The second item I had is we've added something new to
3 the agenda based on Planning and Zoning's request. I think as
4 everybody is familiar, there is a call to public at the Board
5 of Supervisors meetings and a request was made to include a
6 call to the public item on the Planning and Zoning agenda, so
7 this is the first meeting where there will be such an item.
8 I'm going to help the Chairman out by saying call to public is
9 for General items that specifically have to do with the
10 Planning and Zoning Commission, but typically not associated
11 with cases on the agenda. It's General comments to the
12 Commission. It will be limited to three minutes of time, and
13 we have a timer up here if you should choose to speak during
14 the call to the public. If you're here to discuss an
15 agenda item on the agenda, hopefully everybody filled out
16 their speaker cards or signed in. Call to the public is not
17 the time for that, you wait for that individual item to be
18 called, and there will be a public hearing component with that
19 item, that's when you come up and speak to that item. So Mr.
20 Chairman, with that, I think we're ready to go.

21 MENNENGA: Okay, I'm going to read this, a brief
22 paragraph here in regards to call to the public. A call to
23 the public is a time period for members of the public to
24 address the Planning and Zoning Commission on any item of
25 concern, or to provide public input relating to subject matter

1 within the Planning and Zoning Commission authority or
2 jurisdiction. During the time set aside for public comment on
3 the agenda, the Chairman will call forth individuals signed
4 up. There is no statutory requirement for a call to public.
5 It's a privilege, not a right, and given at the discretion of
6 the Planning and Zoning Commission. And with that said, I
7 would like to call up Les Holtz.

8 ??: Do we have his speaker card for call to the
9 public?

10 MENNENGA: We do.

11 KLOB: We have two.

12 MENNENGA: We have two.

13 ??: (Inaudible) mic's not on.

14 KLOB: Just make sure your mic is on.

15 HOLTZ: Testing. Okay, testing.

16 MENNENGA: There you go. And close, speak very
17 close, okay?

18 HOLTZ: Mr. Chairman, Board, actually we had a plan.
19 I have another partner of mine that was gonna actually do most
20 of the speaking and I was gonna follow up if he missed
21 anything. If that would be okay, I'd like to have him come
22 up, Mr. Will Bishel.

23 BISHEL: Hi, everybody, my name is Will Bishel. I'm
24 here to speak to you reference the zoning issue at 27194 North
25 Bear Paw Pass, which is the residence depicted in this board

1 here. This property was built by owner/builder George and
2 Britt Evans and has had a huge impact on the community
3 surrounding it. The compound exists of at least three levels,
4 carved into the side of the Malpais East Hills in San Tan
5 Regional Park. There's a very large shop with multiple
6 attached buildings. There's total of seven buildings in this
7 compound. On the second level is an Old West-style hotel,
8 which displays a sign bearing the name, Three Taverns Inn.
9 This is built as a commercial property. It looks like a
10 commercial property, it's being used as a commercial property,
11 it was being used as commercial property for Evans Shotcrete
12 until Pinal County received complaints and shut that down.
13 The latest problem with the commercial property is when it got
14 listed on Zillow about 30 days ago, me and my other neighbors
15 who are here in support of me, noted that the house has 13
16 bedrooms, nine bathrooms, and six kitchens. I know that Pinal
17 County recently changed their zoning rules for casitas,
18 allowing them to have kitchens, but they took that and ran
19 with it. This is a six-plex. If you look at the seven
20 buildings, one being a main shop building, six being little
21 individual buildings, they turned this into a six-plex. We've
22 long suspected that they have been using it for a rental
23 property. We've kind of bit our tongue for a while because
24 George and Britt have a habit of building a property, selling
25 it, moving on to a next one. They do the owner/building thing

1 so they can capture that equity. So we thought the problem
2 would probably dissipate. When we saw that it has six
3 kitchens, the only likely use that another purchaser of this
4 property is going to have is to turn it into another six-plex.
5 It'd be hard a stretch for a single family or one family to
6 use this as it is zoned in this area. This area is zone
7 General Rural, which is one family residence. This far
8 exceeds that. In addition to the size of it, there's also
9 drainage issues. I did do a public records request for the
10 original drainage survey that was submitted to the County for
11 the approval of the permits, there's a ton of stuff up here
12 that is not on that drainage survey, to include almost a half
13 an acre of concrete flat work that is not taken accounted for
14 in the drainage survey. I'm worried about the long-term -

15 ?: 30 seconds.

16 BISHEL: Long-term effects of that And also the
17 impact on the septic, the water system, because it's all well
18 out here. Did they design the septic system? They've
19 advertised it as an investment property. We come to you
20 asking, pleading for help in this matter. This is a huge
21 impact and we don't know - I've tried to reach out to code
22 compliance to see if it was built to code -

23 ?: That's time.

24 BISHEL: Thank you for your time.

25 HOLTZ: Again Chairman, Board, thank you. Chairman,

1 Board thank you. To continue on from Will, there is multiple
2 vehicles that run up and down. I've been out there in that
3 area, right below that for 26 years, and there's multiple
4 vehicles go up and down that private road that create a lot of
5 havoc at times. The runoff from that property onto Will's
6 property, then down onto my property from the rain and the
7 monsoons. There again, we have confirmation from one person,
8 he is renting a place up there. We've known that they've been
9 doing this for a long time, but we have actually had no proof
10 because there've been several vehicles, different times, six
11 months, a year, four months, nine months they've been renting,
12 and it's just creating a whole lot of issues. I've had to
13 have the sheriff come out a few times because of people going
14 up and down that road, 30, 40, 50 miles an hour, creating a
15 dust issue. There again, it is a private road. I've been
16 maintaining this road for over 26 years by myself. Will has
17 helped at times since he bought the property up above me, but
18 other neighbors have not. And I haven't really complained
19 about it because I wanted to keep it the best I can, but I am
20 refusing to do that anymore with all this traffic. And if
21 they turn it into another - somebody else buys it, turns it
22 into a bed of breakfast, a hotel, which is technically, I
23 don't believe is allowed, this is getting ridiculous up there.
24 And so if they do sell, we'd like it not to - we'd like it
25 some way to be put on that nobody can use it as an Airbnb, a

1 hotel, a compound -

2 ??: One minute left.

3 HOLTZ: - or anything else to that effect. There
4 again, the concrete is about half acre that he's poured, which
5 creates a lot of problems. The ruts in the road that goes on
6 Will's property creates a whole lot of ruts, and even down the
7 main road on West Vivian Place, which is connected to Olberg
8 Road, the main road.

9 ??: 30 seconds.

10 HOLTZ: Other than that, we just would like maybe
11 something - zoning to find out what's going on and if it's
12 permitted for the septic that he's got. 13 bedrooms, nine
13 bathrooms, six kitchens, that septic would have to be 7,000
14 gallons or better to handle that, which is not zoned for that.
15 Thank you, sir.

16 ATTORNEY: And Chairman Mennenga, Vice Chair Klob,
17 Members of the Commission, if I may just one moment.

18 MENNENGA: Please.

19 ATTORNEY: Just for the benefit of the public,
20 during a call to the public, the Commission's not allowed to
21 respond to any item raised during the call to the public
22 that's not expressly agendized today. Any action taken by the
23 Commission will be limited to directing staff to study the
24 matter or reschedule the matter for further consideration and
25 decision at a later date. Thank you.

1 MENNENGA: Thank you. Okay. Yeah, any comments or
2 questions from staff? You're good?

3 KLOB: Could we make a - would it be appropriate to
4 make a directive to staff to turn this over to code? I would
5 assume code compliance would be the direction for this, and
6 have them look into it and then maybe if it needs to be
7 agendized at a later date, then we can look at that. Thank
8 you.

9 MENNENGA: Okay. All right, first item on our
10 agenda, case PZ-029-24. Staff?

11 ATTORNEY: And Commissioner Mennenga, I'm sorry to
12 interrupt again, I just want to make sure nobody - there are
13 no other members of the public that want to speak.

14 MENNENGA: Well, I only had two cards, so okay.

15 ATTORNEY: Thank you.

16 MENNENGA: Okay. Well, not for the public hearing.
17 I will for public hearings, yes. Well yeah, I mean, and for
18 staff, PZ-PD-019-24 also. There's cases on the same property.

19 SMRITI: Morning Chair, Vice Chair, Commissioner
20 Mooney, Commission Members, and members of the audience, I am
21 Monica Smriti Planner. I am presenting the case PZ-029-24 and
22 PZ-PD-019-24, concurrently. So before I begin, I would like
23 to mention that yesterday we received four new letters from
24 the public that I have distributed among the Commission
25 Members, along with some typo corrections in the staff report.

1 So now I shall begin. Applicant Pew and Lake PLC, on behalf
2 of the landowner, JSH Time LLC for Camelot Homes homebuilders
3 are requesting approval for a rezoning from CR-1 to R-9, and a
4 planned area development overlay as an addendum to the
5 Superstition Foothills Master Plan for a 18.89 acre single
6 family residential subdivision. The property is located at
7 the southeast corner of East Cloud View Avenue and South
8 Superstition Mountain Drive in Gold Canyon, in unincorporated
9 Pinal County, Arizona. Here is the General location of the
10 subject property that you can see on the County map, very
11 close to City of Apache Junction. And then we have a regional
12 context map that shows the approximate location of the subject
13 property with respect to US60, and proposed principal
14 arterials and existing principal arterials, and with the
15 nearest commercial strips. And then we have the zoning
16 context map. This property surrounded by -

17 KLOB: Monica, I apologize for interrupting you.
18 We're having some issues with our monitors up here. Okay,
19 just want to make sure. Sorry, Monica.

20 SMRITI: Am I good to go? So this map shows the
21 zoning context. The property's surrounded by CR-1, CR-5,
22 multiple residence zoning district from east, west, and south.
23 On the other hand, the northern edge abuts a GR zoning
24 district, and further up north is the State Land and
25 Superstition Mountain region. And this map shows the aerial

1 context. So the property was originally zoned CR-1 as part of
2 the Superstition Foothills Master Plan in 1994 under the
3 planning case PZ-008-93. And then it remained vacant until
4 2003, when preparations for the residential development began
5 as part of the Silver Cholla Estates at Superstitions
6 Foothills. You can see the historical aerial maps with the
7 slight evidences of the grading. And then those images
8 between the 2007 and 2000 show evidence of grading and stage
9 lot preparations. However, the project was halted in 2008 and
10 appears to have been abandoned after 2010. That image shows
11 the grading for the lots back from 2010. So this is the
12 current condition of the subject property. Per the ALTA
13 survey, we can see the grading activity, some unpaved roads,
14 stockpiled materials, and boundary walls towards the northern
15 edge of the property and fencing. And in terms of the current
16 condition, there is evidence of salvageable vegetation across
17 the property, and the slopes are ranging from 5 percent to 15
18 percent. Areas over 15 percent are designated as conservation
19 open space in the proposal. Here is the map for the
20 development proposal. This subdivision master plan consists
21 of 44 lots at the density of 2.3 dwelling units per acre.
22 There is proposal for varying lot sizes ranging from 9,100
23 square feet to 14,375 square feet. The PAD proposes slight
24 modification to the development standards of R-9 zoning
25 district. The maximum building height reduces from 30 feet to

1 28 feet. The front and rear setbacks are requested to be
2 reduced from 25 feet to 20 feet. And similarly, the side
3 setbacks are requested to be reduced from 10 feet to 6 feet.
4 The site will be accessed via South Superstition Mountain
5 Drive. As you can see here on the graphic, there are
6 proposals for two access roads. The submitted traffic impact
7 statement shows that even after adding 44 new homes and their
8 traffic volume to the existing Superstition Drive, the total
9 traffic volume capacity of the drive still remains 39 percent
10 of its maximum capacity. And then we have a drainage and
11 utilities map here. The preliminary drainage statement
12 indicates that the site will have adequate provisions for on-
13 site and off-site drainage, including the adequate setbacks
14 requirements of the regulatory washes, and as well as the
15 applicant, they have submitted a list of utility providers,
16 and indicating that the development is supported by essential
17 utilities and public services, including water, sewer, gas,
18 fire protection, electricity, solid waste, police and schools.
19 In terms of the open space, the project includes approximately
20 19 percent of open space consisting of retention basins,
21 conservation open space, and there are provisions for
22 pedestrian pathways. There is a multipurpose trail proposed
23 towards the northern edge of the property; however, the
24 proposal doesn't indicate any connection to the multipurpose
25 trail. And then in terms of the amenities, they will share

1 amenities with the Superstition Homeowners Association. We
2 requested the applicant to notify the public within the 600
3 feet boundary, and so far we have received one letter of
4 support from the public outlining the need for building out
5 all the properties that were originally proposed as part of
6 the Superstition Mountain Hills plan. And then we have
7 received four letters of opposition expressing concerns
8 regarding increased traffic, extra volume to the water and
9 other utility services are being disturbed by the proposal of
10 new 44 lots. They have also mentioned that the lot sizes are
11 decreasing from the original 20,000 square feet to now 9,000
12 squared feet, that will create problems in terms of having the
13 equestrian lifestyle that the residents of Superstition
14 Mountain imagines. And with that, would conclude the
15 presentation. And if we have any question for the staff?

16 MENNENGA: Any questions from the Commission for the
17 staff?

18 SCHNEPF: I do have.

19 MENNENGA: Commissioner Schnepf.

20 SCHNEPF: On that, because we're reducing the size
21 here to the surrounding area, if you can pull up the map of
22 the surrounding developments, specifically the one that's
23 south, maybe southwest of it. Are those - is that development
24 similar to the size of this one that's being requested?

25 SMRITI: So yeah, the CR-5 is very similar to -

1 SCHNEPF: As far as the width-wise of the lots and
2 stuff?

3 SMIRTI: Yep, yep. And that will have a PAD
4 overlay.

5 SCHNEPF: Okay, thank you.

6 BILLINGSLEY: Mr. Schnepf, Chairman, that CR-5
7 community, if I remember correctly, Monica, is a duplex
8 community, correct? So those are duplexes on small lots.

9 MENNENGA: Interesting. Anyone else? I have a
10 quick question. The property north of that, is that State
11 Land or is that privately held?

12 SMRITI: State Land.

13 MENNENGA: It is. Okay, that's what I thought.
14 Okay. All right, here's the applicant? Good morning, have
15 you signed in or will you please?

16 LAKE: My name is - well, while we load it. There
17 we go. Doesn't seem to fit. It's the stition Mou. We'll
18 give it a second. My name is Sean Lake, I am here on behalf
19 of Camelot Homes. Camelot is a premier luxury home builder.
20 Very excited about this piece of property and to develop this,
21 some very, very nice high-end homes in this location. Camelot
22 is a local home builder. They born and raised here, and they
23 do a lot of very, very nice developments. So they're not a
24 national merchant builder. So staff did an excellent job, so
25 I'm not - going to try not to repeat a lot of the things that

1 they said, but here's the proximity and location of the
2 property. We are - on our south side is effectively a golf
3 course that kind of buffers us from the lots to the south.
4 Then to the southeast - or southwest is a recreational center,
5 and then homes further. And then on the north is undeveloped
6 land. The General plan for this, as staff pointed out, is
7 Moderate Low Density, which is 1 to 3.5, and we're at 2.3, so
8 we're right in the middle of the General plan density for this
9 area. I don't know if I did that, but okay, great. The
10 zoning, we were proposing to go from CR-1 to R-19/PAD, which
11 CR-1 was kind of the old code, now we're into the new code,
12 thus the difference what we're trying to do. And admittedly,
13 smaller lots. There we go, there's the plan. What we are
14 proposing, as staff pointed out, is a 44 lot subdivision on
15 approximately 19 acres at a density of 2.3. 18 and 19 percent
16 open space that's been spread throughout the community, and to
17 really take advantage of the proximity and location of where
18 this property sits. You have a golf course to the south, so
19 you have the opportunity for lot premiums backing up to the
20 golf course for very nice high-end homes along there. As
21 staff pointed out in their presentation, the smallest lot, I
22 think a handful, are at that 9,000, but the bulk are at that
23 10,000-plus upwards to larger lots than that. And all the
24 homes are single story. I don't know that staff pointed that
25 out. So we're proposing to keep them all single story homes

1 within this project. Thus, the PAD reduces the height from
2 the allowed 30, reducing the height down, and so we're
3 imposing that upon ourselves to do that. One of the PAD
4 modifications. Is this not working?

5 ??: It's going in and out, I think.

6 LAKE: Okay, well I appreciate you having my back.
7 This is kind of a proximity. I think staff had - or the
8 Commission had asked, what's around this property? To the
9 south, we've got a golf course that's about 350 feet away from
10 the homes, to the southeast. To the southwest, you have
11 single-family res - or not single-family - duplex residential
12 on about 7,000 square foot lots. And then you've got some
13 larger lots kind of to the northwest, with some smaller lots,
14 also to the northwest. So the lots range in size from nine to
15 ten and a half to 14,000 are very much in that range of what
16 is being developed or has been developed in that area from,
17 you know, larger homes to duplexes and we think this is right
18 in the middle and will be a good addition to the area. We
19 have worked with the residents in the area. We had a
20 neighborhood meeting and addressed a lot of concerns and have
21 agreed to work - or have agreed to a lot of the things that
22 that they asked us to do in the neighborhood meeting, such as
23 the road. Superstition Mountain Road, they had just
24 resurfaced it, obviously we will repair and replace any damage
25 that occurs during construction. We're going to be utilizing

1 what they call the back gate or back entrance to minimize the
2 disruption to the residents of the area, as well as a myriad
3 of other things that we're working with the HOA and the HOA
4 board on as well, so that we have a collaborative effort
5 working together with this community, with the - not only the
6 residents, but the board there as well. And so we envision
7 annexing into the HOA and having a sub-association, and so
8 that our dues would be paid (A) for our sub-association, then
9 also dues to the master association as well, so we would be
10 part of that HOA and work with them and contribute to the HOA
11 on that as well. There were some concerns about golf
12 memberships. I don't know that I want to bring that up before
13 the Commission, but we've worked with the HOA on that and feel
14 comfortable with the golf membership issue. So, let me keep
15 going. Here's an example of some of the homes that we're
16 looking to propose. As you can see, it's not your traditional
17 type home, but it will be a very nice home that we think will
18 fit into the area. We think the homes are going to probably
19 start around a million and a half and sell around \$2 million
20 for these homes in this area. So we're not talking starter
21 attainable housing, this is a very nice, high-end project and
22 community. And quite frankly, I think it'll be a lot of empty
23 nester type community, where you've raised your kids in your
24 big home and it's time to move into something more for your
25 empty nester years, if you will. Here's another example of an

1 elevation. With that, we think we've tried to really design
2 something that fits into the community that will be very high-
3 end, very nice. We're working with the HOA and continue to
4 work with the HOA, but with that, we'd be happy to answer any
5 questions and would hope that you would give us a
6 recommendation for approval.

7 MENNENGA: Any questions from the Commission?
8 Commissioner Klob.

9 KLOB: Sean, thank you for your presentation. Very
10 familiar with this area, I've done a lot of work, designed
11 some of the custom homes near where this project is. So I
12 know some of challenges that are out there, one of which being
13 is the overall - the HOA there and their restrictions and
14 guidelines. What kind of feedback have you had? Is there
15 opposition from the, kind of the master plan or the master
16 HOA?

17 LAKE: No, and I believe we have some people here to
18 speak from the HOA on that behalf, but we will be working with
19 the HOA as far as the design of the homes and the community.
20 I know I've spoke as recently as a couple of days ago with a
21 resident who lives to the south and west, wanting to make sure
22 that we'll work with the community on the landscaping. As you
23 drive around Superstition Mountain, it's got a very beautiful
24 theme of landscaping, we want to follow that. And he wanted
25 to work with us, as well as the HOA, to make sure that our

1 landscape palette meets or matches that so that we're part of
2 the community and not standing out. And so yes, we will be
3 working with the HOA, not only now and have been and I think
4 have their support, but will continue to do so throughout the
5 development process.

6 KLOB: Thanks. The other question I had is - and it
7 looks like it's not going to be gated, but it - but maybe it
8 could be, but I know a lot of those little mini - those small
9 pocket HOAs are gated. So no plans on gating this?

10 LAKE:. No plans at this point.

11 KLOB: Okay. And the -

12 LAKE: There is a gate, it's just what, a mile and a
13 half down the road, mile down the road. It's a big gate, so I
14 don't know that you need to subgate individual communities.

15 KLOB: The other question I had is in relation to -
16 I'm starting to see some challenges in other developments as
17 it relates to 20-foot front setbacks, combining it with
18 sidewalks, people parking. Me for instance, I drive an F-150.
19 If I have a 20-foot setback, my front bumper's extending over
20 the sidewalk. With some of the new rulings that have come
21 down from the State, impeding a sidewalk in any way, you know,
22 it can be ticketed. So I think that's where some challenges
23 where municipalities are - where the rules of the
24 municipalities and some of these State laws are not always
25 jiving, and I know we're looking to reduce this from 25 to 20.

1 So, can you talk about why - what that need is?

2 LAKE: Absolutely. Camelot's done a lot of projects
3 with 20-foot front yard setbacks, as you've seen. I mean
4 you're in the business, that's almost the standard. And I see
5 people trying to reduce it down to 18, which I don't
6 necessarily agree with. We think 20 is plenty, given what's
7 going on with the community. We think most people are going
8 to park in the garage. I mean we try to enforce that with our
9 HOAs so that people don't use their garage for storage and
10 they park in - you can try to enforce that. I know, I hear
11 you. But I think the bigger issue is we're trying to do
12 single story homes, and when you do single story homes you
13 have a larger footprint and it kind of spreads out and you
14 just go in different directions. And that was kind of the
15 goal, because I think single-story homes will have much less
16 of an impact upon the overall community, it will fit into the
17 area, and with that, we think that was a good compromise to
18 have that reduction in that setback. We still think the cars
19 are going to fit. I think a Suburban - I used - when I had
20 five kids, I'm now the empty nester - we had a Suburban and I
21 drive an F-150. I think a Suburban's 19-, bumper to bumper,
22 so it does fit, it can fit, but you don't have a big - it's
23 not a big mass community. We also have trails that people can
24 walk and get around on. I was trying to go back and I just
25 didn't -

1 KLOB: And this actually - this picture is probably
2 a good example to lead into kind of my next comment on that,
3 is sometimes from a design perspective where I've been able to
4 - best of both worlds, if you will - is something exactly like
5 this. Where the front of the home maybe comes forward to the
6 to the 20 feet, but then the garage, you know, sits at that,
7 you know, 22-25 foot, somewhere in that range, to give that
8 little extra depth so we don't have some of these challenges
9 from the HOAs, you know, three, five, 10 years from now. And
10 I know that some of our stipulations from a design standpoint
11 are a little restricted here on what we can do, but I would
12 actually push back on that to, you know if this goes forward,
13 to really look at that because it is causing some issues in
14 existing HOAs.

15 LAKE: Appreciate that.

16 KLOB: Thank you.

17 MENNENGA: Okay, anyone else? Okay, thank you for
18 the presentation. At this time, we're gonna open up the
19 public hearing portion for case PZ-029-24 and case PZ-PD-019-
20 24. Anyone who wants to speak? I do have a card here for
21 Walter [Hanny] to speak. And those, again, are limited to
22 three minutes.

23 ??: I did, I think he's got it. I appreciate the
24 opportunity to speak. I come here as a homeowner living in
25 the Superstition Mountain community. And first off, say I

1 love the community. We were attracted there because of the
2 open space and the landscape. The developer talks about the
3 attributes of the project, but the bottom line, the most
4 impacted property is directly south of the proposed
5 development, and that's those lots that are adjacent to the
6 16th hole of the Lost Gold Fairway. All of those lots,
7 including the one I live in, are an acre plus. So it's very
8 difficult for me to support the increased density from a
9 20,000 square foot lot, which will allow the same kind and
10 theme that attracted me to the development with the open
11 space, to a row housing. And that's exactly what you looked
12 at, with as many possible units as you could get jammed in on
13 that fairway. And that's just what it is. It's - essentially
14 it's trying to make another village density. There's four
15 villages that have a higher density in that community, but
16 predominantly the golf course is developed by single-family
17 homes with larger lots, and this is an attempt, in my view, at
18 putting another village right across from some of the nicest
19 homes in the Superstition Mountain community. And I can tell
20 you that a 9,000 square foot lot - I made a living developing
21 real estate, I've developed large single family homes and high
22 density condominiums - and a 9,000 square foot lot does not
23 leave much for landscape or open space. As the gentleman
24 mentioned, if you do drive a large vehicle, you're gonna be
25 hanging out in the street and there's not much room for

1 parking, and that kind of a community always attracts guests
2 and other people. So I'm opposed just simply from the
3 increased density standpoint. I hate to have to do that, but
4 as a homeowner - and I will point out that this meeting with
5 the homeowners was held last summer when a goodly amount of
6 the homeowners were out of town and were not able to attend.
7 I'll leave you with those thoughts. If there's any questions,
8 I'm happy to - if you pull up the map, you'll see that the
9 houses directly south of that development are all on large
10 acre lots. Most of them.

11 MENNENGA: Thank you, any questions? Thank you,
12 sir. Next, please.

13 CHANDLER: My name's Tyra Chandler and I signed on
14 this paper here. And I'm very concerned about - I know the
15 developer is top notch, I have no complaints about that at
16 all, but I am concerned about the high density, and right now
17 with our water situation, maybe - right now in my own house,
18 the water it fluctuates in pressure a lot, and with a lot more
19 housing and the quantity of water that we have now, sometime
20 we're going to probably be restricted on how much water we can
21 use. Water prices have gone up, another 44 units could impact
22 that, along with the utilities and the disruption of the
23 community with all that building going on, I have a problem
24 with that. And I'm concerned, too, about the row housing kind
25 of effect. In our community, people gather a lot together and

1 there are a lot of parties and people having dinner for
2 (inaudible) here and there, where are they going to park in
3 that community when you have all that row housing? The
4 question I have, is there guest parking spots for that
5 community like there are in some of the other communities?
6 I'm just am nervous about all this, and that's all I have to
7 say. Any questions? I am a resident and our lot is a couple
8 of lots away from the development area, and we're on a fairly
9 large size lot. My next door neighbor wanted to subdivide his
10 lot which was over two acres, and he couldn't do it, and now
11 he wants to subdivide down to 9,000 square foot lots? It's
12 just concerning to me, is all. And it does look beautiful. I
13 do want to downsize, I have to say, but I don't want to be
14 that crowded.

15 MENNENGA: Thank you. Anyone else? Have you signed
16 in, please?

17 BYRNE: I signed in, the first one on the list.

18 MENNENGA: Thank you.

19 BYRNE: What is it? The early bird gets the worm?
20 Good morning, everyone. My name's Jerry Byrne, I'm a resident
21 of Superstition Mountain. I'm the president of the HOA at
22 Superstition Mountain. And I'm intimately familiar with
23 people parking trucks on the driveway at our location. I've
24 been a resident of the community since the year 2000. I
25 bought dirt there, they built my unit there. I live in what

1 we call an assessment village, which is being referred to as
2 the high density. We currently have 700 homesites in the
3 development, of those homesites, 270 of them are what we
4 called assessment villages. We have five villages, not four.
5 I live one of those villages. The village I live in is 65
6 units in it. We have the larger village called First Water,
7 which is immediately to the south and west of the proposed
8 development. It has 72 units in it, so we are familiar with
9 density in terms of the assessment villages. Of the
10 homesites, 270 of them are in the assessment villages. All
11 but two of those are built out. All of two of these are built
12 and lived in today. Of the 430 custom homesites that we're
13 talking about, we still have over a hundred of those available
14 for people who want large land to build a larger home on. The
15 major reason that the HOA board is in favor of this proposal
16 is that the single largest real estate sales we have had over
17 the last five years have been for assessment village units.
18 We sell over 30 assessment village units a year over the last
19 five years, that's not just a COVID phenomenon. That's the
20 fact that people like me get old and I can't afford to go up
21 and down stairs, I can't afford to take care of a 4,000 square
22 foot house anymore. I can do it financially, I can't do it
23 physically. So we have a large number of people within the
24 community downsizing from custom homes to these, what we call
25 assessment villages. Over the last five years, the demand for

1 units in the 2,000 to 3,000 square foot size has been three
2 times as much as custom homes in our community. We also have
3 a historical relationship because of the original developer
4 between Superstition Mountain development and Desert Mountain
5 to the north of Phoenix. This developer built a development
6 at Desert Mountain. We used our internal system to check them
7 out as much as we possibly could. The satisfaction at Desert
8 Mountain was extraordinarily high and it has made our HOA
9 board extremely confident. I personally, and the entire board
10 of the HOA after extensive discussion, are in favor - strongly
11 in favor - of you approving this zoning request as it is
12 submitted by Patrick Hladky. Thank you for your time.

13 MENNENGA: Thank you, sir. Any questions? Sir,
14 sir, a couple questions.

15 BYRNE: Absolutely.

16 PRANZO: Your HOA board, how many -

17 ??: Turn on your mic.

18 PRANZO: Oh, sorry. Your HOA board, how many
19 members live in the 20,000 square foot area?

20 BYRNE: I'd have to go - first of all, there's nine
21 members on the board, we elect three every year. I am the
22 president, I live in an assessment village. The vice
23 president lives in a four thou - probably - Scott lives in a
24 3,500 square foot, probably. The vice president lives in
25 3,500 custom home. The secretary/treasurer who is sitting in

1 the back here, lives in an extraordinarily beautiful - he's
2 the treasurer, so I have to be nice to him to get money - but
3 he lives in a beautiful 4,000 square foot home. The - our
4 government relations -

5 PRANZO: Those are all on 20,000 square foot lots?

6 BYRNE: Bigger lots. Bigger lots.

7 PRANZO: So you would say five, four or five of your
8 members are -

9 BYRNE: Six of the nine probably.

10 PRANZO: Six of the nine.

11 BYRNE: Yeah.

12 PRANZO: And what was their concerns?

13 BYRNE: Their concerns?

14 PRANZO: Yeah.

15 BYRNE: Why is it taking so long to build this so
16 that the community can be built out? As was discussed, we're
17 in the middle of a \$7 million road project for the community,
18 and the sooner we can get all construction done within the
19 community - we are phasing that over a 12 year period because
20 it's expensive and we want to do roads when they're needed,
21 combination, when people are available, and minimize
22 disruption from heavy traffic, and the heaviest traffic we get
23 is construction traffic and garbage truck traffic. So the
24 sooner we can get the entire community built out, the better
25 it is for us to rebuild - we're going to rebuild all 14 miles

1 of road within the community over the 12 year period. The
2 sooner we can get construction traffic off the road, the
3 longer we'll extend the useful life of the money we are
4 currently expending.

5 PRANZO: So there was no comments or concern about
6 this new entity having a detrimental impact on property value,
7 things of that nature?

8 BYRNE: Well, you're asking me, I think that's an
9 opinion. I would say that I have not heard anybody at our HOA
10 board express any concern whatsoever about any decrease in
11 property value based on this.

12 PRANZO: Okay, thank you.

13 MENNENGA: Go ahead, Commissioner.

14 HARTMAN: Thank you, Chairman. You spoke of, you
15 live in the assessment villages.

16 BYRNE: Assessment villages.

17 HARTMAN: So the other gentleman that spoke had a
18 concern about the 9,000 square foot lots, you spoke of 3,500-
19 4,000-square-foot homes. What are those lots?

20 BYRNE: See, we break - our community is 700 lots,
21 think of it as two buckets. We have a bucket of 430 custom
22 homes. Those would be the type of homes, single family
23 development on a large 25,000 foot lot. We have approximately
24 100 of those available if you walk in the gate and want to buy
25 a property. We then have five villages, I live in one of

1 those. We are members of the master association, but we pay a
2 fee to the master association, we pay another assessment to
3 our - we have a subset for each of the villages what handles
4 the maintenance. I own up to the exterior walls of my unit.
5 The association, my association, the Golden Eagle Association,
6 takes care of my landscaping, charges me for that, takes care
7 painting my house every eight to 10 years, takes care that,
8 and any other external maintenance. The only thing that the
9 HOA is not responsible on my unit is my roof.

10 HARTMAN: Okay. And just to - I think that pretty
11 much answers my question, but does the HOA approve of - do
12 they have no - they don't have any concerns about the 9,000
13 square foot area lots.

14 BYRNE: No, but we're familiar with that. I mean as
15 was mentioned, one of our assessment villages, First Water, is
16 72 units, which share a common wall. We do avoid the term
17 duplex because we do think that is derogatory for home values,
18 but I'll educate the lawyer later.

19 HARTMAN: (Inaudible). Got it. All right, thank
20 you.

21 BYRNE: Okay, thanks.

22 MENNENGA: Any other questions?

23 MOONEY: Yes, sir.

24 MENNENGA: Commissioner.

25 MOONEY: Excuse me. Sorry. You're popular.

1 BYRNE: As president of the HOA, I'm not popular.
2 Trust me.

3 MOONEY: I know that role very well, as well. What
4 were those lots originally scheduled to be? Do you know how
5 many lots that was gonna be broken into and what the size was?

6 BYRNE: That was originally developed by Lyle
7 Anderson. He's the fellow I lost a lot of money on when he
8 went broke, but you know.... That was originally intended to be
9 another project on his part that was, I think, plotted - I
10 think, I don't know, but I think it was plotted to be a
11 village. I don't t know what the size of the units was.

12 MOONEY: So lower density, not necessarily the
13 larger custom homes.

14 BYRNE: They were not intended the 4,000 square foot
15 homes, no.

16 MOONEY: Okay, thank you.

17 BYRNE: There is a wall to the north of that, the
18 property they're discussing, which is owned by the HOA and
19 maintained by the master association of the HOA.

20 MENNENGA: Okay, anyone else? All right. Anyone
21 else to speak to this case? Okay, well with that, we are
22 going to close the public portion on cases PZ-029-24 and PZ-
23 PD-019-24, and come back to the Commission. Questions,
24 concerns, comments?

25 KLOB: (Inaudible) applicant.

1 MENNENGA: Or the applicant. Any comments at all?

2 LAKE: One of the things I was just going to point
3 out are, we held our neighborhood meeting in October. We also
4 had an online option for those that wish to attend virtually.
5 And in speaking with the developer, as far as the front yard's
6 garage, maybe a compromise to go to like 22 for that to the
7 face of the garage, but still the 22 for the face of the home,
8 which is what you were talking about that. It was something
9 we think there's enough - we haven't platted it yet because we
10 do zoning first and then platting next, and we think that's
11 where there's enough fluff that we could probably make that
12 work.

13 KLOB: Through the Chair.

14 MENNENGA: Yes.

15 KLOB: Brent, would we add that as a stipulation?
16 Can we add that as a stip?

17 BILLINGSLEY: You could modify the design standard
18 without doing a stip. My recommendation would be to keep it
19 the way it is at 20, and just have staff make a note to work
20 with the developer in the final plat with respect to that.

21 KLOB: That's fine. Thank you.

22 MENNENGA: Anyone else got any questions, concerns,
23 comments?

24 SCHNEPF: One quick question. So these are property
25 to curb, no sidewalks.

1 LAKE: No sidewalks.

2 SCHNEPF: No sidewalks, okay. That's where I would
3 think the 22 foot driveway would be a good compromise because
4 of the parking on street and stuff like that. So thanks.

5 MENNENGA: Commissioner Scott.

6 SCOTT: Mr. Chairman, I was just curious how many
7 were in attendance in that community meeting you had last
8 summer?

9 LAKE: Last October?

10 SCOTT: Or last October.

11 LAKE: It is still hot in October. I convinced my
12 wife to move to Arizona, telling her it cooled off in October.
13 It doesn't, I lied. It's still a little warm in October, but
14 she's still with me 35 years later. The room was full and I
15 would say - yeah, easy 60 people if not more. I mean the room
16 was full and I would say the room's bigger than this, all the
17 way back there. It was packed. So there were a lot of people
18 in attendance and there were people that attended virtually as
19 well.

20 SCOTT: Yeah, there were - yeah, there were a lot of
21 people there that had concerns, and in favor, and all were
22 heard?

23 LAKE: And we did - yes, Commission Member, a lot of
24 concerns were expressed. We made some changes. The
25 construction entrance, and what we'll call the back gate or

1 the back, was a big one and working with the HOA to do that.
2 So we tried to address as many of those as we can and have
3 been in communication with the HOA addressing those through
4 the process since then.

5 SCOTT: Okay, thank you.

6 PRANZO: Yeah, just a simple question. Not really
7 pertinent to a zoning change, but a matter of interest. When
8 you build, what is your street width curb to curb?

9 LAKE: It's interesting Chair - or Chair, Commission
10 Member. I just asked that question because we haven't platted
11 it, I don't know the street width.

12 PRANZO: Well, I guess I'll get a second swing at
13 that.

14 LAKE: When we bring the plat forward.

15 PRANZO: Yeah.

16 LAKE: Yeah. The County has standards as far as the
17 street widths that I have to meet.

18 PRANZO: I know, but the County standards create a
19 lot of heartburn, so I'd like to see what you're going to do.

20 MENNENGA: Commissioner Hartman?

21 HARTMAN: I'm good, Chair.

22 MENNENGA: You're good. Okay. Yeah. Anyone else
23 on the Commission, questions for the applicant?

24 LAKE: Thank you.

25 MENNENGA: Okay, thank you. And we'll come back to

1 Commission and take it from there.

2 KLOB: Through the Chair.

3 MENNENGA: Commissioner Klob.

4 KLOB: A quick comment before I make a motion. I
5 will say that I am very familiar with this developer and they
6 are one of the few developers in the Valley that consistently,
7 they do it right, and they do well. They build a good
8 product, and I think their customer service is also right up
9 there with some of the best in the business. So I think this
10 will complement, that these homes will complement the area
11 very well. There are other developers that we might have a
12 little bit - I might have a little bit more of a challenge
13 with, but I know these guys do it right. So with that, I
14 would like to recommend an approval for PZ-029-24 to the Board
15 of Supervisors.

16 HARTMAN: I second.

17 MENNENGA: Got a motion and a second. Everyone in
18 favor?

19 COLLECTIVE: Aye.

20 MENNENGA: Any opposed? Okay, next is PZ-PD-019-24.

21 MOONEY: Chair?

22 MENNENGA: Commissioner Mooney.

23 MOONEY: I move to approve case PZ-PD-019-24 ,with
24 the five stipulations to the Board of Supervisors.

25 MENNENGA: Second?

1 DAVILA: I'll second that.

2 MENNENGA: We have a motion and a second on case PZ-
3 PD-019-24 to approve. All in favor?

4 COLLECTIVE: Aye.

5 MENNENGA: Any opposed? You know, I will say that
6 when I opened up the package here a few days ago and saw this
7 project, I - as a builder/developer I was a little envious
8 because that's a nice project. I mean, I mean I like where I
9 live, but if I was looking I would look at that. I mean
10 there's some awesome lots in there, the locations and the
11 mountains, and I mean that's really quite find, truthfully.
12 And also (inaudible) curious question, in that area is this
13 the last piece of - I was curious about that because I -

14 ?: (Inaudible).

15 MENNENGA: Okay. That's got to make the HOA happy
16 because you always get more revenue generated and everything
17 else. So okay. Well, thank you. Congratulations. All
18 right, let's see. The next - we have two cases together on
19 the next one. Okay, let's move forward with case SUP-006-23
20 and SUP-007-23. Staff.

21 ZAIA-ROBERTS: Good morning, Chair. Patrick Zaia-
22 Roberts, Senior Planner. Just to clarify, we will be hearing
23 SUP-006-23 and SUP-007-23 separately. They are two separate
24 SUP applications for two separate properties, although they
25 are tied by the same business. With that, I have some

1 additional handouts from members of the public, if I can hand
2 those out to the Commission.

3 DAVILA: And can we have one for Commissioner
4 Schnepf, please. Thank you.

5 ZAIA-ROBERTS: And just for the Commission's
6 benefit, that is a letter of - one letter of support for SUP-
7 007-23 and two letters of opposition for SUP-006-23 and SUP-
8 007-23. Due to the nature of them being a combined business,
9 I elected to combine them both for the purpose of this
10 presentation. But with that, we'll go ahead and jump in. So
11 the first case that we're hearing is SUP-006-23. This is a
12 special use permit to allow a commercial kennel on a property
13 in the SR - Suburban Ranch zoning district. The property is
14 3.3 acres in size and located at 50956 West Val Vista Road in
15 Maricopa, on parcel 510-62-3010. The applicant for the
16 property is Jason Sanks, representing the owner of the
17 property, Ranelle Abbott. This is a County map showing the
18 approximate location of the site, southwest of Maricopa. This
19 is a zoning map showing the surrounding SR properties to the
20 north, east and west, and GR properties to the west and south.
21 And this is a vicinity map showing properties surrounding the
22 area, a lot of rural residential and undeveloped single family
23 residences in the surrounding vicinity. This is an aerial map
24 looking down on the site at the West Val Vista road property.
25 And an image of the notification area of interest for this

1 case. This is an image looking north onto the property.
2 South towards vacant land. East and west along Val Vista
3 Road. This is an image of the current conditions of the site
4 and the proposed site plan for development. As you can see,
5 it has the primary residence there on the south side of the
6 property, on the left side of this image, and the kennel
7 towards the north side of the property behind the house, as
8 well as a large fenced area on the north side of the property.
9 Some items for Commission consideration. This property is one
10 of five similar existing commercial kennels that were proposed
11 to the Commission for SUP action during the January 18th
12 meeting of the Planning and Zoning Commission, discussing
13 utilization of the SUP provisions, Condition O for any use
14 that would be applicable and found appropriate by the Planning
15 and Zoning Commission. The property is located amongst other
16 properties with rural and agricultural uses. The commercial
17 kennel use is existing and does not present an impact to
18 public health, safety and welfare. The proposed SUP is
19 compliant with the standards of the SR zoning district and is
20 comparable to the RU-3.3 zoning district, which offers
21 commercial kennels as allowable through approval of an SUP.
22 As of March 10th, a new code compliance case has been lodged
23 against this property under code compliance case CC-0192-25.
24 At this point, there has been no action on the property since
25 it's so recent. SUP approval shall make compatible the

1 existing use with surrounding land uses. Other properties
2 nearby have been granted special use permits for uses similar
3 in nature. The property has not changed in the 31 year
4 operation of this site. The applicant was proactive in
5 seeking to resolve the code compliance violations of the
6 property, and the applicant has identified a business
7 (inaudible) articulable need in their community. Staff has
8 received, at time of this presentation, two letters of support
9 - two letters of opposition and no letters of support on this
10 case. So some of the topics of the letters of opposition
11 include increased noise and nuisances. Instances of escaped
12 dogs at large. Businesses requiring five acre minimum lot
13 size for commercial kennels, typically. Violation of terms of
14 their Pinal County Animal Control kennel permit. Increased
15 traffic in the neighborhood and on the neighbors' property.
16 And potential for diminution of property value. The second
17 letter of opposition we received discusses issues with
18 adherence to the CC&Rs for the property, concern of indirect
19 ownership in relation to the applicant as the business owner.
20 Concern that the business was operating on the Jean Drive
21 property when originally only allowed on the Val Vista Road
22 property. A desire to see the Jean Drive property not operate
23 as a kennel without impacting business on the Val Vista road
24 property. And to clarify, this - we're discussing the Val
25 Vista road property at this time. Inclusion of a petition of

1 10 neighbors in opposition to the special use permit. So at
2 this point staff offers the case with 12 potential
3 stipulations for consideration by the Planning and Zoning
4 Commission. At this point does the Commission have any
5 questions of staff?

6 MOONEY: I do. How long has the original kennel
7 been in operation?

8 ZAIA-ROBERTS: I believe it said 27 years on the
9 property? Since 1998, I believe.

10 ??: 31 years.

11 ZAIA-ROBERTS: 31 years, excuse me.

12 MOONEY: Okay.

13 MENNENGA: You good? Commissioner Klob.

14 KLOB: Patrick, can you go into a little bit about
15 what the code compliance issue is?

16 ZAIA-ROBERTS: Yes. The issue that was presented,
17 and just kind of the initial complaint that was lodged, was
18 that there was some instances of debris on the property, a lot
19 of similar issues regarding the kennel use on the property.
20 But beyond that, staff has not had an opportunity to do a
21 inspection on the property this time, so at this point staff
22 can make no really determination as to the validity of claims.

23 KLOB: And has this been in operation for 31 years,
24 was there other - any other use permits or any other -

25 ZAIA-ROBERTS: On this site, no. Initially the way

1 that this was applied was under the SR provisions that require
2 five acres under SR provisions on their basis. Allegedly,
3 during the initial operation of the property when it was first
4 determined, they had utilized some of their neighbor's
5 property for operation of their business. And I believe in
6 2016 they had violated terms of their Pinal County Animal
7 Control permit, at which point when they went to renew they
8 were told that their zoning was not compatible with their
9 intended use. Which brought them here today to attempt to try
10 and resolve that and bring the property back into compliance
11 in order to re-secure that Pinal County Animal Control permit.

12 KLOB: So the five acres is still a (inaudible).

13 ZAIA-ROBERTS: At this point the property in
14 question is 3.3 acres. No ownership is of that neighbor's
15 property has been conveyed to allow them to utilize that five
16 acre property. So at this point the consideration is for an
17 SUP to operate on a 3.3 acre lot.

18 KLOB: And typically it'd be - a five acre would be
19 a requirement.

20 ZAIA-ROBERTS: For SR properties, yes. RU-3.3
21 properties, which are a zoning equivalent to SR, so if the
22 property owner were to rezone to RU-3.3, they could then apply
23 for, which is equivalent to zoning standard SR, so would
24 likely be entertained for the purpose of the General SR
25 provisions, at which point they can apply for an SUP, a

1 special use permit, and could be considered for the kennel
2 permit. Which is kind of the discussion that we had with code
3 compliance back in January 18, 2024 where we were allowing
4 them to go forward with the SUP provisions under that
5 Condition O. Any such use as the Commission deems acceptable.
6 While that is a broad and overreaching interpretation that our
7 legal counsel is often advising us utilizing, in this case
8 there was justification on the basis of the equivalence to the
9 RU-3.3 zoning district.

10 KLOB: Would it be - and I'm not trying to muddy the
11 water, I'm just asking a question - would it be easier and
12 cleaner from the County's perspective to actually rezone this,
13 then, in lieu of an SUP?

14 ZAIA-ROBERTS: I would argue that it is certainly an
15 avenue the applicant may pursue, but at the time of - and
16 direction of Pinal County Code Compliance, just this provision
17 was offered to the applicants as a potentially faster means to
18 resolve the code issue on the property.

19 KLOB: I think Brent wants to add.

20 BILLINGSLEY: What's really at issue here is you
21 have a ongoing use that's a legal non-conforming use. They're
22 not expanding the use, they're not adding to it. So although
23 they could choose to go the rezoning route, the SUP would
24 essentially be in place to essentially support and allow - or
25 get rid of the legal nonconforming use and make it a use under

1 a special use permit. Does that make sense? It's ratifying
2 an ongoing legal nonconforming use to make it conforming.

3 KLOB: Yeah. And it is one of those kind of strange
4 deals. I'm always leery about things like this as the
5 precedent that it sets for others, and you know, whereas if it
6 were rezoned it's by right and not much anybody can say. And
7 so that's what I meant by being cleaner for staff going
8 forward. Thank you.

9 MENNENGA: Okay, sounds good. Any other questions?

10 DAVILA: Yes. What was the basis of the code
11 compliance complaint?

12 ZAIA-ROBERTS: The one that was just lodged on the
13 10th?

14 DAVILA: Correct, on the 10th, yeah.

15 ZAIA-ROBERTS: On the basis of - to summarize what I
16 briefly reviewed on that item, debris located on the property,
17 and continuing issues with the kennel operation on the
18 property.

19 DAVILA: Okay, thank you.

20 MOONEY: I do have - excuse me, if I may.

21 MENNENGA: Go ahead, Commissioner Mooney.

22 MOONEY: Thank you. What is the capacity of the
23 kennel?

24 ZAIA-ROBERTS: So the applicant is here and can
25 answer that question. It is a German Shepherd breeding

1 operation that they're proposing to conduct. I believe they
2 said that a maximum of 40 German Shepherds, but the applicant
3 can better speak to that number.

4 MOONEY: Is it possible to pull up the 12
5 stipulations, because there was nothing in our packet for
6 that. There was only a cover sheet. There were no
7 stipulations.

8 ZAIA-ROBERTS: Yes, we can certainly go through
9 them. I'll go ahead and read them into the record as well for
10 the Commission's benefit. Stipulation 1. The special use
11 permit is issued to the land and shall be binding on the
12 property owner from the date of Board of Supervisor's
13 approval. 2. Approval of the special-use permit - SUP - will
14 require at time of application for development, the
15 applicant/owner/developer submit and secure from the
16 applicable and appropriate Federal, State, County and local
17 regulatory agencies, all required applications, plans,
18 permits, supporting documentation and approvals. 3. The
19 applicant shall secure and maintain a commercial kennel
20 license issued from Pinal County Animal Control for the
21 duration of business operations. Applicant shall adhere to
22 all standards as required by Pinal County Animal Control. 4.
23 The applicant/property owner shall submit a site plan
24 application within one year from the effective date of this
25 resolution or the special use permit will become null and

1 void. 5. Commercial kennel uses shall be limited to breeding
2 operations as described in the application narrative.
3 Expansion of commercial kennel uses shall be contingent upon
4 amendment to the approved SUP by the Board of Supervisors. 6.
5 SUP-006-23 shall meet Lighting Zone 1 requirements. 7.
6 Signage on the site shall not be permitted. 8. The
7 applicant/property owner shall meet the requirements of the
8 International Fire Code as adopted by Pinal County and
9 administered by the Pinal County Building Safety Department.
10 9. A dust registration permit from the Pinal County Air
11 Quality Control District shall be obtained prior to the
12 disturbance of .1 acres or more. 10. All construction
13 activity shall conform to the earthmoving activity
14 requirements of the Pinal County Air Quality Control District.
15 11. A traffic impact statement may be required to be
16 submitted to the County Engineer at the time of site plan
17 submittal for review and approval. The TIS shall comply with
18 the current Pinal County Traffic Impact Assessment Guidelines
19 and Procedures and shall be approved prior to the site plan
20 approval. And 12. A drainage report may be required to be
21 submitted to the County Engineer at the time of site plan
22 submittal for review and approval. The drainage report shall
23 comply with the current Pinal County Drainage Manual and shall
24 be approved prior to the site plan approval. The drainage plan
25 shall be in accordance with the current Pinal County Drainage

1 Manual. The approved Drainage Plan shall provide retention for
2 storm waters in an on-lot retention area.

3 MENNENGA: Could we have the applicant come up,
4 please? Just answer a couple questions?

5 SANKS: I'm Jason Sanks, I'm a land use planner, and
6 I've been helping the Abbotts for both of their SUP
7 applications. Thank you for allowing us to present today. I
8 wanted to clarify just a couple of items before we get into
9 some of the operational nature, so you can kind of see how
10 these two properties work together. The compliance case on
11 the property was open because one of the neighbors complained,
12 the same neighbor that prepared the two opposition letters are
13 from like the same neighbors, the husband and wife. There's
14 also a petition from that same neighbor. And there's one
15 other neighbor that's within 300 feet that's on the petition,
16 the other neighbors are between a quarter mile and 12 miles
17 away that are on that petition that you received. We did
18 receive two letters of support for the application, we only
19 have single copies of those. One of the owners, Shell Abbott,
20 is here with me today. So you'll see Ranelle on the
21 application, that's her mom, and they live two and a half
22 miles apart, and together they run this home-based business.
23 They both live in the adjoining neighborhoods, and they share
24 the duties of breeding the German Shepherds and selling them
25 online. So the way this works is although this is an SUP,

1 we're grateful to the County for finding a streamlined
2 solution to making a legal nonconforming use a conforming use,
3 and kind of settling that, and that should resolve the actual
4 compliance issue. The debris that was just filed, I guess
5 mentioned, is Ranelle Abbott's building a front porch. I'm
6 not certain if that's the debris that's in that complaint from
7 the 10th of this month, that's the first of us hearing of it,
8 but that's - we're not aware of what the issue is, besides
9 maybe the debris from the front porch construction. So just
10 to kind of recap, we are talking about the Val Vista property,
11 and that's the one that started back in '94, and that's with
12 Ranelle Abbott. And her daughter, Shell, moved into the Jean
13 property, I think it's about six or seven years ago, or eight
14 now. Oh, 17. Eight years. I'm sorry, I've been working with
15 them for a couple of years, so it's been - it's gone from six
16 to eight years now. And so together they work together. So
17 they have - they breed all the female puppies at the Val Vista
18 property. They have seven kennel spaces available and that's
19 where they birth and raise the puppies. The Jean property,
20 which is the next item on the agenda, that's where Shell
21 lives, is where the care of the other dogs takes place and
22 they only have kennel space for 12. I'm not certain of the
23 number 40, where that may have come from, if that was in a
24 complaint, but I just wanted you to know that kennel space is
25 for up to 12. They never of more than 12 puppies. The dogs

1 rotate between the properties, as needed, as they take care of
2 the properties together between the mom and the daughter team,
3 and they don't commercially board other people's dogs. I know
4 that this board has looked at SUPs. I've worked on one where
5 it was kind of like a doggy daycare or pet resort, they don't
6 do any of that sort of commercial kenneling of dogs. The
7 whole kennel purpose here is simply to allow the home-based
8 business with the dog breeding of the German Shepherds only,
9 that's it. And so the one violation of, I think that was
10 talked about, about a pet license, was the violation was
11 because they filed the application one month late, so they had
12 a one month expiration in their license. So that was the
13 violation. It wasn't for property maintenance, it wasn't for
14 the care of the dogs, it was more of a paperwork problem
15 because they filed a month late. So they apologize for that.
16 The routine inspections they do get from kind of the health
17 department is that their properties are effectively clean.
18 They get a very, very clean bill of health on both of their
19 properties. It's a really lovely operation. I'm not sure if
20 you've had a chance to drive by either of their properties,
21 but they do keep their properties very well kept, and they'd
22 like to just keep operating as they are, as a mom/daughter
23 team. They don't plan to expand between building more kennels
24 or anything else like that, so the site plans you see are
25 really as-built site plans. They're not proposed for

1 anything, they're just existing conditions and they're seeking
2 to remain that way. With the SUP, should this Board recommend
3 approval for the - this Commission recommend approval to the
4 Board of Supervisors, that would simply allow them to have an
5 SUP approval on their property to continue operating as they
6 have now for 31 years on Val Vista, and 8 years on the Jean
7 property. They don't seek to expand and they understand the
8 condition on - the prospective condition that any expansion
9 would require them to come back through the amendment process
10 and ask you for that permission. So Shell is here as well, if
11 you would like to speak with her about some more of the
12 nuances of their operations and how they take care of the
13 shepherds. I just wanted to read into the record, as well,
14 since we don't have 10 copies to provide, these are two
15 immediate neighbors for Shell. This is from Leanna Matelli.
16 And she said, to whom it may be concerned, I have lived across
17 the street from the Abbotts for approximately eight years -
18 this is for the Jean Drive property. I have never had any
19 problems or concerns regarding the German Shepherd dogs that
20 they raise. I do enjoy watching them jog with the dogs around
21 their property. I appreciate the fact that the dogs have a
22 lot of interaction with their family as they look very happy
23 and obedient. And again, that's from Leanna Matelli, she's a
24 direct neighbor. One of the other neighbors submitted a
25 written letter. She took a picture of it for us. With

1 reference to the above, please be advised that the Pollock
2 family at 49715 West Jean, which is also a neighbor, they have
3 no objection to the continued operation of the kennel. So
4 they do have additional letters of people that are supporting
5 them on the Jean Drive property, which is that one. Oh, the
6 other one, that's the next item on the agenda. I'm happy to
7 answer questions. Again, my name is Jason Sanks and Shell
8 Abbott is here with me as well.

9 MOONEY: I just have a couple of questions. So how
10 many adult dogs, since we're going to do them separately, but
11 how many adults dogs on each property?

12 ABBOTT: No more than 12 total.

13 SANKS: No more than 12 total. That was Shell
14 Abbott speaking.

15 MENNENGA: Can you come up?

16 SANKS: Yeah, you want to come up? You can sit.

17 ABBOTT: Oh, I'll stand. I do better standing.

18 SANKS: You do better standing? Okay. This is
19 Shell Abbott.

20 MENNENGA: Just sign in if you haven't, okay?

21 SANKS: She filled out a speaker card.

22 ABBOTT: So to answer your questions, so we have a
23 total of 12 dogs and they rotate between the locations, based
24 on the best location for them at that time. So if they're
25 pregnant or if they are having puppies, then they go to one

1 location where if we're raising a dog or if it's a male, it
2 stays at my location.

3 MOONEY: And how many litters of puppies do you
4 breed per year?

5 ABBOTT: Approximately six.

6 MOONEY: Okay.

7 ABBOTT: And it is all - so I do, I have like my TBT
8 tax, so I - they keep track of that and then I keep track of
9 that. So it's all recorded there, and including what the
10 County -

11 MOONEY: I used to raise dogs myself for many years,
12 so I understand that, but I'm just trying to average the
13 number of dogs that might be there because German Shepherds
14 have large litters of puppies. So I'm trying to determine how
15 many are there at a time with puppies and things. So thank
16 you.

17 MENNENGA: Anyone else? Commissioner Klob.

18 DAVILA: Between the - between the actual 12 animals
19 you have and the puppies, what is the most you would have at
20 one property at a time?

21 ABBOTT: A litter, my litters actually average
22 around six. That's my goal. So 12 plus normally a six, maybe
23 a second litter would come up. All my puppies leave at about
24 eight weeks. So 12 puppies and 12 adults, but - so at both
25 properties maxing still 12.

1 DAVILA: Thank you.

2 KLOB: Through the chair. Have there been any noise
3 complaints? You know, we're talking about the Val Vista
4 project right now, issues with the dogs, things like that?

5 ABBOTT: So all three of my supporting letters come
6 from the person right behind me, the person right next to me,
7 and then the person in front of me. The only person that has
8 a problem is the person right beside me. As far as the County
9 comes, when they come, every time they say I can't believe how
10 quiet your house is. You guys have the quietest house. I run
11 my dogs everyday for two to 12 miles, so I really keep them
12 exercised to reduce the barking. I use bark collars, if
13 necessary, but as far as noise complaints, if my neighbor has
14 a problem he tells me, but he says that the biggest problem is
15 other neighbors.

16 KLOB: Very good, thank you.

17 SCHNEPF: And I have a question.

18 MENNENGA: Commissioner Schnepf.

19 SCHNEPF: Looking at your property, so it is an
20 enclosed structure that the dogs are kept in, right?

21 ABBOTT: Right. So all the dogs in the summer are
22 kept inside when it's hot, and then in the winter - and then
23 at night, every night for both locations we have an indoor
24 location for them to be able to have quiet hours. So I always
25 make sure the dogs are put up at least by 9 p.m., and then I

1 don't let the dogs out at least until 7 a.m. to keep those
2 quiet times.

3 SCHNEPF: And obviously there's fencing around the
4 property to enclose them, and so they can't just -

5 ABBOTT: Right. So I have multiple fencings to make
6 sure that I get proper rotation of the dogs. I don't have too
7 many out at one time, that could create a problem, as you
8 would know. So at this location, there are three turnout -
9 actually we have a smaller turnout now, so four location
10 turnouts. At my other property, there are three location turn
11 outs, with secured fencing so they can't get out.

12 MENNENGA: Anyone else? Okay. Well, we will bring
13 it back to the Commission for question, comments. Public?
14 Oh, yeah. Okay, we're going to open up the public portion for
15 case SUP-006-23 and SUP-007-23. Anyone wish to speak, and we
16 have a - that's Jason Sanks and Shell Abbott. No one else?
17 All right. Oh, here we go.

18 BUHR: I'll sign in, I haven't signed in.

19 MENNENGA: You bet. Thank you.

20 BUHR: My name is Chad Buhr, I live on White Road,
21 right next to the other SUP case. So as is in the beginning,
22 and one of the frustrations here is, which one am I talking
23 to? Because we were presenting - I thought Patrick was
24 representing the Val Vista house, and if this is public for
25 Val Vista, then I have nothing to say.

1 MENNENGA: It's public for both.

2 BUHR: It's pubic for both, okay. So I don't think
3 that case has been presented yet by Patrick, for the second
4 one, but I have a couple things to talk to here.

5 MENNENGA: Okay, yeah, we're - all right, we're just
6 doing the first one now.

7 BUHR: Okay, all right, I will come back when it's
8 my turn.

9 MENNENGA: Okay, sounds great. Anyone else to speak
10 to this SUP-006-23? If not, we're going to close the public
11 portion of that case and bring that back to the Commission.
12 Comments, concerns, motion?

13 KLOB: Through the Chair.

14 MENNENGA: Commissioner Klob.

15 KLOB: This is kind of one of those weird projects
16 where it's a little bit in kind of, you know, it's different.
17 So that's why we have avenues for things that aren't quite so
18 black and white and clean. But I think that the fact that
19 it's been in operation for so long, there haven't been any
20 real issues. According to the testimony, the letters that
21 were read into the record, it sounds like they're a good
22 neighbor on this project. So for that reason, I'm going to
23 make a motion to approve SUP-006-23 with its 12 stipulations
24 to the Board of Supervisors.

25 MENNENGA: Second?

1 PRANZO: I'll second.

2 MENNENGA: Any discussion? Everybody in favor?

3 COLLECTIVE: Aye.

4 MENNENGA: Anybody opposed? Okay, that one passes.

5 Okay, let's move on then to SUP-007-23.

6 ZAIA-ROBERTS: Thank you. Thank you, Commission.

7 Patrick Zaia-Roberts again, senior planner here to discuss
8 SUP-007-23. As was discussed in the previous case, this is a
9 secondary location for the same business, although they've
10 applied separately for a separate SUP at a separate property
11 and therefore are going forward for a separate case. This
12 proposal's for a special use permit to allow a commercial
13 kennel on a property in the SR - Suburban Ranch zoning
14 district on 3.3 acres. This property being at 49641 West Jean
15 Drive on parcel 510-63-0100. This is a map showing the
16 approximate location of the property, very close by to the
17 previous one off Val Vista Road. This is a zoning map showing
18 the SR zoning on all sides of the property, and then GR zoning
19 and CR-2 zoning to the east of the property. A vicinity map
20 showing the approximate location of the development and
21 surrounding features, and an aerial map showing the property
22 in question. This is the notification area for the affected
23 property owners on this property. An image looking north,
24 away from the site. South onto the site, with a couple of
25 residents to the right of the sign there. Looking east down

1 Jean Drive. And west down Jean Drive. This is a site plan of
2 the Jean Drive property. As you can see, similar in layout,
3 with the primary residence at the front of the property,
4 kennel buildings on the north side of the property, in this
5 case, towards the rear. And then the fencing as well on the
6 front part. Excuse me, I'm mixing this up. Primary house is
7 at the rear of the property on the south side of the
8 residence, with the kennel building at the front of the
9 property, with a fenced area on the north side as well. So,
10 items for consideration. Again, this property is one of the
11 five existing commercial kennel properties that were discussed
12 at the January 18th meeting of the Planning and Zoning
13 Commission regarding SUP action under the O category for items
14 as deemed appropriate by the Planning and Zoning Commission.
15 The property is located amongst other properties with rural
16 and agricultural uses. The commercial kennel use is existing
17 and does not present an impact to the public health, safety or
18 welfare, albeit for less time. This one, I believe we said
19 was eight years, as opposed to the 30 years in operation of
20 the other one. The proposed SUP is compliant with standards
21 of the SR zoning district and is comparable to the RU-3.3
22 zoning district, which offers commercial kennels as allowable
23 through approval of a special use permit. And this property
24 is also subject to a new code compliance case that was filed
25 on March 10, 2025, this one being CC-0188-25. SUP approval

1 shall make compatible the existing use with surrounding land
2 uses. Other properties nearby have been granted special use
3 permits for uses similar in nature. There's been no change -
4 and I apologize that you have nine here, but I believe eight
5 year old operation, which is proposed on the property. The
6 applicant was proactive in seeking to resolve the code
7 compliance violations of the property, and the applicant has
8 identified a business (inaudible) an articulable need in their
9 community. Now, for this property, staff has received two
10 letters of opposition and one letter of support, in addition
11 to the two letters of support we received this morning. So,
12 the first letter of opposition, again, discusses increased
13 noise and nuisance on the property, instances of escaped dogs
14 at large. Such businesses requiring five acre minimum lot
15 sizes. Violation of terms of the Pinal County Animal Control
16 kennel permit. Increased traffic in the neighborhood and on
17 the neighbor's property, and potential for diminution of
18 property value. The second letter discusses adherence to
19 CC&Rs, concern of indirect ownership in relation to the
20 applicant as a business owner. Concerns that the business is
21 operating on the Jean Drive property, when it originally only
22 allowed on the Val Vista Road property. A desire to see the
23 Jean Drive property not operate as a kennel without impacting
24 the business on the Val Vista property. An inclusion of a
25 petition of 10 neighbors in opposition to the special use

1 permit. Staff offers this for the Commission decision with 12
2 potential stipulations.

3 MOONEY: Are they the same -

4 MENNENGA: Questions -

5 MOONEY: I'm so sorry.

6 MENNENGA: Questions.

7 MOONEY: Are they the same stipulations?

8 ZAIA-ROBERTS: They're slightly different. In
9 nature, they are the same, but as far as (inaudible) case.

10 MOONEY: There are no stipulations, you just have a
11 cover sheet on this.

12 ZAIA-ROBERTS: I'll go ahead and read them into the
13 record.

14 MOONEY: Thank you.

15 ZAIA-ROBERTS: I believe the issue may have been
16 that this packet may have been in two pieces, that may have
17 been why they may have cut off. But we'll go ahead and read
18 them into the record. Stipulation 1. The special use permit
19 is issued to the land and shall be binding on the property
20 owner from date of the Board of Supervisors' approval. 2 .
21 Approval of the special use permit will require at time of
22 application for development, that the
23 applicant/owner/developer submit and secure from the
24 applicable and appropriate federal, state, county and local
25 regulatory agencies, all required applications, plans,

1 permits, supporting documentation and approvals. 3. The
2 applicant shall secure and maintain a commercial kennel
3 license issued from Pinal County Animal Control for the
4 duration of business operations. Applicant shall adhere to
5 all standards as required by Pinal County Animal Control. 4.
6 The applicant/property owner shall submit a site plan
7 application within one year from the effective date of this
8 resolution or the special use permit will become null and
9 void. 5. Commercial kennel uses shall be limited to breeding
10 operations as described in the application narrative.
11 Expansion of commercial kennel uses shall be contingent upon
12 amendment to the approved SUP by the Board of Supervisors. 6.
13 SUP-007-23 shall meet Lighting Zone 1 requirements. 7.
14 Signage on the site shall not be permitted. 8. The
15 applicant/property owner shall meet the requirements of the
16 International Fire Code, as adopted by Pinal County and
17 administered by the Pinal County Building Safety Division. 9.
18 A dust registration permit from the Pinal County Air Quality
19 Control District shall be obtained prior to the disturbance of
20 .1 acres or more. 10. All construction activity must conform
21 to the Earthmoving Activity requirements of the Pinal County
22 Air Quality Control District. 11. A traffic impact statement
23 may be required to be submitted to the County Engineer at the
24 time of site plan submittal for review and approval. The TIS
25 shall comply with the current Pinal County Traffic Impact

1 Assessment Guidelines and Procedures and shall be approved
2 prior to the site plan approval. And 12. A drainage report
3 may be required to be submitted to the County Engineer at the
4 time of site plan submittal for review and approval. The
5 drainage report shall comply with the current Pinal County
6 Drainage Manual and shall be approved prior to the site plan
7 approval. The drainage plan shall be in accordance with the
8 current Pinal County Drainage Manual. The approved drainage
9 plan shall provide retention for storm waters in an on-lot
10 retention area.

11 MOONEY: Thank you.

12 MENNENGA: Thank you.

13 MOONEY: And I do have an additional question.

14 MENNENGA: Go ahead, go ahead.

15 MOONEY: Has there been an SUP on this property, or
16 has it been operating for eight years without?

17 ZAIA-ROBERTS: Without.

18 MOONEY: Thank you.

19 ZAIA-ROBERTS: That one has not been issued.

20 MENNENGA: Commissioner Hartman.

21 HARTMAN: Thank you, Chairman. Patrick, I may have
22 missed it in your presentation, but from the one we just
23 approved to this one, how far - what's the distance?

24 ZAIA-ROBERTS: I believe about two miles. It's
25 within the same neighborhood. You can see on the vicinity map

1 here where Val Vista Road is about towards the southwest
2 corner of this map. Go a little bit, a little bit east.
3 That's about a little - sorry, a little too far, a little bit
4 to the west. That's about where the SUP-006-23 property is
5 at, where the cursor's at.

6 HARTMAN: But as a crow flies, you estimate a couple
7 miles?

8 ZAIA-ROBERTS: About two miles, I would say.

9 HARTMAN: Thank you.

10 MENNENGA: Commissioner Klob.

11 KLOB: Thank you, Patrick. Question as it relates
12 more of kind of the existing property itself, and I know most
13 jurisdictions have challenges with homes all the way to the
14 rear and then having accessory structures towards what would
15 essentially be the front. In this case, any issues or
16 challenges with that?

17 ZAIA-ROBERTS: Well, no code compliance action was
18 filed for the house placement. Seeing as this would be
19 effectively acting as a legal non - if approved - acting as a
20 legal nonconforming use whereby they couldn't expand any
21 further. It would be to adopt in the existing property as is,
22 or as built. But that being said, there would probably be an
23 issue with an accessory structure on the front setback,
24 depending on the development standards for the property, were
25 this being applied for as something separate from (inaudible).

1 KLOB: Mr. Billingsley said as -

2 BILLINGSLEY: Pinal County still remains to be a
3 very rural County. These are very large properties, and so
4 one of the things that we have to explain to folks all the
5 time is a property like this is not the same as a 7,000 square
6 foot lot in a subdivision. It really is up to the owner of
7 that property to determine where their front yard is, much
8 like my property or Mr. Hartman's property. You live on a
9 large piece of property, just because there's a road on one
10 side does not make that the front side of your house, i.e. the
11 front yard setback. So what we typically do on very large
12 properties is when that house is actually built and permitted,
13 that's when they determine where the front yard of that house
14 is and then the setbacks are assigned from that point forward,
15 if that makes sense. So it's a little bit different on a
16 large property versus a small property in a subdivision, if
17 that make sense.

18 KLOB: I just wanted to make sure that this wasn't
19 going to cause additional trickle-down effect issues for the
20 applicant later on. Thank you.

21 MENNENGA: Any other questions, concerns, comments
22 from anybody here? Okay. If we could have the - you okay?
23 Applicant Jason come back up on this one?

24 SANKS: Good morning again, Chair, Vice Chair and
25 Commissioners. Oh, thank you. Jason Sanks, planner,

1 assisting the Abbotts. I have a speaker card for both items.
2 I just - if we can leave the aerial up so you can see
3 proximity. Again, they do keep - you can see the property is
4 very tidy, and you're correct, the house is built in the back
5 of the property. It's very large. And I just wanted to
6 reiterate what came in was most of the comments are on this
7 property based on what the neighbors are doing. I think the
8 operation is a very clean operation. I think Shell speaks,
9 she speaks better than I do publicly, so I'll let her speak if
10 there's questions on the operations, but to give you context,
11 we do have, I think the two letters of opposition. I
12 acknowledge their concerns. They've been neighbors for a long
13 time. I think Shell seeks to continue to try to have a good
14 relationship with her neighbors. I believe her neighbors live
15 on the lot that has all the green on it and the items that
16 are, I believe, stored in the rear. But both the letters of
17 the opposition, I think, are from the same property. There
18 was an additional signature that are on the petition from a
19 gentleman that lives nearby, but the rest of the neighbors on
20 that petition don't live within any measurable distance. I
21 think - I'm not sure how they even knew about the application.
22 Some of them miles away. But, you know, Shell's here, I think
23 she wants to do whatever it takes to get your support and keep
24 her business running. It means everything to her and her
25 family to be able to continue operating just as they are. And

1 it wasn't for the sake of not wanting to file an SUP or to get
2 away with something, they weren't even aware that there was a
3 requirement for this in this rural area where other people
4 have animals on their property. It wasn't until, I believe,
5 the same neighbor complained to code compliance, and then code
6 compliance talked to Shell and her mom, and then they dug in
7 and dug in and found out that an SUP ultimately should be
8 applied for, and that's why we're here today was the same, the
9 same place. This is all coming from the same place. So we're
10 here to make it right, whatever we can do to get your support.

11 MENNENGA: Any questions for the applicant? I have
12 a comment I probably shouldn't make, but... Okay, I'll just
13 leave it alone. The next door neighbor there. Anyway, okay,
14 just looking at the map, like wow. Okay, we need to have the
15 -

16 SANKS: Chair, with your permission, may Shell
17 speak?

18 MENNENGA: Oh, absolutely.

19 ABBOTT: Something that I've done - I don't know if
20 I'm supposed to say this or not, so I apologize - is my
21 neighbor that is here that has put in all the complaints, I
22 have really tried to make it as right as I can with him. I
23 put up a view fence so he's unable to see into my property,
24 and hopefully I can mitigate the impact of myself on him.
25 None of my other neighbors have requested this, nor do they

1 mind. We talk through the fence commonly, but that is
2 something I've tried to do to make him happy, you know, so he
3 feels like he has his own area that I'm not impacting. Is
4 that appropriate to say?

5 MENNENGA: Thank you.

6 ABBOTT: Okay, cool.

7 MENNENGA: Is that the neighbor -

8 ??: Which side?

9 MENNENGA: - with the green yard right there?

10 ABBOTT: Yes.

11 MENNENGA: Oh, okay. You answered my question.

12 Thank you. All right. Any questions, further questions for
13 the applicant? Okay, with that, let's open up the public
14 portion for case SUP-007-23, and it looks like we have one to
15 speak to it.

16 BUHR: The neighbor with the green yard.

17 MENNENGA: Yeah. You have three minutes.

18 BUHR: Okay. So, I would like to pull the map back
19 up please. This map is out of date. I'd like to make a
20 couple notes. On the previous SUP that was previously
21 approved, the letters of recommendation were not to that
22 address, they were to this address. For this SUP. So they
23 shouldn't have been considered for that other SUP, okay? So
24 that was - this is all the mess of having one business across
25 two properties, across different owners, right? All the while

1 they Abbott's German Shepherds, never had an issue with them.
2 When they bought the land next to us, they made it clear that
3 they were going to put a dog kennel in. Shell stated their
4 intentions to - Shell is here in the room - stated their
5 intentions to run a breeding kennel soon after purchasing
6 property in 2016, 2017. And before a kennel was even built,
7 when they inquired with County code compliance, they said
8 residents expressed that only their personal pets were being
9 housed there at the time. Excuse me, sorry, take a breath.
10 After supplying evidence from their business Facebook posts
11 about expanding by the Jean property as it was being built in
12 2016-2017, as well as the certifications for their dogs that
13 are in fact used for breeding, they told code compliance that
14 they would not be selling puppies at the property, that would
15 only be through the Val Vista property. As noted in their
16 application here, they stated the exact opposite and also
17 stated that they had no known complaints from neighbors. They
18 have been aware of our opposition and concerns from the
19 beginning, which is evident through our discussions, through
20 code compliance, and by texts between the other property
21 owner, Russ Byers - which is Shell's husband - and myself.
22 It's the inconsistencies and the lack of transparency that's
23 so concerning here. The Abbott German Shepherds business,
24 submitted here by Ranelle, with Jason as the representative,
25 didn't show up here, right? She signed a document in 2016

1 stating that she had no deed or rights there so whatsoever to
2 the Jean property, right? And then later on the property
3 changed to Abbott and to Shell and Russ, his name, along with
4 their dad. There's some stuff going on here, right? There's
5 some wool being pulled over our eyes. When we had concerns
6 with the dogs, my wife was pregnant with our first baby seven
7 years ago, and we talked to a Shell and Russ, said hey, you
8 know, when we go outside - they have a four-foot fence, and
9 that's the perimeter fence, right? They did build a screen in
10 front of our house, but there's a perimeter fence that's only
11 four foot high with German Shepherds. I grew up with German
12 shepherds, they will climb the wall and jump a six foot fence,
13 no problem. All right, I have 30 seconds left, which I feel
14 is a little unfair since all the accusations on my property
15 have been made and stated. This is out of date. When we made
16 a complaint to the County that, hey, these dogs are
17 aggressive, we asked Shell and Russ to let us come over and
18 meet them so they wouldn't bark at us. There's - I have
19 videos, there's dog barking, trying to get at us. My wife is
20 unsafe going outside, she didn't feel safe. Their dogs would
21 be on our side often and they would lift the dog - they would
22 come to our side, lift the dogs and put them over - one
23 elderly dog and other dogs. There's dogs out all the time.

24 ??: Time, Chair.

25 BUHR: There's a neighbor across the street that

1 noticed (inaudible). Understand. And they filed a complaint
2 against our (inaudible).

3 SCHNEPF: I would like to move and suggest the
4 Commission allow the citizen additional time to speak.

5 ??: I concur.

6 MENNENGA: Okay. Give you another minute. Go
7 ahead.

8 BUHR: Thank you. So, understanding the business
9 has been in place for a while and that our codes require - our
10 rural codes out there require five acres for a commercial
11 kennel. Those were put in place before some of us, right?
12 And they were - when that community was planned out, that's
13 what the - we decided was the best for that area. If we're
14 going to change our codes in that area, we just blanket change
15 them all, right? But if we're gonna change them in two
16 different locations in the same community to let one business
17 operate across two different areas, we've got to ask
18 ourselves, what are we doing, right? The kennel they have
19 existing is 24 feet from my house, from my property line,
20 where we had a lot of our family get-togethers and we can't be
21 there now because they bark at us, they're loud, and when - it
22 doesn't stink all the time. I'm not going to say that. But
23 when it rains and the wind blows, you can smell their kennel.
24 You can smell it all. The kennel was built with pulling the
25 wool over the County's eyes that this is a private kennel just

1 for their own personal dogs, yet now, obviously they're using
2 it for this business. And additionally, they knew when they
3 bought this other property that they needed special use
4 because they had (inaudible). And so - permission to go on?
5 Is there permission to one more minute? Finish my statement?

6 MENNENGA: Go ahead.

7 BUHR: Okay. If they knew it at the time, why would
8 they go look for another place where they could be
9 noncompliant? They've been noncompliant for the other
10 property since the beginning, and it's established. We
11 stopped reporting their dogs because it didn't make any sense.
12 Russ Byers, the other owner of the house next door, and Shell,
13 have reported me for having stuff on my property. The last
14 three years I've spent every weekend out there cleaning that
15 stuff up. And I'm okay with that, right, because I wanted to
16 clean it up, but I'll tell you what, having a neighbor that
17 comes in, and they're noncompliant, they are building stuff
18 that they did, it's not compliant. They have outside storage
19 non-complicities. This is an old map, remember that. And
20 come in and tell us we have to change the way we're doing.
21 Well, I understand, everybody out there is noncompliant,
22 right? So what happens is they weaponize this, because they
23 didn't like us complaining about their dogs. And since day
24 one, they've been trying to get expansion of their business
25 when they could. Buy the house next door, it's for sale.

1 There's two by them that's for sale on the other property. So
2 it feels a little bit like we're being stepped on and pushed
3 around. Now, I want to address the petition. There are two
4 people here, myself and the ones north of my house
5 (inaudible).

6 ??: Time, sir.

7 BUHR: That are against this, and that's 20 percent
8 of the neighboring 300 foot area. These other folks are
9 within hearing distance. There's one that's not, that's in
10 Dune Shadow. But they've all signed this petition, and this
11 didn't come to us until Friday or Saturday last week. We got
12 ours Saturday, other neighbors in the area told me they got
13 theirs Friday, but they didn't understand what was going on
14 when I walked around to talk to people. I didn't have enough
15 time. I have a full-time job and we have three little kids,
16 and I didn't have enough time to go around and talk to folks
17 and make sure they knew what was going on. Additionally,
18 three of the four neighbors around here, adjacent, are
19 Canadian. And I talked to them and they said, hey, we don't
20 want - with the current climate, we don't want to bark up the
21 wrong tree and start any fights because we don't want to lose
22 our privilege to come here. So, with a little more time I
23 think the neighborhood could understand a little better what's
24 happening here and be better represented, but I feel like
25 we're not very represented. I had to cancel a big meeting

1 with the government and NASA today to come here and talk to
2 you guys.

3 MENNENGA: Thank you. Any questions? All right,
4 thank you. Anyone else to speak to this case? Anyone at all?
5 Okay, with that we're going to close the public portion
6 hearing on case SUP-007-23 and come back to the Commission.
7 Any questions for -

8 ??: Can we bring the applicant back?

9 MENNENGA: Bring the applicant back also.

10 SANKS: Thank you. If it pleases the Chair, may I
11 have the owner, because she needs to speak as well.

12 MENNENGA: Yeah.

13 SANKS: Okay, thanks.

14 MENNENGA: Yeah, very good.

15 PRANZO: I have a question for the applicant. Is it
16 appropriate now?

17 MENNENGA: Yes. Yep.

18 PRANZO: He feels as if he's lost some use of his
19 property, and so that makes me wonder, what kind of setback do
20 the kennels have from his property? And I also heard you
21 speak of the dogs being well fenced, unable to get out. Two
22 things came up on that, that the dogs are getting out. And
23 not to dispute that, but it's out there, someone said it. The
24 other thing is the fencing that the dogs have when they're
25 outside of the kennel, how - what is the setback on that? In

1 other words, the loss of use of your property is a serious
2 matter. It's very upsetting to be a landowner and find that
3 your neighbors unwittingly are encroaching on the use of your
4 property. So speak to that, please.

5 ABBOTT: Well, that's the reason why I put up the
6 fence around here. So like he said, when his wife felt like
7 she was unsafe with my dogs, I put a fence up so she can now
8 walk all the way up to her property line without even seeing
9 my dogs.

10 PRANZO: So the setback on that is 25 feet?

11 ABBOTT: My kennel is setback 25 feet, but there's a
12 fence that I have from one side pretty much all the way almost
13 to the other side that is just a view fence. That it's solid
14 metal.

15 PRANZO: All right, but what is the setback on that?

16 ABBOTT: Two feet.

17 PRANZO: So you're right on the property line.

18 ABBOTT: Right.

19 PRANZO: The kennel is 25 feet.

20 SANKS: The kennel building is setback 25 feet from
21 the property line, the fence is almost on the property line.

22 PRANZO: All right, are the dogs on that metal
23 fence?

24 ABBOTT: On the - no, they're never on the metal
25 fence.

1 PRANZO: So they don't get to that fence, they're
2 held back in other fencing?

3 ABBOTT: Oh yeah, they can walk to the fence, but
4 the fence is nine feet tall.

5 PRANZO: Okay. But it's two feet setback.

6 ABBOTT: Correct.

7 PRANZO: On your property line. He also spoke about
8 odorous conditions. Let me understand something, you didn't
9 get there first, he was there first and you came after him?

10 ABBOTT: Correct.

11 PRANZO: Okay. What are you doing to - I know you
12 can't eliminate, but mitigate?

13 ABBOTT: Right. So we have - well, we have trash
14 pick up every week. So obviously I -

15 PRANZO: Week.

16 ABBOTT: Well my husband and I. We have it on that
17 property, so we pay for it together.

18 PRANZO: So it's weekly.

19 ABBOTT: Weekly, yes. So I have it picked up at
20 least once a week, and then I also - when - with the kennel
21 itself, I have a drainage. So when I power wash, then it goes
22 through a filtration to make sure that it's not holding odors
23 either. So I dug down five feet and then I have the gravel,
24 the sand, the rock, the whole thing to take care of that,
25 along with just regular cleaning supplies that you would use.

1 But on that property you're looking at normally six dogs,
2 maybe eight dogs.

3 PRANZO: I was just going to ask you.

4 ABBOTT: Yeah.

5 PRANZO: So six to eight dogs on 3.3 acres is - it's
6 not a lot of dogs. It just doesn't have a lot (inaudible).
7 We, I mean, like I said, I pick up all the time. The whole -
8 I means there's horses that are all around us, and then
9 there's other people that have even more dogs than I do that
10 are within our own neighborhood that probably aren't quite as
11 consistent about it, because it's not considered part of their
12 job.

13 PRANZO: Well, this gentleman's quite irritated and
14 I'm trying to get to the bottom of it because there seems to
15 be layers and layers of minutiae in this.

16 ABBOTT: Right.

17 PRANZO: And so what I think I'm hearing is that the
18 main beef was loss, or unable to use his full property. I
19 feel like you've mitigated that with the fence. The kennel's
20 got a 25 foot setback, so from a noise standpoint, that
21 shouldn't be too bad. You are in a very rural area.

22 ABBOTT: Well, and at night the dogs don't have
23 access to go outside. So they are - they're locked inside of
24 the kennel at night.

25 PRANZO: Right. Well, I got to tell you, I live

1 right here in Florence and during the day I'm surrounded by
2 dogs and sometimes they're a pain in the ass on a Sunday, and
3 all of a sudden quiet is gone. Okay? And I'm getting old and
4 grumpy, I'm a real pain in ass, but I don't like it.

5 ABBOTT: So my neighbor right to the other side,
6 he's never said anything about the smell and he's never said
7 about - if he's - in two times in the eight years, he's not
8 liked one of my dogs. And he's like, like that dog barks a
9 lot. I'm like okay, and then I re-home the dog because I
10 don't want a dog that's barking.

11 PRANZO: Okay. I still don't feel like I've gotten
12 to the bottom of this, but thank you. Thank you for your
13 time.

14 MENNENGA: Anyone else?

15 SCHNEPF: I have a question.

16 MENNENGA: I understand old and grumpy too, that's
17 (inaudible). Go ahead. Commissioner -

18 SCHNEPF: Who lives in the house on the property?

19 ABBOTT: I do.

20 SCHNEPF: You do.

21 ABBOTT: I live at this property, correct, with my
22 husband.

23 SCHNEPF: Okay. And somebody else lives on the
24 other property then. It doesn't have to do with this case,
25 but -

1 ABBOTT: That's my mom and dad.

2 SCHNEPF: Okay, so you are on property, so you are
3 able to hear when the dogs are barking at an inappropriate
4 time and you can do something about it?

5 ABBOTT: So my sister actually is a stay-at-home mom
6 with her two kids that live on that property also, which
7 they're under the age of six. So all the dogs have to be safe
8 with the kids. But that also being said, she's a stay-at-home
9 mom, so other than bringing the kids to school and bringing
10 them back, she is onsite at all times. And if the dogs do
11 bark, then she puts them away or maybe puts a bark collar on
12 them. But in the morning I normally run them first before I
13 even leave the house, which helps with the energy level of -

14 SCHNEPF: So you're not on the property all day
15 long, or during the day.

16 ABBOTT: I'm not. No, I come and go throughout the
17 day.

18 SCHNEPF: Okay, so somebody else is, like you said,
19 there too.

20 ABBOTT: Yeah, there's some -

21 SCHNEPF: Watching -

22 ABBOTT: Yeah, there's pretty much somebody at the
23 property at all times, possibly gone for two hours a day.
24 Yeah, there's probably two hours of the day that nobody's
25 there.

1 SCHNEPF: I just kind of agree with Commissioner
2 Pranzo that sometimes it's inappropriate to hear dogs barking
3 at night or early in the morning, so that was just another
4 concern that I'm sure the neighbors would not want.

5 ABBOTT: Right, yeah. Well, and like my neighbor to
6 the west of me, he actually says that the neighbor north of
7 him - oh, that helps - a neighbor just north of me, he's like
8 their dogs bark way more than yours do. And Chad recently got
9 dogs probably, what was it, five years ago? About five years
10 ago. And so normally at night, my other neighbor's like, he's
11 like well it's not coming from your house, it's coming from
12 Chad's. But he doesn't have - I mean he doesn't have an
13 indoor kennel to put his dogs in like I do. So it makes it
14 easy to have quiet time when you have a designated location
15 that you can put them in. Because I don't like dog barking at
16 night either.

17 SCHNEPF: Yeah, nor do I.

18 MENNENGA: Anyone else?

19 KLOB: Through the Chair. Can we put the site plan
20 drawing back up? So I think kind of a housekeeping item and a
21 little bit of a discrepancy, just for clarification.

22 ABBOTT: Right.

23 KLOB: In the orientation of this image, the lower
24 right hand corner, 25 feet off the property line is called out
25 a shed, whereas the kennel is 38 feet 4 off the property line.

1 Which is the kennel, which is the shed?

2 ABBOTT: Oh, good question. So where the round part
3 is, the one right next to it, that's just a shed. That has
4 like tack in it, like horse tack.

5 KLOB: Okay.

6 ABBOTT: So it is probably - I don't have my glasses
7 on. So I guess it is 38 feet out. So it's the big rec - it's
8 the rectangular one. Right there. Yeah.

9 KLOB: So the kennel's actually almost 40 feet off
10 the property line, not 25.

11 ABBOTT: Yeah, sorry. I apologize for that.

12 PRANZO: No, I apologize. I'm the one that read the
13 map.

14 ABBOTT: Well, I can't see it, so -

15 KLOB: The housekeeping item that I would, you know,
16 should this move forward, I would almost recommend, would be
17 to add where any fencing is, and the height of fencing to this
18 drawing, to - you know to here it appears there's no fencing.
19 And whether it's four foot fencing, as the gentleman
20 mentioned, or nine foot fencing, or eight foot fencing, or -
21 and the type of fencing. If it's view fencing, if it's block
22 fence, and so on. I think that would be beneficial to show
23 the security, especially as contentious as this is.

24 ABBOTT: Totally agree.

25 KLOB: I think, yeah, I think that would answer my

1 biggest questions here. Have there been - and as the question
2 I asked on the other property - has there actually been any
3 noise complaints lodged by - that you received (inaudible).

4 ABBOTT: Only by one person.

5 KLOB: Okay. Are those recent or those been going
6 on over time?

7 ABBOTT: Only by that one person one time. Well,
8 maybe twice. Pinal County keeps track of it, by Pinal County
9 Animal Control. And so even when she came out for the noise
10 complaint, she's like I don't hear your dogs. I hear their
11 dogs. I hear their dogs, right, she's like but I don't hear
12 your dogs. And so - but you - I - Maricopa County Animal
13 Control does a really good job of coming out and checking out
14 the facility and checking for the smell and checking for the
15 sound, and because they're out there, they're picking up dogs,
16 they're constantly monitoring me even if they only come and
17 check once. And so you can look at their records that they
18 keep for all of that and they've never said anything negative
19 to me about it.

20 KLOB: Thank you.

21 MENNENGA: Commissioner.

22 HARTMAN: You said Maricopa County?

23 ABBOTT: Pinal County.

24 HARTMAN: Did you mean Pinal?

25 ABBOTT: I did mean Pinal County. It's that living

1 in Maricopa, and Pinal County.

2 MENNENGA: Commissioner Mooney, and I was going to
3 ask you anyway, you're the one with the knowledge here, so
4 please go ahead.

5 MOONEY: So - and I'm going to go back on my
6 history. I grew up, we had 110 kind of boarding facility. It
7 was on 50 acres, but we used the front. There were times that
8 the dogs were let out in the morning to exercise and do their
9 business and brought back in. And I've moved to the Wild Wild
10 West from the East Coast. But there's that time to be
11 respectful of your neighbors. We had 110 dogs at Christmas
12 time, and even in the middle of summer when we had 60 to 80,
13 there's a time that they need to be brought inside to be
14 quiet.

15 ABBOTT: Right.

16 MOONEY: And it doesn't matter if it's summer here
17 and 115 and you keep them inside because of the heat. We need
18 to be able to enjoy our properties as well without worrying about
19 - or, I shouldn't say worrying - but stressing over dogs right
20 on the fence, as it's only two foot off the property, or being
21 able to enjoy time with our family without neighbors' dogs
22 barking. Whether you're on a large piece of property as you
23 are, or I currently am living in an HOA and I get them on
24 either side and it's like, come on people, just trying to have
25 company out in my backyard. And you don't want to cause those

1 neighbor disputes. So it's - I call that in being commercial
2 where it isn't just a mom and daughter raising some puppies
3 once in a while. Six litters of dogs is a lot per year and a
4 lot of puppies, so just trying to be respectful of your
5 neighbors. I put the onus on you on that with my profession
6 in the back history. So if you have any other questions, I'm
7 happy to answer them, Commission.

8 ABBOTT: I would be happy to change the quiet times.
9 If Chad would prefer that I put the dogs up at 7 p.m. and
10 didn't let them out until 9, or if it was a different quiet
11 time recommendation, I would 100 percent take that in
12 consideration. That was mostly based on when I most - when I
13 see people kind of settle down for the night, but I would
14 change that if that would help.

15 MOONEY: But that, I think you're missing my point,
16 is the dogs go out in the morning and exercise and go in for
17 some time. People need to be able to enjoy their yards during
18 the day. Seven - putting them to bed earlier at night, great
19 for kids to go to sleep, but not - I have company, noontime
20 for a barbecue on a Sunday afternoon or something and the dogs
21 are outside, and if it's a block, it's solid fence and they
22 can't see, then they're apt to be more noisy once they realize
23 what's going on. It's like, oh okay, there's a bunch of
24 people over there, I've barked at them, let them know I'm here
25 and then that's the end of it. I have found that to be the

1 biggest detriment in an HOA is block walls and the dogs are
2 just constantly barking because they hear people and they
3 don't know what's going on, they just are curious. So - but
4 that would be my comment on that, is, it's not just bringing
5 them in earlier at night. And I'm not trying to tell you how
6 to do it, I'm just telling you my concerns. It's during the
7 day they go out and exercise, you take them exercise, but just
8 not left out all day long for constantly being able to be
9 aggravated.

10 ??: I have one more question.

11 MOONEY: And if any Commissioner Members have
12 questions afterwards, I'm happy to answer them.

13 ABBOTT: I do - I also do use shock collars for the
14 barking if that becomes an issue.

15 MENNENGA: Commissioner Klob's got one more
16 question.

17 KLOB: Sorry, I remember what I meant to ask. And
18 this is actually back to staff. What are the setbacks in our
19 zoning, standard, you know, traditional zoning for kennels
20 and/or any fencing for the kennels?

21 ZAIA-ROBERTS: So speaking to the SR standards, the
22 kennel's use itself does not have a defined setback
23 requirement, I believe, but it does have that five acre
24 requirement as part of SR. But that would be if the
25 commercial kennel operation was allowed by right under the SR

1 zoning with the five acres.

2 BILLINGSLEY: Otherwise we use accessory building
3 setbacks by zoning category.

4 KLOB: Is there anything in regards to the fence
5 itself and the enclosure?

6 BILLINGSLEY: Actually, you know, we have some
7 special opinions from the County Attorney's Office with
8 respect in rural zoning districts, of which this is a large
9 lot district, that actually animal shelters and what have you
10 can be right up against the property line. But that's - it
11 was intended for horses and cattle and stuff, not dogs, right?
12 But it is, you know, out in a rural area.

13 KLOB: Okay, thank you.

14 MOONEY: Chairman, if I may, I'm sorry.

15 MENNENGA: Please, go ahead.

16 MOONEY: I have another question. This is for
17 County staff. Do you have, under the kennel portion of it, a
18 number of dogs that are allowed?

19 ZAIA-ROBERTS: So the development services code does
20 not. It's not specifically outlined as far as a number of
21 allowable dogs, and for that reason staff, when discussing
22 with the applicant before going forward, they offered to
23 provide that number, I believe it may be for the other case,
24 but we had made the determination that that number is already
25 kind of enforced by Pinal County Animal Control when they apply

1 for the commercial kennel permit, and that it would be kind of
2 outside the scope of Pinal County Development Services to try
3 and enforce that number.

4 MOONEY: But, so for public kennels, like I had a
5 boarding kennel, there's no set number, just the acreage is
6 the -

7 ZAIA-ROBERTS: Right, not as defined by the
8 development services code.

9 MOONEY: All right, thank you.

10 MENNENGA: Everybody okay? I have a quick question
11 I thought about. Pinal County Animal Control is who comes out
12 and checks on you, is that a set schedule they come and check
13 on you or is that just periodic?

14 ABBOTT: Annually. Yeah, so my -

15 MENNENGA: Oh, it is annual.

16 ABBOTT: So I just had mine a couple weeks ago. So
17 they came out and checked on that, and they're the ones that
18 enforce the number of dogs and the health of the dogs and
19 check on those kind of things also.

20 MENNENGA: Have you ever had any violations with
21 them?

22 ABBOTT: No. I let it expire once.

23 MENNENGA: Oh well, we all have those issues. So
24 okay. Bring it back to the Commission, and what's your
25 desire, I guess?

1 ??: I'm sorry, can I ask a question?

2 MENNENGA: No, I'm sorry you can't.

3 ??: I've been brought into this case, they call me
4 out by name (inaudible) appropriate.

5 MENNENGA: No, we only let that happen once. So
6 public comments are just once, okay? That's the rules, we try
7 to follow those. So okay, back to the Commission.

8 DAVILA: How many stipulations were there?

9 PRANZO: (Inaudible) make a comment before I
10 (inaudible) the motion. You're ready for a motion, right?
11 That's what I thought I heard. It's never a good situation
12 when there's conflict between neighbors. I have the same
13 situation myself, it's not easy to live with. During the
14 course of this, I feel like you've made every effort to be a
15 good neighbor, and in view of the fact that you've been
16 operating this cottage industry, as I see it, for eight plus
17 years, I see no reason to deny a special use permit. So Mr.
18 Chairman, I move that we approve the special use permit. And
19 I don't have the words to read in front of me, so that's my
20 motion.

21 MENNENGA: That would be for case SUP-007-23 with 12
22 stipulations.

23 PRANZO: Thank you, sir.

24 DAVILA: I'll second that motion.

25 MENNENGA: All right, motion, a second. All in

1 favor?

2 COLLECTIVE: Aye.

3 MENNENGA: Any opposed?

4 MOONEY: Opposed.

5 MENNENGA: Thank you. Do we need to take a roll
6 call vote?

7 ??: (Inaudible).

8 MENNENGA: Just one, okay. All right, okay. So
9 with that -

10 ABBOTT: Thank you very much.

11 MENNENGA: You're welcome, thank you. We are gonna
12 take a little break because they need to do a little screen
13 work and stuff up here, okay?

14 ZAIA-ROBERTS: Thank you.

15 MENNENGA: Let's just do ten minutes, come back and
16 wrap it up.

17 [Break]

18 MENNENGA: ...rejoin the Planning and Zoning meeting.
19 And the next case, SUP-016-24. We're certainly getting an
20 education in kennels today, put it that way. So anyway.
21 Staff.

22 ZAIA-ROBERTS: Good morning Chair, Vice Chair,
23 Members of the Commission again, Patrick Zaia-Roberts, Senior
24 Planner, here to discuss case SUP-016-24. This is a property
25 requesting a special use permit to allow a commercial kennel

1 on a property in the SR - Suburban Ranch zoning district.
2 This property is 3.4 acres and is located at 39440 North
3 Kennedy Drive in San Tan Valley on parcel 104-26-0400. The
4 applicant and owner of the property is Jon Mott, and this
5 property is in Supervisor District 2. This is a map showing
6 the approximate location near the Pecan Creek development in
7 San Tan Valley. This is a zoning map showing the property
8 with SR surrounding it on three sides and abutting the Town of
9 Queen Creek at the west. This is a vicinity map showing the
10 surrounding zoning. As you can see, it abuts Queen Creek and
11 is in direct proximity to the Queen Creek to the north as
12 well, within the Country Mini Farms subdivision. This is an
13 aerial map showing the property in question and the
14 surrounding properties. And this is the notification area of
15 affected neighbors within direct immediate proximity to the
16 site. This is an image looking north from the property, along
17 Kennedy Drive. South, down the property on Kennedy Drive.
18 East, away from the property. And west towards the property
19 and the notification signage. And you can see the Mott
20 household in the background and one of their horses. And then
21 because that image was a little bit cropped, this is another
22 image looking west onto the property, and the property
23 question. And one additional. This is a site plan showing
24 the as-built conditions of the property. The image, or the
25 portion to the right of the property is the primary residence

1 for the Motts, and the kind of hash marked area to the south
2 of the property is the area designated for the kennel run.
3 There's the outdoor area also depicted by the dots that you
4 can see there. So some items for Commission consideration.
5 Again, this is one of the five properties that are being
6 brought forward to the Commission that were previously
7 discussed during the January 18, 2024 Planning and Zoning
8 Commission meeting, discussing utilizing the SUP O category
9 for other uses as the Commission deems acceptable. The
10 property's located amongst other properties with rural and
11 agricultural uses and animal husbandry operations. The
12 commercial kennel use is existing and does not present an
13 immediate impact to the public health, safety or welfare. The
14 proposed SUP's compliant with standards of the SR zoning
15 district and is comparable to the RU-3.3 district, which
16 offers commercial kennels as allowable through approval of an
17 SUP. SUP approval shall make compatible the existing use with
18 the surrounding land uses. The property features improvements
19 to accommodate the kennel use. And no change is proposed from
20 the 19 year old operation, which has been imposed on the
21 property. The applicant was proactive in seeking to resolve
22 the code compliance violations of the property that were
23 impactful to the site. The applicant has identified a
24 business niche and articulable need in their community, and
25 staff at time of completion of this presentation, has received

1 18 letters of opposition and 36 letters of support. And at
2 this point I do have some that did not make it into the main
3 packet, I would like to hand those out to the Commission, if
4 that's acceptable. And just to clarify for the Commission's
5 benefit, this packet is just items that were received after
6 the original packet was submitted. The total count of 18
7 letters of opposition, 36 letters of support is current at
8 this time. So some of the items the letters of opposition
9 discuss are violations of CC&Rs and HOA directives in the
10 area, civil lawsuits in process, noise and nuisance from
11 barking, presence of biohazards, presence of foul odors,
12 presence of horses, Pinal County code compliance actions,
13 complaints filed with Pinal County Animal Control, concerns
14 with the number of dogs on the property, and discussion that
15 the property should be at least five acres for consideration.
16 The letters of support address the topics of integrity of the
17 applicants, quality property conditions, low visibility to the
18 business, rural lifestyle compatibility, surrounding other
19 more intense nuisances, neighboring similar home businesses
20 and promotion of those businesses, low noise issues or odors
21 or nuisances. Unfair harassment of applicants was discussed
22 on multiple occasions, and concern of lost property value by
23 infringement. And care for dogs and animals, including health
24 and DNA testing. Staff is proposing this case forward with 12
25 stipulations and an amendment to stipulation 4 to remove a

1 typographical error included, which was an internal review
2 question that should have been omitted prior to publication.
3 I'll go ahead and read those stipulations into the record. 1.
4 The special use permit is issued to the land and shall be
5 binding on the property owner from date of the Board of
6 Supervisors approval. 2. Approval of this special use permit
7 will require, at time of application for development, that the
8 applicant/owner/developer submit and secure from the
9 applicable and appropriate federal, state, county and local
10 regulatory agencies, all required applications, plans,
11 permits, supporting documentation and approvals. 3. The
12 applicant shall secure and maintain a commercial kennel
13 license issued from Pinal County Animal Control for the
14 duration of business operations. Applicant shall adhere to
15 all standards as required by Pinal County Animal Control. 4.
16 The applicant/property owner shall submit a site plan
17 application within one year from the effective date of this
18 resolution or the special use permit will become null and
19 void. 5. Commercial Kennel uses shall be limited to breeding
20 operations as described in the application narrative.
21 Expansion of commercial kennel uses shall be contingent upon
22 amendment to the approved SUP by the Board of Supervisors. 6.
23 SUP-016-24 shall meet Lighting Zone 1 requirements. 7.
24 Signage on the site shall not be permitted. 8. The
25 applicant/property owner shall meet the requirements of the

1 International Fire Code, as adopted by Pinal County and
2 administered by the Pinal County Building Safety Division. 9.
3 A dust registration permit from the Pinal County Air Quality
4 Control District shall be obtained prior to the disturbance of
5 0.1 acres or more. 10. All construction activity must conform
6 to the Earthmoving Activity requirements of the Pinal County
7 Air Quality Control District. 11. A Traffic Impact Statement
8 may be required to be submitted to the County Engineer at the
9 time of site plan submittal for review and approval. The TIS
10 shall comply with the current Pinal County Traffic Impact
11 Assessment Guidelines and Procedures and shall be approved
12 prior to the site plan approval. And 12. A drainage report
13 may be required to be submitted to the County Engineer at the
14 time of site plan submittal for review and approval. The
15 drainage report shall comply with the current Pinal County
16 Drainage Manual and shall be approved prior to the site plan
17 approval. The drainage plan shall be in accordance with the
18 current Pinal County Drainage Manual. The approved Drainage
19 Plan shall provide retention for storm waters in an on-lot
20 retention area. At this point, does the Commission have any
21 questions of staff?

22 MENNENGA: Anybody, questions? Commissioner Klob.

23 KLOB: Patrick, in one of the comments from, I think
24 one of the opposition letters, you had mentioned that there's
25 some civil lawsuits. Is it in direct relation to this use,

1 and then how does that apply? Or could it or would it apply
2 to this SUP?

3 ZAIA-ROBERTS: So they are in direct issue with the
4 proposed use in question. The way the County has been
5 administering this is as a land use decision. The SUP case
6 going forward would permit the land use decision to enact the
7 commercial kennel as as-built on the property as a legal
8 nonconforming use to not be able to expand further. The issue
9 with the lawsuit is in violation of the CC&Rs and HOA
10 directives in the neighborhood, and does not directly apply to
11 the SUP in question.

12 KLOB: Okay. Can I ask the attorney? Should that
13 prevail from a CC&R aspect, what impacts would that have on
14 this SUP, should it be approved.

15 ATTORNEY: Chairman, Vice Chair, Members of the
16 Commission, to the extent that the Commission is inquiring as
17 to legal advice, I would suggest that that be done in an
18 executive session.

19 KLOB: That's where I thought you were gonna go, but
20 I just wanted to ask.

21 MENNENGA: Anyone else? And the applicant. Signed
22 in?

23 MOTT: Yeah.

24 MENNENGA: Thank you. Name and address.

25 MOTT: Could I sign that in or do you want it now?

1 MENNENGA: I want that.

2 MOTT: Okay. My name's John Mott, live at 39440
3 North Kennedy Drive in San Tan Valley. Owner, we live on the
4 property, my wife and I. And I want to give a little bit of
5 background on this whole situation, because it is a little bit
6 weird. It's - I want to start, actually over the course of
7 the last three years, there's people in my neighborhood that
8 have been attacking my wife because they don't like me. And
9 so I want her - she's been under a lot of stress, but she
10 asked if I could just read her statement as part of this.
11 I'll go ahead and do that to start. She wrote, good morning.
12 My name is Jenny (inaudible) Mott. I'm a fifth generation
13 farm girl from Arizona. My family has deep roots in
14 agriculture. My father is a fourth generation farmer from
15 Gilbert and he has farmed in both Gilbert and Pinal County for
16 many years. My ancestors came to Arizona in early 1900s as
17 ranchers and farmers, and this way of life has been a part of
18 my history ever since. I have always been involved in
19 breeding and raising livestock on our family farms, and
20 growing up we relied on herding dogs to help manage our
21 animals. We are here today because we've applied for a
22 special use permit to continue breeding, raising, and selling
23 Australian Shepherds from our property. I have been breeding
24 and raising Australian Shepherds since 1999. We purchased our
25 property in 2006 and have continued our breeding program there

1 ever since. Nothing about our operations has changed. We
2 have not expanded or altered what we do. Unfortunately, our
3 need for this permit stems from a long-standing personal
4 dispute with a few neighbors. Years ago, individuals who
5 disagreed with my husband's role on the water board threatened
6 that if he did not step down, they would take legal action
7 against us over our animals. When he refused to back down,
8 they followed through on their threats, filing a lawsuit aimed
9 at stopping us from breeding dogs and horses on our property.
10 But they didn't stop there. They also turned us into the
11 County weaponizing the zoning code against us in an attempt to
12 force us to stop doing what we have always done. In their
13 lawsuit, they're not only trying to prevent us from breeding
14 animals, but they are also asking the judge and jury if they
15 win to force us to sell our home and move away. This ongoing
16 harassment has caused my family significant stress and
17 anxiety. These individuals continue to spread false and
18 harmful claims about us on social media and their actions have
19 made me fear for the safety of my family and animals. We are
20 fighting to protect our home, our farm and the rural lifestyle
21 we have worked so hard to build. We respectfully ask the
22 Planning and Zoning Commission to approve our request for this
23 special use permit so we can continue our responsible breeding
24 practices as we have for many years. Thank you for your time
25 and consideration. That's my wife's statement on the matter.

1 Unless you guys really want to go into that, I don't think we
2 need to go into the whole lawsuit case, but the lot that is
3 suing us and is responsible for three lawsuits in our
4 neighborhood, along with our attorney, are all here. So if we
5 need go into it, we can, but I'd prefer not to. I don't have
6 a lot more to say other than what Patrick explained and what
7 my wife explained, but I'm happy to answer any questions and
8 go through this process.

9 MENNENGA: Questions for the applicant.
10 Commissioner Mooney.

11 MOONEY: You heard some of my questions earlier.

12 MOTT: Yeah.

13 MOONEY: How many dogs - how many adult dogs and
14 then how many litters of puppies per year, and about the
15 average. I'm not familiar with the average size for
16 Australian Shepherds.

17 MOTT: Australian Shepherds have five to seven on
18 average, probably. We've had litters of one, we've have
19 litters at 13.

20 MOONEY: Yes, no, I understand that, just the
21 average.

22 MOTT: Currently she has 10, what I would consider
23 dogs, not including puppies. She may have a few puppies still
24 left from a recent litter. Most puppies are gone to their
25 homeowners by the time they're eight weeks old. So at any

1 time -

2 MOONEY: I'm just concerned with the adult dogs and
3 then the number of litters per year.

4 MOTT: At any time, anywhere between, you know,
5 eight to 13-14 dogs, just depending on the age, you know. And
6 they're not all actively breeding, so we typically have five
7 to six litters a year, maybe.

8 MOONEY: Thank you.

9 MENNENGA: Anyone else? Commissioner Scott.

10 SCOTT: I was just curious on the neighbors that are
11 complaining about this, where are they in proximity to your
12 property?

13 MOTT: Just outside the - do you have the 1,200 foot
14 radius?

15 ZAIA-ROBERTS: Yes.

16 MOTT: Just outside the 1,200 foot radius. If you
17 look straight east from our house, they're straight east of
18 us. Next street over. We're on Kennedy, the next street over
19 is Taylor.

20 ZAIA-ROBERTS: Commissioner Scott, I could possibly
21 add to that. Staff has received comment letters from numerous
22 locations throughout Country Mini Farms as a whole. The
23 majority of - at least to summarize, the majority of the
24 proximal neighbors within direct proximity of Mott's property
25 on the Pinal County side have been in support. We've received

1 a number of oppositions from the Ovation community in Queen
2 Creek, and then a number of opposition from scattered
3 throughout the Country Mini Farms in various locations. But
4 generally within that same neighborhood.

5 SCOTT: So are any of the complaining neighbors on
6 either side, or back to this property?

7 ZAIA-ROBERTS: I believe we have one that is in the
8 Ovation neighborhood on the Queen Creek side.

9 SCOTT: Okay.

10 MENNENGA: Go ahead, Commissioner.

11 HARTMAN: Just to clarify, to follow up on
12 Commissioner Scott's question. 1,200 feet on the circle, how
13 many complaints within that? Just one?

14 ZAIA-ROBERTS: Ultimately, we haven't sub-sectored
15 each of those out. We've received about three or four from
16 the Ovation community, I couldn't speak to if they're within
17 the 1,200-foot radius. But in total, from the Country Mini
18 Farms community, we've received that 36 letters of support and
19 the 18 in opposition.

20 HARTMAN: 36 in support, 18 against.

21 ZAIA-ROBERTS: Opposition.

22 MOTT: So I'll answer a little bit more. I went
23 through, like a lot of people as I went through the
24 documentation, I was curious just to see where people were in
25 relation to our property, because the lot 1,200 feet away, the

1 primary antagonist here, has been posting on social media all
2 over the - so we're getting comments and things happening from
3 all over the country - not just here, but as far - I went
4 through and I looked at the ones that at the time I had, and
5 there were four within the 1,200 foot mailer that we did. Of
6 those four that were in opposition, there's one who lives - if
7 you take from the top left hand corner of our property, maybe
8 three lots up, and they back the 150 foot or whatever that is,
9 green belt. So it's probably - it's actually - go down a bit,
10 it's down, down, down, probably like - probably like right in
11 this area right there is the one within that radius that was
12 in opposition. There were three others that are outside of
13 that radius from Ovation in the initial things. And I don't
14 know, and maybe you could clarify, I know when I was looking
15 at the letters of opposition, seven of them were from one
16 resident and two were from the other person at that same
17 thing. Does that -

18 ZAIA-ROBERTS: So the 36 letters -

19 MOTT: 18 unique?

20 ZAIA-ROBERTS: They're thirty - they've been
21 differentiated by sender. So I know who you're talking about,
22 about that seven letters, is one of those 18.

23 MOTT: Okay, one of those 18, okay.

24 ZAIA-ROBERTS: Right.

25 MOTT: Anyone else?

1 ??: So you received one letter within the 1,200
2 foot circumference of your home? Is that what we're hearing?

3 MOTT: One letter - this, now I - there's been a lot
4 more that have come in since, because when I did, there was
5 maybe five or six in opposition when the first initial thing
6 came out, of those five or six, there is one that was across
7 that, that green belt from us. The rest were - four of them
8 were - or three or four of them were further into Ovation.
9 And then the lot directly east of us, 1,200 feet away to the
10 east.

11 ??: So the majority of your neighbors that are
12 complaining are outside the 1,200-foot radius?

13 MOTT: Yes.

14 ??: So 1,200 feet is just a little bit under a
15 quarter of a mile.

16 ??: (Inaudible).

17 ??: Is that right?

18 ??: Yeah.

19 ??: Okay.

20 ZAIA-ROBERTS: Just to add to that as well, these
21 are large lot properties - 3.3-3.4 acre properties. So the
22 1,200 foot buffer - we don't want to discount the letters of
23 opposition on the basis of being outside the 1,200 feet
24 buffer. We've received these all from neighbors within in the
25 Country Mini Farms community.

1 ??: But the greater portion of the letters are from
2 outside?

3 ZAIA-ROBERTS: Outside 1,200 feet, yes.

4 ??: Okay, thank you.

5 MENNENGA: Anyone else? Okay.

6 MOTT: You guys are tired of kennels, huh?

7 MENNENGA: Yeah, we're getting quite a lesson today
8 on kennels. Okay, with that, we're going to open up the
9 public hearing portion case SUP-016-24. And anyone speak,
10 please come forward. Let's see, I've got a list here. Marla
11 Lindry?

12 LINDER: Mark Linder.

13 MENNENGA: Linder? Okay.

14 LINDER: I signed in. I guess I'm the antagonist in
15 the story here. So, and it's good that I get to go first. I
16 do want to make a correction of 36 letters that came in in
17 support, you'll find that about half of those are actually
18 from outside of the community. They're all customers of his
19 and things like that. So there's about 18 inside the
20 community, so it's about even on that. We are a community
21 that's in turmoil, and it all really started with the
22 existence of Mr. Mott's breeding business. I know Jon likes
23 to personalize it, think it's about him, it's not. It's about
24 preserving our neighborhood as a residential neighborhood.
25 We're governed by CC&Rs. The very first paragraph says, the

1 properties are for residential use only. Another paragraph
2 that says you can't run a business on your property. That's
3 what the lawsuit's about. Mr. Mott has also managed to get
4 himself onto the board, has refused to enforce, even though
5 employers have consulted and told him that they need to, which
6 has allowed other people to start running businesses in the
7 community, which has greatly expanded the lawsuit. And now a
8 second lawsuit has been filed actually against our board for
9 failing to do their fiduciary duty to protect our residential
10 community. That's what the lawsuits are about. Has nothing
11 to do with Jon as a person, has nothing to do with Jon and his
12 religion, which he likes to say a lot, it's all about what
13 you're doing on your property and how it's illegal by our
14 CC&Rs. That's it, that's basically what it is. So, you know,
15 with the lawsuit there, if we're successful, the business is
16 going to get shut down. I don't think you guys should be
17 issuing a special use permit for something that's currently in
18 litigation when there's a very, very good chance it could get
19 shut down. It looks like the lawsuit's probably going to be
20 successful. If you want to put a stipulation on it to where
21 it's going to go on hold until the settlement of the lawsuit,
22 and then do that, that might be an unacceptable thing to do as
23 well. But for right now, we're speaking against it. I live
24 just outside the 1,200 buffer. Like I said, I live on Taylor
25 Street. When I look directly west I can see Mr. Mott's house.

1 When I sit on my patio I can hear his dogs. One of the things
2 that I submitted is actually a sound recording of his dogs
3 barking at night while I'm trying to sit on my patio. So we
4 can hear it. There's direct line of sight between the two
5 houses. Even though I'm just outside of the 1,200 foot zone,
6 I can still hear his dogs barking when they go off. And then
7 it sets off all the rest of the dogs in the neighborhood. So,
8 thank you.

9 MENNENGA: Thank you. Any questions? Okay, next
10 please.

11 D'AMATO: That would be me.

12 MENNENGA: Signed in?

13 D'AMATO: Yes. Both here and on the thing.

14 MENNENGA: Rebecca. Your name and address.

15 D'AMATO: I'm Terri D'Amato, 39449 North Hailey Lane
16 in Queen Creek. I had submitted a letter to Mr. Roberts and
17 to all of you, but I think it was received probably later than
18 it would have been included in your packet. And I felt
19 obligated to do so because I had gotten the original letter
20 that was sent out about the zoning and information and read it
21 and thought, well, you know what, if this is what they've been
22 doing for years and years, we've just moved here, it's been
23 three years. It's not bothering us. Not a problem. It
24 wasn't until I received an anonymous letter in the mail that
25 came addressed to us that did make it seem like it was a

1 personal issue. Felt I needed to take more action. I live in
2 Ovation, and I am - if you could pull up the aerial view - my
3 property is directly behind the Motts' property. If you look
4 right there on the map, directly west. My husband and I sit
5 on our patio every single night because we're from Illinois
6 and we can't believe that it is January and we're still
7 outside in shorts. We do not hear any dogs barking. I do
8 not, have never been woken up, I have never bothered. I have
9 more noise from my 12 pound pug than I have heard from any of
10 the dogs over in that area. We also do not have, and have
11 ever been affected by any of the odors that might be coming
12 from that property. And understanding when we bought and
13 purchased and built this home, this property was there long
14 before we were. We're directly in the direct flight path of
15 the Mesa Phoenix Airport, we haven't filed any complaints with
16 them either because, obviously, they were there way before we
17 were. I'm hoping that this is something that can be addressed
18 for all parties in an amicable way, understanding that this
19 their lifestyle. I've come from a rural community, I've had
20 horses, dogs, cats, all over the property. Never had to breed
21 any because I'm too old. But I understand and can accept the
22 fact that they have been there, they have never been a
23 nuisance. I've personally gone over to the Motts' property
24 when I received the letter to take a look at everything, to
25 say, you know what, where is all of this coming from? I wanna

1 get both sides of every part of this story. Met with Jen,
2 took her around the property. We went to go see everything.
3 I saw where the dogs were, saw where the horses were, because
4 I can see the horses right through my view fence out in back.
5 That's how close they are. And I can tell you in all honesty,
6 (inaudible) see out on our back porch, I see that. On our
7 back porch, we've never heard the dogs, never been bothered by
8 the dogs. As a matter of fact, the only thing that we've been
9 bothered by are the coyotes that kind of go around the wash
10 concern me, thinking they might jump the fence and get my dog.
11 But in conclusion, I'm here to say I support. After we
12 received this letter, I've talked to several of my neighbors
13 in the area. They now understand what the true story is.
14 Their letters were sent prior to this being received. And
15 with that, I yield my time.

16 MENNENGA: Thank you. Any questions? Okay.
17 Rebecca.

18 REBECCA: I did sign in.

19 MENNENGA: Okay.

20 REBECCA: Okay, thank you for listening to concerns
21 today of not supporting the Mott family wanting to obtain an
22 SUP. I live one street away from the Motts on Taylor Street,
23 and I can see the Motts' home, within eyeshot of my property,
24 and I can hear the Motts' dogs. I have owned my property for
25 24 years in Country Mini Farms. The house I live on was not

1 the first property I owned when I moved to Country Mini Farms,
2 and I was aware of CC&Rs that we could not have businesses in
3 our community, or on my property. And then I also was given
4 the Pinal County guidelines that I needed to abide by, one
5 being with a kennel that you have to have five acres, you have
6 to be 100 feet, your setback of your kennel, and then you also
7 have 75 percent of 300 people around - 75 percent of 300
8 around you to okay this kennel, which I question what they
9 said. Our community CC&Rs are private covenants that the
10 Motts are not attaining to and adhering to. They are in two
11 lawsuits, I'm in one of them, and mine's the one against the
12 board. And it's the fact that Mr. Mott on this SUP talked
13 about running a business since 2006. And when it came light
14 to this legal business and the community members, Mr. Mott,
15 our board president, led and misled the community as in the
16 board meeting and he stated that he only had four dogs and he
17 was not running any type of business on his property. So this
18 was in 2002. Animal control came and ended up doing an
19 investigation, found they had 11 dogs, two litters of puppies,
20 and was not in compliance with Pinal County zoning for a dog
21 kennel, or from animal control, Motts did not have a Class 4
22 breeding license. They misled information on the packet. On
23 number four they stated they had no concerns expressed by
24 their neighbors, which is completely untrue. They've been
25 reported to Animal Control, Pinal County zoning, Country Farms

1 mid HOA management, since 2022. Had no idea they were running
2 a boarding - a dog breeding business. Mr. Mott has been on
3 our Country Farms management HOA board for the past seven
4 years, and he's currently the president. He has stated in our
5 last meeting in February that he will not enforce our CC&Rs,
6 and this has caused the neighbors to start illegal commercial
7 entities throughout the neighborhood, which is causing a lot
8 of contentment with each other. Once a peaceful community,
9 has now become one of fighting and refusal to abide by our
10 CC&Rs due to Mr. Mott not performing his fiduciary duties.
11 The SUP will open a pathway for others to circumvent the Pinal
12 County zoning regulations. Three requirements - you have to
13 have five acres, you have to have your kennel 100 feet from
14 the neighbor's property, and you have to 75 percent approval.
15 Yes, there is excessive noise with these 14 dogs that he has
16 had, from their websites or Facebook sites. The property sets
17 back, they have the 55-plus community by them, and there's no
18 benefit to our community to have this kennel commercial
19 business in our community. In closing, I please request you
20 not to approve this SUP. There are two lawsuits. My lawsuit
21 that's against the board and then the one about the commercial
22 business. Thank you so much for your time. I do question,
23 though, the requirements because there is a 100 foot setback
24 that you're supposed to have, not - there isn't not a setback,
25 there is a setback.

1 ??: Time.

2 REBECCA: Okay. Did you have questions, or? Sorry
3 talking so fast.

4 MENNENGA: Questions? All right, next we have Hank
5 Stute.

6 STUTE: Correct.

7 MENNENGA: Signed in?

8 STUTE: Yes I am signed in. Address. Hank Stute.
9 I'm a 40 year resident of the Country Mini Farms. I have
10 property there. And I have tried to set all the - or filter
11 out all the background noise, what has been talked about
12 earlier here. I'm not being condescending with that, but I
13 try to filtered that out and get down to the basics and the
14 root of this application. And this application, I have
15 concerns about it. Number one, I don't see that it's a
16 valuation, a positive valuation driver for Hank's property. I
17 don't see that. I do not see that, and that's a concern to
18 me. The other neighbors, that's their decision, but for me
19 that's a concern. I have other concerns as well in the
20 application. And I have recommendations and observations. My
21 biggest concern here is, is that the term commercial dog
22 breeding business. It's been used, it's being stated, in fact
23 it's on the signage, the advertising signage that's out in
24 front of Mr. Mott's property. It also states a commercial
25 kennel, and then it says, commercial dog breeding business.

1 Well, I think we all know that commercial dog breeding
2 businesses have no oversight, they're unregulated in the State
3 of Arizona. No oversight, so there's no - excuse the pun, but
4 there's bark but no bite. There is no oversight, so there's
5 no regulatory oversight. The Pinal County Animal Control has
6 nothing, and my concern is is the flip is - the flip - the
7 switch is flipped whether it's a kennel, a commercial kennel,
8 which does have oversight. Or is it a commercial dog breeding
9 business? Well, this isn't clean. This is not clean. So
10 that needs to be addressed. And in addressing that, you know,
11 we all know that the animals don't have a voice, right? Well,
12 Hank's here to be a voice for one animal. I haven't heard
13 anybody talk about the welfare of the dogs. Not one person in
14 any of the discussions, any discussions today, the health of
15 the dogs, what their criteria is with how they take their dogs
16 or when they take their dogs to have a veterinarian check, I
17 see none of that. I see no information from a veterinarian to
18 give a recommendation to this kennel or to a breeder. I don't
19 see any of that, and I take it from the perspective that
20 you're trying to make a sale here. You're trying make a sale
21 to us, the residents, and the board. Well, I think it falls
22 short of that.

23 ??: 30 seconds.

24 STUTE: That there is none. So my concerns are is
25 that the stipulations don't go far enough. The stipulations

1 need to be addressed, the commercial dog breeding business
2 aspect of this. If there's not going to be any, then strike
3 it, eliminate it, where it's strictly a commercial dog kennel.
4 That has oversight. A Class 4 permit, an Arizona Department
5 of Agriculture kennel permit, U.S. Department of Agriculture
6 kennel permit, et cetera, et cetera et cetera, and this should
7 not be a transferable permit to the next owners of this
8 property. That should be a stipulation.

9 ??: Time.

10 STUTE: Thank you.

11 MENNENGA: All right, any questions? Anyone else to
12 speak?

13 HEDRICK: I haven't filled out the comment card, but
14 can I sign?

15 MENNENGA: Yeah, sure. Come on up and sign in.
16 Give us your name and address.

17 HEDRICK: My name for the record is Mike Hedrick, H-
18 E-D-R-I-C-K, and I live at 1003 West Ocotillo within the
19 community. And I wasn't intending to speak here today. I'm
20 an attorney, I'm that guy that is in charge of these two
21 lawsuits that are proceeding against Mr. Mott, his wife Jenny,
22 Jack Reed, other members of the board who, for whatever
23 reason, they have decided that their rights and their
24 privileges, as they see them, are more important than the
25 people who have a similar investment into the community. The

1 property values here range from a dilapidated property that's
2 nothing but dirt and no serious structures on it, 500,000-
3 600,000 for the land, or as opposed to Rebecca's property,
4 which four and a half acres, mature landscaping, trees,
5 impossible to find. You cannot replace, you cannot find a
6 four and a half acre property anywhere in San Tan Valley where
7 you don't have to dredge it, redo everything and start over.
8 So the tension here is between CC&Rs, which are a covenant,
9 they're a promise, they're a contract, that you make when you
10 take title to a property. We've been making covenants all the
11 way back to my people's covenant with the God of Abraham,
12 Isaac and Jacob and Moses. And a covenant is a promise that
13 you don't break. And if you don't make the promise, you don't
14 have to worry about breaking it, but when you make the
15 promise, when you take title, you agree to abide by the CC&Rs.
16 And they prohibit places of business. Jon Mott alleges before
17 this Commission that he has been running this kennel for 19
18 years. Whether he has or not, it was only discovered by my
19 private investigator in 2022 that he was running a dog
20 breeding business. Before that time, there was a lot of time
21 when everybody thought Jon just likes dogs and he's got a lot
22 yappy dogs. And if that was the case here, there would be no
23 case. But instead, he's, according to his own testimony, he's
24 selling hundreds of dogs per year, according to his Facebook
25 page, at \$2,000 to \$3,000 per dog. It is noisy.

1 ??: 30 seconds.

2 HEDRICK: It is stinky, and it is really not good
3 government, from my perspective - and I respect all of you in
4 what you do - it's not good government for you to be
5 overstepping and stepping on the rights of people who have
6 their largest investment - \$1.7, \$2 million, to have to live
7 beside of a kennel. Nobody here would want to live besides
8 the kennel that Jon Mott runs were you to come out and look at
9 it.

10 ??: Time.

11 HEDRICK: I would ask the panel, in closing, to show
12 restraint, deny it, because the CC&Rs prohibit any kind of
13 business. Let the court case run its course, and see what
14 happens, and then at that point perhaps Jon can work out with
15 the new board, which will take over after Jon and his people
16 are - don't have the reins of power. Maybe something can be
17 worked out where he can come back before this Commission and
18 say -

19 ??: Time.

20 HEDRICK: - this is what happened and now I would
21 like to revisit my SUP. Thank you very much.

22 MENNENGA: Any questions for the attorney. Anyone
23 else to speak? Come on up. Sign in please and give us your
24 name and address.

25 RIGGS: My name is Jason Riggs and I live at 40267

1 North Prince Avenue. Go ahead and sign in real quick. I
2 purchased my property in 2014, I bought it for \$275,000. I
3 put a little bit of work into it, but I haven't added any
4 square footage or anything that would require a permit. And
5 we refinanced our house last year and it appraised it 750,
6 irrespective of the things that are happening and being
7 alleged. I'm here to voice my support for this SUP, and the
8 reason that I do is it is consistent with the lifestyle that
9 we live. Our CC&Rs are an absolute mess. They proscribe
10 churches and schools. We have the A&P Nursery within our
11 community. They have a thriving retail business, and I live
12 two doors down from them and they don't hurt me in any way,
13 shape or form. Their ingress/egress is on Ironwood or
14 Gantzel, technically, where I live. And I have cousins that
15 purchased dogs from the Motts in Texas. That was, gosh, I
16 want to say six or eight years ago. They love them, they love
17 Aussies. I'm a Queensland healer guy, you know. No offense,
18 pal, but anyhow, I grew up around healers and that's the
19 herding dog that I've always gravitated toward. But I - my
20 wedding for my daughter was actually hosted in the property
21 right across the street from the Motts. The Williams are very
22 generous, they have a very beautiful estate property. As Mr.
23 Hedrick pointed out, there's quite a spread in the values of
24 the homes. We have estate homes that are worth multiple
25 millions, and we have other homes that need - well, they're

1 bare dirt or trailers that need a lot of work. But they were
2 generous enough to allow us to have that wedding back there.
3 Didn't hear a peep. I've been to the Motts' property
4 probably, I don't know, 20 or 30 times. Never smelled
5 anything, never heard anything, never heard any complaints. I
6 go to the Bowman's property, which is just to the north of the
7 Motts' regularly, and do things with Ty, and I've never
8 smelled or heard or seen anything. I don't have any concerns
9 along those lines and I ignorantly purchased the property in
10 Pinal County on 3.3 acres - that's what I have as well - and
11 made some assumptions that the zoning type things that I was
12 familiar with in Maricopa County were going to be similar.

13 ?: 30 seconds.

14 RIGGS: (Inaudible) my grave error in that
15 assumption, right? But I think a lot of us come out and we
16 see a 3.3 acre property and figure as long as we're not
17 directly impacting anybody around us that we can pretty much
18 do what we want to. I get that. I've learned some lessons.
19 I'm not speaking for anybody else here, I'm just saying that,
20 you know, I always kind of figured all of us out here in Pinal
21 County as more of a freedom-loving and property use type
22 people. With that, I would thank the board for your
23 attention.

24 MENNENGA: Thank you. Questions? Anyone else to
25 speak? Your name -

1 BUELL: Steve Buell, I did sign in.

2 MENNENGA: Okay.

3 BUELL: Do you need me to say my address?

4 MENNENGA: Please do.

5 BUELL: 1050 West Lenora Way. I'm also in the
6 community. I'm outside the 1,200 foot. I heard a couple of
7 interesting things when people were talking. First one, I
8 think the only person inside the 1,200 feet says she can't
9 smell anything, can't see anything. No problem. This is
10 definitely a personal issue with a couple of the members of
11 the community. I'm outside of the 1,200 foot, but I've been
12 past the Motts' property hundreds of times, I've to their
13 property several times. There's not a smell, there's not
14 noise. It's no problem. And so that's the first thing. The
15 second interesting thing that I heard a lot of people say was,
16 they've been doing this for 20 years and nobody knew. Well,
17 that kind of tells me that they're not creating a big
18 disturbance. If it's been going on for 20 years and nobody
19 knew, I had to hire a private investigator to find out, well
20 it's not bothering anybody besides the personal issues. We
21 have a nice community, we have a rural community, there's lots
22 of animals and sometimes there's noise. But most of it
23 doesn't come from them, most of it comes from other places.
24 So I would be in support of this.

25 MENNENGA: Thank you. Questions? Anyone else to

1 speak?

2 THOME: Hi. My name is Carlos Thome, I live in the
3 195 West Ocotillo, inside the community. I wasn't mean to
4 speak, but just like seemed like the recent speeches. So I
5 just want to say like, we are not like near Jon's house, but
6 since I moved there, like I have been running every morning.
7 And honestly, like I never seen like any, any kind of issue
8 with his property or even his dogs. Even I've had issues with
9 other properties, with other dogs, that they sometimes like
10 they out of property and they chase me and all that. And
11 another thing I want to express is like, talking about the
12 CCRs, like these CCRs like they were made on 1970. So it's
13 already been like most, close than 40 years ago. The city
14 already grown. Like it is not a city - it's a city now. It
15 used to be maybe just a town, but like the city is getting
16 more and like it's growing up. So another thing with the CCRs
17 is like they're not enforceable because like there is no code,
18 like there is no punishment. Like when they did this, the
19 CCRs, like I think like made it wrong. Like they didn't think
20 about like the future and they didn't think about like how to
21 enforce it. That's why like some of the people on this
22 community, like they say like they cannot enforce that CCRs,
23 because if you read the whole document, there is like no
24 power, like when you say like what is the punishment or
25 whatever, the fine, to break these rules. The other thing is

1 like it looks like if you read the CCRs, like there's a lot of
2 people on the community that they are actually breaking the
3 CCRs. Like not doing like commercial business, but there is
4 another rules. Like I think - I don't have the document on my
5 hands right now, but there is rules about like not having like
6 two houses on the same property. Like there's people like
7 they having that. I think like there is some paragraph like
8 says like no church on the area or no schools. Like there's
9 schools and there's church. So I'm just saying like it's not
10 fair that these CCRs, like they want to apply it to some
11 people because they try to do some things, but they're not
12 applying it to other people like they're breaking too. So I
13 just want here, like I'm supporting on Mr. Mott's permit or
14 request, like he's doing it. As the last person said, like he
15 already been doing it for several years, there has no issues.
16 That's it.

17 MENNENGA: Thank you. Questions? Anyone else?

18 REED: Thank you. My name is Jack Reed, I live at
19 39176 North Prince Avenue. I have been board president, vice
20 president, waterways chairman for this community for the last
21 seven years, on and off. I've been to Jon Mott's house
22 several times helping him grade the lot. He built a new
23 house, grade out, put it on granite, wouldn't even know there
24 was a dog kennel there. And then when I got apprised of the
25 situation, when Mr. Linder came into the board meeting one

1 time - and I'm just a waterways guy - and throws a lawsuit
2 down. And of course I didn't read it then, but I got, well,
3 then I had to ask him. Yeah, we've had a dog kennel for quite
4 a while, or breeding facility. In the interim, I got dropped
5 into the lawsuit by Mr. Hedrick and Mr. Linder, conspiracy to
6 tortiously interfere with the CC&Rs. The CC&RS were written
7 in 1973. There's been several - 1990, 2000, there've been
8 several HOA laws that's been revised. So our HOA CC&Rs are
9 kind of in turmoil and way behind the times here. And like
10 Mr. Buell said, A&P Nursery's been in, we've got three
11 churches, schools, and one of the churches - and the board
12 made that decision back in the day. One of the churches has
13 been there since 2000, one since '93, I believe. All I can
14 say is, I don't think that the barking dogs is a problem,
15 actually his neighbor next door had to get a kennel permit
16 because he had over four dogs. And (inaudible) that those
17 dogs - he lets his dogs out, those are the dogs that come up
18 to the street and bark. That's the only thing I've ever
19 noticed. And I'm out of the circle, I'm actually one street
20 behind the people in opposition to this. I feel like that the
21 ma and pa businesses should be a thing if they're regulated
22 right. Thank you.

23 MENNENGA: Thank you. Questions? Anyone else
24 speak?

25 BENCOMO: I signed in on this one, is that okay?

1 MENNENGA: You're good.

2 BENCOMO: My name is April Bencomo, I'm at 1548 West
3 Lenora Way. I live in the Country Mini Farms community since
4 I was 10 years old. I'm horrible at speaking, sorry. I feel
5 like I have a unique perspective because I've been there for
6 so long. I ride horses a lot, multiple times a week. We ride
7 through the east and west sides of the Motts' property. The
8 west side is like a green belt that leads us to the wash that
9 we ride in, and then the other side is like on the road
10 through the community. I didn't even know they had a dog
11 kennel. I've rode by both sides. I knew they had horses, but
12 I didn't know they had a kennel, I've never heard the barking,
13 and I don't live that far from them, and we hear dogs all the
14 time. So I don't know how you can determine from a street
15 over what dogs are barking. I think that doesn't make sense
16 to me. But ironically, when I ride by his place, I see
17 horses, no dogs, but when I ride by the opposing property,
18 their little dogs are barking at us constantly. So I just
19 think that that's funny. I feel bad that he's in this
20 situation, I do think it's personal. I mean the community
21 voted him into the position as president for a reason, and
22 he's kind of taken the brunt of all of this for us. So I
23 support him and I hope you guys too. That's it.

24 MENNENGA: Thank you. Question? Anyone else to
25 speak? Okay, with that we're going to close the public

1 hearing on case SUP-016-24.

2 DAVILA: Mr. Chair?

3 MENNENGA: Yeah, I -

4 DAILA: I was hoping to make a motion to go into
5 executive session, if possible, to obtain legal advice
6 pursuant to ARS 38-431.0383.

7 MENNENGA: Go for it.

8 MOONEY: I'll second.

9 MENNENGA: Got a motion and a second to go into
10 executive session. All in favor.

11 COLLECTIVE: Aye.

12 [Executive Session]

13 MENNENGA: 1:25. We need to go back to the
14 applicant, any comments from the applicant?

15 MOTT: Most - I mean I guess the only thing that I'd
16 like to say in response to some of the stuff that was said was
17 there's a lot of half truths being spoken. If you have
18 questions about any of them, I'd be happy to answer and
19 otherwise I don't - I mean I think you got an idea of where
20 this situation is at.

21 MENNENGA: Yep. All right, we're gonna bring it
22 back to the Commission. Question?

23 KLOB: I don't know if there's a question.

24 DAVILA: Oh no, no. I have one for staff after.

25 MENNENGA: Questions for staff?

1 DAVILA: Yeah. How many stipulations were for this
2 case?

3 ZAIA-ROBERTS: 12.

4 DAVILA: Okay. Mr. Chair, I'd like to make a
5 motion.

6 MENNENGA: Please.

7 DAVILA: I'd like to recommend that the Planning and
8 Zoning Commission forward a recommendation of yes, an
9 approval, to the Board of Supervisors for SUP-016-24 with the
10 12 stipulations listed in the staff report, with the amendment
11 to stipulation number 4 as listed.

12 MENNENGA: Got a motion, second?

13 PRANZO: I'll second.

14 MENNENGA: Yeah, I am. Let's do a roll call vote.

15 KRAUSS: Chairman Mennenga.

16 MENNENGA: Yes.

17 KRAUSS: Vice Chair Klob.

18 KLOB: No.

19 KRAUSS: Member Del Cotto is absent. Member
20 Hartman.

21 HARTMAN: Yes.

22 KRAUSS: Member Keller.

23 KELLER: No.

24 KRAUSS: Member Lizarraga.

25 LIZARRAGA: Yes.

1 MOONEY: Yes, I heard him on the phone, yes.

2 KRAUSS: Is that a yes? Okay. Member Schnepf.

3 SCHNEPF: Yes.

4 KRAUSS: Member of Davila.

5 DAVILA: Yes.

6 KRAUSS: Member Mooney.

7 MOONEY: Yes.

8 KRAUSS: Member Pranzo.

9 PRANZO: Yes.

10 KRAUSS: And Member Scott.

11 SCOTT: No.

12 KRAUSS: We have one, two, three, four, five, six
13 yeses and two noes. Three noes.

14 MENNENGA: Three, three noes.

15 KRAUSS: Yes, seven yeses. Passes, the motion.

16 MENNENGA: Okay. There we go. All right, let me
17 ask a question. Do we want lunch or we want to keep going?

18 DAVILA: Let's burn through it.

19 MENNENGA: All right, go for it. All right, here we
20 go. Next case, PZ-027-24.

21 KLOB: Are they connected?

22 MENNENGA: And there's two cases, and PZ-PD-017-24.
23 They are connected, yes.

24 ZAIA-ROBERTS: Morning again, Chair - or good
25 afternoon, Chair or Vice Chair, Members of the Commission,

1 Patrick Zaia-Roberts, Senior Planner. With your permission, I
2 have additional comment letters to hand out to the Commission.

3 PRANZO: More comments.

4 KLOB: You have lots of letters today, Patrick.

5 MENNENGA: Oh, no kidding.

6 KLOB: You're a busy person.

7 MENNENGA: Obviously you got all the (inaudible)
8 today, huh? Oh, Tim and Shirley, I'll be dang. Good people.

9 KLOB: Off mic.

10 MENNENGA: Hm?

11 KLOB: Off mic.

12 MENNENGA: I know.

13 ZAIA-ROBERTS: And just to summarize, Commissioners,
14 this is a letter of support that we received this morning from
15 the property owner north of this property, but we'll get into
16 that a little later. All right, so this is a proposal for a
17 rezone and PAD for three properties in the proximity of Casa
18 Grande. The applicant for this case is Garrett Aldrete of The
19 Planning Center, representing Trekell & I8 Owners LLC. The
20 request is to rezone properties that are listed as General
21 Rural, Manufactured Home, and General Business - CB-2 to
22 industrial zoning I-2. The property's 43.77 acres, located on
23 parcels 511-28-007D, 511-28-007C, and 511-28-008A. And the
24 intention is also to apply a planned area development overlay
25 district with amended I-2 standards over the I- 2 rezoning,

1 should that go forward. The property in question is located
2 at the northeast corner of US Interstate 8 and South Trekell
3 Road. This is a map of the County showing the approximate
4 location nearby the I-8 and I-10 inter change, a few miles to
5 the west of the I-10 interchange. These are the properties in
6 question. The current zoning is MH, General Business - CB-2,
7 and General Rural - GR. And the proposal will be to go to
8 Light Industrial - I-2/PAD. This is the vicinity map showing
9 the approximate location of the property. It's surrounded on
10 most sides by Casa Grande, a few miles distant, with
11 surrounding GR properties and CB-2 properties to the north,
12 and a CI-1 property immediately north of the subject site.
13 This is an aerial map showing the approximate location. That
14 building north of this site on Aniceto Road is the Valley
15 Humane Society property, which as discussed under this, is
16 requesting a five acre expansion into the property that is
17 under consideration today. The current Comprehensive Plan
18 designation for this area is Employment and supports the
19 industrial uses that are being proposed. This is an image
20 looking north on Trekell Road. South towards US Highway I-8.
21 East into the property, but mostly showing the sign. And west
22 across Trekell Road towards the batch plant for sand and
23 gravel. This is a conceptual site plan that - development
24 plan that the applicant has provided indicating the area where
25 the I-2/PAD would be subject, as well as potential points of

1 ingress/egress for the site as it goes forward for future
2 development. There are no end users proposed for the site at
3 this time, but some are being sought to try and bring in
4 marketability and future development on the property for an
5 industrial complex. The proposal for the PAD is to amend only
6 the building height of the I-2 properties, to increase it from
7 40 feet to 60 feet maximum building height. As part of that,
8 the applicant has proposed some uses be removed. Item A,
9 adult-oriented businesses, would be removed. Restaurants have
10 some restrictions expanded by removal of the specific
11 provisions, no larger than 1,000 square foot total interior
12 space, no more than 100 square foot exterior seating, no
13 alcoholic beverage service, and no live entertainment. All
14 those are proposed for removal to allow any restaurants.
15 Additionally, removing the special use allowance of an airport
16 or landing strip on the property. So some items for
17 Commission consideration, the submitted applications are for a
18 rezoning and a PAD overlay. If the applications are approved,
19 the subject property will be rezoned to I-2/PAD and allow the
20 development of an industrial complex on 43.77 acres of land.
21 The property has legal access. The project provides for
22 expansion of future industrial development along the I-8
23 corridor. The proposal meets the goals and the Comprehensive
24 Plan for the Employment designation. Staff has received no
25 letters of support and one letter - or sorry, excuse me - no

1 letters of opposition and one letter of support from members
2 of the public. And that letter, just summarized, discusses
3 improved marketability of nearby property, improved economic
4 opportunity, and alignment with the Comprehensive Plan vision
5 for industrial development and their own property to the
6 north. Staff forwards this to the Commission with one
7 stipulation for the case PZ-027-24, and 11 stipulations for
8 case PZ-PD-017-24. And I'll go ahead and read those into the
9 record. Stipulation 1 for PZ-027-24, is, Approval of this
10 zone change (PZ-PD-017-24) shall require at the time of
11 application for development, including, but not limited to
12 site plans and subdivision plats, that the applicant/owner
13 submit and secure from the applicable and appropriate federal,
14 state, county and local regulatory agencies, all required
15 applications, plans, permits, supporting documentation and
16 approvals. 2. Trekell Road has been designated as a
17 regionally significant route (principal arterial). According
18 to the Subdivision & Infrastructure Design Manual (S&IDM),
19 minor arterial half-street right-of-way widths, such as those
20 found on section lines, must be a minimum of 75 feet wide.
21 Additional right-to-way will be required at this location to
22 comply with S&IDM. 3. This project is adjacent to the
23 Interstate 11 Corridor Study. An ultimate freeway alignment
24 is approximately 400 feet or less and additional right-of-way
25 may be required at this location. With a recommendation to

1 please contact ADOT for additional guidance. Information
2 regarding the Tier 1 EIS record for decision is located at the
3 link provided in stipulation 3. 4. A drainage report will be
4 required to be submitted to the County Engineer at the time of
5 site plan or subdivision plat submittal for review and
6 approval. The drainage report shall include a drainage plan
7 that complies with the current Pinal County Drainage Manual
8 and shall be approved prior to the site plan or tentative plat
9 approval. The approved drainage report and drainage plan
10 shall include provisions to accommodate offsite runoff and
11 shall provide retention for storm waters in an onsite
12 retention/common retention area or as approved by the County
13 Engineer. 5. A traffic impact analysis (TIA) or traffic
14 impact statement will be required to be submitted to the
15 County Engineer at the time of tentative plat or site plan
16 submittal for review and approval. All peripheral roads and
17 infrastructure improvements shall be per the approved traffic
18 impact analysis to mitigate impacts on all surrounding
19 roadways to be completed at the developer's cost. These may
20 include construction of acceleration or deceleration lanes,
21 left turn pockets, traffic signals and other public
22 improvements as approved by the County Engineer. The TIA
23 shall be in accordance with the current Pinal County TIA
24 guidelines and procedures and shall be approved prior to the
25 tentative plat or site plan approval. 6. A paved, all-

1 weather, 28 foot wide public access road shall be provided to
2 and from the development. Approval of adequate access by the
3 County Engineer shall be a condition of approval of the plat
4 or site plan. 7. Any additional right-of-way dedications
5 needed for any required infrastructure improvements, as
6 identified in the approved traffic impact analysis for any
7 roadways shall be the responsibility of the applicant. All
8 roadway and infrastructure improvements shall be in accordance
9 with the current Pinal County Subdivision Standards or as
10 approved by the County Engineer. 8. All right-of-way
11 dedications shall be free and unencumbered. 9. Any roadway
12 sections, alignments, access locations, and access movements
13 shown in the rezoning application are conceptual only and have
14 not been approved by the Pinal County Engineer. 10.
15 Drainage/irrigation canals/ditches in project dedicated right-
16 of-way will be required to be under grounded prior to
17 dedication. And 11. If offsite improvements are required to
18 be completed by the project per the traffic or drainage
19 report, an offsite plan for the improvements are required with
20 the first submittal of the site plans or tentative subdivision
21 plats.

22 KLOB: Take a breath.

23 MENNENGA: Wow. Okay, any questions for the staff?

24 MOONEY: I just have a question for clarity on
25 number 10.

1 ZAIA-ROBERTS: Yes.

2 MOONEY: Drainage irrigation canal will be
3 undergrounded?

4 ZAIA-ROBERTS: Yes, this is a comment we received
5 from our engineering division. I believe they have a policy
6 where there's - when mitigating irrigation canals, they have
7 to locate them underneath the roadway. Perhaps -

8 MOONEY: (Inaudible).

9 ZAIA-ROBERTS: Yeah.

10 MENNENGA: Oh, okay.

11 ??: (Inaudible).

12 ZAIA-ROBERTS: Yeah, they wouldn't create a ditch on
13 the side of the property, but it would be a pipeline that
14 would move the water off of the property.

15 MENNENGA: Pretty standard.

16 MOONEY: Just clarity, thank you.

17 MENNENGA: Okay, applicant. Waited all this time.
18 And we didn't go to lunch.

19 ALDRETE: Good afternoon Chairman, Vice Chairman,

20 Members of the Commission, my name

21 s Garrett Aldrete, at two East Congress Street,

22 Suite 600, Tucson, Arizona. The Planning Center, on behalf of
23 the property owners, Trekell & I8 Owners LLC. I just wanted
24 to start by thanking Patrick Roberts and all the Pinal County
25 staff for their efforts in getting us here today. It's been a

1 pleasure and as you heard in Patrick's presentation, he
2 covered many of the big items that are going on with this
3 rezoning and PAD, so I won't belabor this presentation for you
4 all. If we can just go to the next slide. I just wanted to
5 orient everybody to the location of this site again.

6 MENNENGA: So much for that. We saw it in Patrick's
7 case.

8 ALDRETE: Yeah, so it is at the northeast corner of
9 I-8 and Trekell. It's 43.77 acres. This is about three and a
10 half miles west of that I-8/I-10 interchange and about a
11 couple miles south of Jimmie Kerr Boulevard. Let's go on to
12 the next slide. Looking closer at the site and some of the
13 existing characteristics, just to the north of us is a single
14 family home owned by the Epps, and then east of that is a
15 vacant property currently owned by Tim and Shirley Tate, and
16 then north of that is another one of their properties. As
17 mentioned in that support letter, they're currently going
18 through a rezoning process for both of those parcels as well,
19 looking to do similar uses to what we're proposing and for an
20 I-2. Then in that notch is where the Valley Humane Society
21 is. The five-acre portion that they would be - that they're
22 currently going to be purchasing should this be successful, is
23 just to the west of their site. Then to the east, you see
24 Mountain View Chapel Cemetery, and then I-8 kind of borders
25 the southern boundary of this site. And then south of I- 8 is

1 ADOT maintenance yard. And then west of the site is Tee Pee
2 Sand & Gravel, also under the ownership of the Tates. So,
3 going on to what is currently on the property as far as zoning
4 goes, you'll see that CB-2 is right up against Trekell, which
5 would allow a lot of those more freeway-oriented commercial
6 uses to locate there today, and then you have the MH zoning
7 around it, and then the GR on the far east parcel. And then
8 looking to the north of us, the Valley Humane Society is
9 currently zoned CI-1, which is the County's old industrial,
10 Light Industrial zone. And then Mountain View Chapel and
11 Cemetery currently completely zoned as CB-2, which is the
12 General Business zone. So based on the existing uses around
13 the area, some of them are industrial uses occurring in the GR
14 or within the right-of-way, as you may see, and then just what
15 is currently allowed on our properties, is some of those
16 commercial. And so what we're trying to do - going off of the
17 next - is really make that I-2 zoning across the entire
18 property, one, just for ease of marketability. When you have
19 split zoning on your parcels and just small areas of it, it
20 kind of becomes a bit of a trick to make it work as far as
21 access and everything like that, so we wanted to make it a
22 consistent zone across the entire property and then that PAD
23 overlay zone on top, which really gives us the ability to
24 introduce additional screen and landscaping standards that
25 kind of create more compatibility between any of the potential

1 users of the site. As was suggested, this site, it's a bubble
2 concept because we have no end users for the site, we don't
3 know what is going to locate here, it's just trying to get
4 this land ready for marketability and finding those users.
5 And so right now, what's permitted for the I-2 and what we're
6 trying to do is really find somebody, whether that may be a
7 more highway-oriented fast food restaurant commercial use near
8 Trekell that kind of really takes some of those users off of
9 I-8, and then also any possible potential gas stations which
10 are currently allowed in the CB-2, and then truck stops as
11 well. As we all know, if you travel the I-10 down to Tucson
12 at all, there's quite a lot of them and they are often very
13 packed, and so there's still that need for additional
14 facilities for all the industry in Pinal County as well. And
15 then for any of those other industrial users, it's really a
16 wide range, whether it may be more of those innovative like
17 industrial users that may take a small portion of the site and
18 really supply some of the materials that a larger industry may
19 need for their operations, specifically things like support
20 users for semiconductor and microchip manufacturing. I know
21 recently a chemical company located in the City of Casa
22 Grande, and their whole job is to supply chemicals to TSMC and
23 Intel, and so it's kind of trying to provide that space here
24 in Pinal County to take advantage of all this industry going
25 on in Arizona, and in this area of Pinal County in particular.

1 And so with that, I will end my presentation and I'm happy to
2 answer any questions you may have.

3 MENNENGA: Questions? No questions?

4 KLOB: Through the Chair. Thank you for your
5 presentation. Can you talk a little bit about the need to
6 raise the allowable building height to 60 feet? That's a
7 five-story building, so I just want to make sure we know what
8 we're getting into on this.

9 ALDRETE: Yeah, so with industrial buildings, it may
10 not be the entire building is five story, but there may be a
11 portion within it that would require it to go above that 40
12 feet for whatever their operations may be. Particularly, if
13 we look at something like National Gypsum that just located in
14 Eloy, they have chutes and other areas that are much taller
15 than their actual building, and so if there is any need for a
16 portion of a building to go up above that 40 feet, we want to
17 provide that flexibility, and its location next to the
18 interstate really makes that 60 feet a much more desirable
19 property for anybody looking to locate there. And people who
20 do tend to locate near or next to interstate, they want that
21 additional height.

22 KLOB: Thank you.

23 ALDRETE: Thank you.

24 MENNENGA: Any other questions? I'll make a couple
25 of comments. Actually, on the 60 feet, City of Casa Grande

1 who's next to this - probably going to annex this someday -
2 redid their code to allow that. Frito-Lay, (inaudible), some
3 of those have gone up. This is probably the easiest rezone
4 I've ever seen here. I mean this area is industrial. You've
5 got landfills, gravel pits, everything else. You got an
6 interstate exit. I mean, granted, of course, what's going on
7 in Casa Grande is a little crazy, but to move some of this
8 industrial core out to 8 would be incredible, because that's
9 kind of where it needs to go eventually, you know, because of
10 some of the traffic issues that are now impeding Casa Grande
11 and some of the streets there. So yeah, this is just a no-
12 brainer, quite honestly, you know? And the Tates are great
13 people, I've done a lot of business with them over the years
14 and yeah, it is. So I'll shut up and turn it back to the
15 Commission.

16 KLOB: And public.

17 MENNENGA: And public. Okay, we're going to do the
18 public on PZ-027-24 and PZ-PD-017-24. Anyone to speak to this
19 case? I'm so glad we got at least one. Have you signed in?

20 HUMBER: I wasn't going to speak, but my name is
21 Sharon Humber. I live at 15690 West Towner Street. I live on
22 the other side of I-8, the south side. We were not within the
23 circle of the 1,600 feet or whatever it was that they sent out
24 the letters to inform us about this. My only concern, of
25 course, some of the other people that were talking about the

1 kennels living in the rural area. Well, we live out that way
2 because we wanted to be in the rural area. Granted, we are
3 close to I-8, we're probably a quarter mile away. We hear the
4 traffic, it's not bad, it's the 10. 8 is not bad at all. My
5 concern is if they do put a truck stop in right there. When
6 they closed down Thornton when they were doing all the road
7 work and all the trucks had to exit off onto Trekell, it was
8 awful. All those trucks going down to the Walmart
9 Distribution Center or wherever they were going, it was hard
10 for us coming over the overpass and these trucks getting off.
11 And they also, they take out the - I forget what it's called -
12 the barrier thing that's around the interstate and the exit -
13 the guardrails. Trucks take it out constantly. ADOT doesn't
14 even fix it anymore, it's all crushed. So that's a concern
15 for me, is these trucks coming off the road all the time,
16 going to this - going to a truck stop and fast food. I guess
17 my biggest concern is it's just gonna be more traffic for us
18 that live on the other side of the freeway trying to get over,
19 and having just more - and you're excited to have the building
20 come out to Interstate 8, the industrial areas, where we're
21 not, because you know we're rural. So that's my concern. And
22 I get it, I get that it's progress and hopefully it's more
23 light industrial instead of gas stations, you know, right
24 there. That's all, thanks.

25 MENNENGA: Thank you, any questions? You know, I

1 will say - and I usually don't comment back on these - I would
2 find that, being in that business and (inaudible), I would
3 found that extremely unusual. Two miles up the road you got 8
4 and 10, they're all gonna locate on 10, okay, and they have.
5 I mean, you've got Loves and TAs and all the big guys up
6 there. I mean this is just not a - knowing what I know and
7 what I've done, this just - I wouldn't even begin to consider
8 this location for a truck stop. It's really an industrial
9 site is what it is. I mean that's just, it's just what it is
10 basically. Now, I can never guarantee that, but I would -
11 there's just not enough traffic on I-8 to warrant a truck stop
12 there.

13 HUMBER: Right, I agree. Thank you.

14 MENNENGA: Thank you. Okay. Come back to the
15 Commission and any comments? Okay, all right, sounds good.
16 All right. Somebody make a motion so we can go home.

17 HARTMAN: Mr. Chairman.

18 MENNENGA: Go for it.

19 HARTMAN: I'd like to move that we give a vote of
20 recommendation on PZ-027-24 and PZ -

21 MENNENGA: One.

22 HARTMAN: Just the one?

23 MENNENGA: We do one at a time. Second?

24 ??: Second.

25 MENNENGA: All in favor?

1 COLLECTIVE: Aye.

2 MENNENGA: Now go for the next one.

3 HARTMAN: I move that we give a recommendation to
4 move forward to the Supervisors on PZ-PD-07-24.

5 MENNENGA: Second.

6 ??: I'll second.

7 MENNENGA: Oh, okay.

8 MOONEY: The first one didn't mention one
9 stipulation, and the second didn't mention 11.

10 MENNENGA: You're right. The first one had one
11 stipulation and this one has 11 stipulations.

12 HARTMAN: 11?

13 MENNENGA: You concur?

14 HARTMAN: I concur.

15 MENNENGA: Okay, everybody in favor?

16 COLLECTIVE: Aye.

17 MENNENGA: Right, fantastic. Call the Commission.
18 Anybody got anything?

19 MOONEY: I do.

20 MENNENGA: Okay.

21 MOONEY: And the staff isn't here, so I'm going to
22 have to ask the attorney and -

23 PRANZO: There's one staff.

24 MOONEY: - manager. When we get all of these late
25 adds, is it possible to give us a few minutes to review them?

1 I'm trying to listen to a case and read pros and cons on it,
2 and one piece of paper is not an issue - and I'm not being
3 disrespectful, Patrick. It's since they're allowed to submit
4 up until that very last minute, I just don't think it's fair
5 that we make a decision with a stack of paper that I wasn't
6 able to review, whether there's a person here to speak or not,
7 and I just think that that's very difficult. So I don't know
8 if that's ever happened before, but I know I've been handed a
9 lot in the past and it's frustrating.

10 MENNENGA: Didn't we used to have a time limit on
11 that, Harvey?

12 MOONEY: Time limit to submit?

13 MENNENGA: Yes.

14 MOONEY: Oh.

15 KRAUSS: I'm not - Mr. Chairman, Member Mooney,
16 yeah, I'm not privy to the history, but we have talked
17 internally because we're getting inundated with letters right
18 up until the 11th hour, and it's not fair - and you're
19 absolutely correct, Commissioner Mooney, it's not fair to
20 staff, it's not fair of the Commission or the BOS. We have
21 talked about developing a policy, much like some other
22 communities in the Valley, that we have a period of time for
23 comment from X day to X day before the Board meeting, and
24 those are the comments that would be considered for the
25 opposition. Not that they couldn't come to the meeting and

1 oppose the case, or come and or give us last minute letters of
2 opposition or support, we just really don't have control of
3 that, but we do have control over having a policy. Actually,
4 we thought about doing it in a app online and have them
5 submit, so we get a format, and so all the comments are in a
6 standardized form and we download it before the meeting - not
7 well before the meeting so you can see them. But I can't
8 prohibit them from coming in to the meeting and dropping
9 things off.

10 MOONEY: But if they do, then possibly the Chair
11 could say we're gonna take three minutes to review this before
12 we call the case. And the first one there was a few, and then
13 all of a sudden when he came up with this, I'm like I couldn't
14 even open it. I just flipped through and you told me what
15 they were, but that's not doing justice to the applicant or
16 those people's concerns.

17 ZAIA-ROBERTS: And Commissioner Mooney, to speak to
18 that a little bit, in addition. We used to have a policy
19 where there would be a cutoff time, time and date for when we
20 would stop receiving letters of comment as part of our notice
21 of hearing documents. We did receive neighbor complaints that
22 it wasn't giving them enough time to submit those and they
23 wanted that ability to be able to submit documents up until
24 the time of the hearing. So under the previous planning
25 measure, that was a policy we changed, leading us to today's

1 situation.

2 MOONEY: And I'm okay with that. I want you to
3 understand, I'm okay. I just want time to be able to review
4 that, to be able make the best decision I can if we're going
5 to allow them that late.

6 KRAUSS: Understood.

7 MOONEY: Thank you.

8 MENNENGA: Okay, anything else?

9 PRANZO: Yeah.

10 MENNENGA: Go for it.

11 PRANZO: I'm gonna take a moment to complain.

12 MENNENGA: Okay, just a moment.

13 PRANZO: I'm gonna (inaudible). My lips are moving
14 and I'm going to complain, but I'm not sure if I'm being
15 dazzled with footwork or baffled with bullshit. But 1,000
16 page document is impossible for me. By State law I can't
17 speak to my fellow Commissioners, but to put an entire PAD in
18 with everything else is ridiculous. That should have been a
19 separate file. We should be able to go through the
20 information we need in a manner that allows us not to hunt and
21 peck to find the information we need to make, at least see
22 what's gonna come before us. They're too cumbersome. This
23 could have easily been three separate files. There's just no
24 reason for this. I talked about it at our last meeting a
25 month ago, and I'm complaining about it now. There's no

1 index. You got no idea where you're going in this thing. I
2 spent a couple hours just trying to get, where is everything?
3 It's not working. It's not fair to us. The applicant who
4 spends time and treasure to come before us, is not being
5 treated fairly either. You can't receive that on a Friday and
6 expect a professional job from us by that Thursday when you
7 give us that kind of a package. It has to be broken down.
8 I'm pleading, please, start considering the reader. Thank
9 you.

10 MENNENGA: Well, since you brought that up -

11 MOONEY: I was gonna -

12 MENNENGA: You know? We've got 1,000 pages for a
13 simple subdivision approval? I mean, come on, we've got to do
14 a little better than that. And I like your suggestion,
15 because you're right, I spent a couple of hours going through
16 that thing and I think I finally got (inaudible) because I got
17 tired, but you know, it seems like we're in the day of
18 governance where we're doing less regulation, and Pinal County
19 seems to be getting more regulations or bigger. So, you know,
20 I mean as I said earlier, you go through a lot of work and a
21 lot expense for all that to get here, and for years we didn't
22 do that, you know. So it seems like we could condense that or
23 do something a little bit with it. So I wasn't gonna say
24 anything, but there you go. So last thing I want to -

25 DAVILA: I'd like to say something.

1 MOONEY: I'd like to say something too on that, so -

2 DAVILA: Go ahead, go first.

3 MOONEY: We have discussed numerous times, prior to
4 you and Harvey, about having some sort of an index. So you're
5 looking for a particular, and now that everything's digital
6 you should be able to click on that and it will take you to -
7 the old computers that didn't work, everybody said, I could
8 click on that and it would take me to that case. But maybe
9 going forward, a little bit more clarity and an index. I
10 mean, we're just scrolling through. I appreciate all of the
11 information to go through, but when it's 1,000 pages and
12 you're trying to be like, okay, where is this? An index. And
13 I know that's gonna put more work on staff, but you know the
14 things you have to have - you're gonna wish you'd run out of
15 the room before this - you know the things you have to have,
16 so then you just label them and they start on page 492 and
17 then the next section starts. That's just my suggestion since
18 you brought that up. So thank you.

19 MENNENGA: That's a great idea.

20 MOONEY: Appreciate it.

21 DAVILA: I would like to thank staff for their hard
22 work and dedication to this Commission, and yeah, that's about
23 it.

24 MENNENGA: Well, you give them an atta boy, okay.

25 All right, last thing -

1 KLOB: Knock them down and pick them back up.

2 MENNENGA: Last thing, I want to welcome
3 Commissioner Scott. Just a quick background. He's been a
4 businessman in Pinal County for a long, long time, runs a very
5 successful ag business in Coolidge, Maricopa and Buckeye in
6 Maricopa County. He's a very good businessman. We've done a
7 lot of business with him and I'm thrilled to have him come on
8 this Commission. So with that said, adjourn?

9 MOONEY: 1:30, I make a motion.

10 DAVILA: I'll second it.

11 MENNENGA: So moved. Done.

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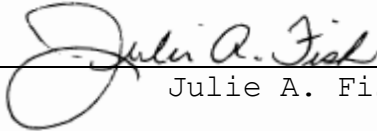
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