PINAL COUNTY PLANNING AND ZONING COMMISSION
(PO NUMBER 230372)

Regular Meeting
9:00 a.m.
Thursday, February 19, 2015
EOC Room – Building F
31 N. Pinal St., Florence, Arizona

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TRANSCRIPTION PROVIDED BY

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ORIGINAL PREPARED FOR:
PINAL COUNTY, ARIZONA

HARTMAN: …Commission. We're in the – microphone, excuse me. We are in the EOC Room, Building F, here in Florence, Arizona. Commission Members, thank you for being in attendance today. Your presence is needed. Staff – staff, thank you and Steve is our ship master today. Thank you, Steve. And public, thank you for giving your time to come before this public hearing. It's your part to work with us to help us make our decision today on each of those case – of these cases for a recommendation to the Board of Supervisors. This vote that we take today is not a final vote, but it is a vote of guidance, hopefully of guidance to the Supervisors. With that, Commission Members, thank you. The first item on the agenda – and I'm Phillip "McD" Hartman, vice-chair. Our Chair Scott Riggins is unable to attend today, so I'm acting as Chair today. With that, first item on the – second item on the agenda is Discussion of Action Item Report.

ABRAHAM: Thank you, Mr. Chair and good morning Commission Members. Any questions on your Action Item Report this morning?

HARTMAN: I read the minutes and they looked satisfactory. We don't approve the minutes, I know that and that's why we have an Action Report, but I do, I do approve of what I read. All right, then let's go onto item number 3, Steve if you will, Planning Manager's Discussion Items.

ABRAHAM: Sure. Basic - the first item is just

basically to announce the reappointment of Commissioner Aguirre-Vogler. I believe this is your fifth term on the Planning Commission, so congratulations and welcome back.

HARTMAN: Yay, Mary. Dedication.

ABRAHAM: Absolutely.

SALAS: She's got nothing else to do.

AGUIRRE-VOGLER: Thanks.

ABRAHAM: Next couple things are just some announcements. The March 13th Pinal Airpark tour is a go, so just as a reminder, 8:45 meet here if you need a ride to the airpark, or go to the airpark directly at - and the tour will start at 10. In about a week I'll send out an itinerary of where to meet, where to congregate and the tour itself, and the topics of the tour. So we're good to go. I can transport up to six Commissioners, if you want to meet here or if transport's an issue, you know, and keep track of your mileage of you're going to drive yourself and we'll, we'll, we'll reimburse you for that.

HARTMAN: Steve, one question, where will we meet here? Right outside?

ABRAHAM: Of course, gather in the lobby at Building F, right out front here. Just come on it and I'll let the folks know to -

HARTMAN: At what hour do you want us here?

ABRAHAM: 8:45 a.m.

HARTMAN: 8:45, okay. Thank you.

ABRAHAM: Sure. Second thing is the joint P&Z Board of Supervisors work session. That has been scheduled for March 24th and the preliminary time for that's 9:30, but that might change. I will let you know what the exact time will be, but Greg took a look at the agenda, some of your agenda items, and he didn't have any edits, so those items that you put forward and we'll go ahead and move forward with those. I suggested that maybe as a separate discussion item between you and staff - the Commission and staff - would be an update on some of the new legislation, if there is any dealing with water and how the State manages water. And then also I felt it would be good to maybe have a separate discussion on the tiny homes concept, which interestingly enough there's a museum that's actually in Scottsdale going to have a display of these types of things, so I was planning on going to that and seeing what that's all about, and coming back to the Commission, and then maybe staff can update the Board on what this concept of housing is. Because that was a brand new concept to me, I'd never heard that before, so – but, but those two things could certainly end up on that work session agenda as well. So that is a go. I was asked to take an informal headcount right now of people who absolutely know they can't make that, that day, so if you can't make that let me know. Again, I'll send out another email letting you know

the agenda and the final, the final time.

SALAS: That's for when Steve?

ABRAHAM: That's going to be March 24th, and I believe that is a Tuesday.

SALAS: In Scottsdale you say or –

ABRAHAM: Oh no, no. The Board of Supervisors meeting, joint meeting will be here in the old courthouse.

SALAS: Okay. Sorry.

ABRAHAM: And, let's see, talked about the informational sessions. Still think it's a good idea to occasionally have some County staff come in and talk to you about what their roles are. I put a copy of our strategic plan that the Board adopted a couple months ago on your desk, that might also generate some additional discussion topics; but several of the folks that we'll have coming in in the coming months will have deal with the items on that strategic plan. So, that's all I have for the Discussion Items.

HARTMAN: All right, Steve, if you would move onto the – our Report on Board of Supervisors Actions on P&Z Cases.

ABRAHAM: Sure. Kind of a slow zoning docket for the end of January/early February, but I think the big topic yesterday was that the Board of Supervisors ended up approving the medical marijuana outdoor cultivation ordinance that was before you last month. It went through a number of changes since the version that you saw a couple months ago, and the

Board was gracious enough to allow staff the opportunity to add a few components to it that we think addressed a lot of your concerns and addressed a lot of staff's concerns about it, so what I'd like to do is maybe next month put together – give you a copy of the ordinance because I'm still formatting it for publication and post-case publication. Just approve – that just got approved yesterday. I'll put that in your packets and we'll talk about what that means for you and the type of applications you might be receiving about that outdoor grow ordinance, and maybe some guidance moving forward on some of the cases that you may see in the future. Other than that, the dog groomer out in Arizona City got approved, as well yesterday, so we'll give you an update on that next month as well.

HARTMAN: May I ask what happened yesterday in Supervisors?

ABRAHAM: Oh the – well they ended up adopting the Board – the medical marijuana and the dog groomer out in Arizona City.

HARTMAN: Okay. All right. Before we get into our formal meeting, we are honored to have with us Supervisor Todd House, so [clapping]. He kind of makes visits with us once in a while, or quite often really, to kind of get pre-informed of what's actually going on, which is actually a good thing. I appreciate it, Todd. Thank you.

HOUSE: We also have Dave Farnsworth who's a State Senator for (inaudible).

HARTMAN: Oh great, great. Yes. [Clapping.] All right, with that, Steve, let's move into item number 5, under New Cases, and we'll enter into our public hearing.

ABRAHAM: Thank you, Mr. Chair. And before we get started on our new cases, just some general comments to the audience that all comments as part of the public hearing process need to be directed through the Chair. That the part of the public hearing, the Chair will recognize you to come up and make some comments. Please be, you know, polite and let folks sp - finish speaking. Everybody will get an opportunity to speak, we're here all day, so everybody will get their chance. And then the Chair does have the option to limit the amount of time that folks have to speak (inaudible) just a couple comments there. Also before Evan gets started on his presentation, just a quick reminder to everybody that Pinal County doesn't enforce CC&Rs, those are private covenants that are made between homeowners associations and residents, and they are basically a private agreement that the County doesn't get into. The County follows the Pinal County Zoning Ordinance and the Pinal County Development Services Code and any action that would be taken outside of that, but under HOA and CC&Rs is between the residents themselves. So, the Planning and Zoning Commission, just to remind everybody what

their missions is, is to make a recommendation to the Board of Supervisors on land use decisions, look at the comprehensive plan. Evan's going to talk a bit about how PAD amendments work and how this kind of fits into the larger San Tan Heights development, but just a couple comments on what, what we're doing here today. So without further ado, I'll hand it over to Evan for his presentation.

HARTMAN: Thank you. Evan Balmer. Good morning.

BALMER: Good morning. Okay Mr. Chairman, Members of the Commission, our first case today is PZ-PD-016-14. The proposal is for approval of an amendment to the San Tan Heights PAD to allow the development of community facilities and recreational amenities. The project is on 17.6 acres. It's on the CR-1 and CR-3 PAD zones. To date there are 32 letters in opposition that have been received, nine were from within the 300 feet area, and we had two more from within 600 feet. 26 letters in support have been received, three of which were from within 300 feet. The project is located on the northeast corner of Thompson and Roberts in the San Tan Heights development. The applicant is the San Tan Valley Homeowners Association. iPlan Consulting is the agent. Here you can see the location on a County map. Here's an area map. The subject property is in red. The white just south of that is the GR zone. San Tan Heights extends to the north and the east. The comprehensive plan designation at this sight is

very low density residential. Just to the north of the site, the darker green is moderate low density residential, which is up to three and a half dwelling units per acre. Again, the subject property with the, the surrounding zoning. Here's an aerial photo of the site. I have two slides for the development plan, it's large, so I split it up. This is the western portion of the project which would face Thompson Road. Here's the east section. Took some photos at the site. This is looking north from Roberts into the subject property. This is south, that's actually the Eduprise School, just south of the proposed location. East along Roberts. West along Roberts. I took some additional photos along Thompson. This is north along Thompson. South, that's the intersection of Roberts there. This one is east, actually, into the subject property from Thompson. And this is west across Thompson. Since your, your packet was printed, I received two additional letters. One was in opposition from 300 - within 300 feet, excuse me. One was from outside 600 feet in support. This morning I also got additional letters. I have one letter from a resident within 300 feet, I believe, and he has concerns about flooding the - with the neighborhood just north of them being lower than the project site. There's also a petition submitted this morning with - in opposition with 64 signatures. And those, again, didn't make it into your, your case packet. And there are 15 stipulations associated with

this case. And I would be happy to answer any questions you guy have for me.

HARTMAN: Evan, I'll start off the questions with you, because this had – basically has, I think some – it should have had some input from the County. Why was this – these amenities not done originally in the original zoning of this property?

BALMER: Sure. San Tan Heights is one of the, the older PADs in the area, and it just wasn't included with the original, with the original submittal. Since then, you know, things have changed a little bit with as far as what we look for when, when new developments come through, and amenities like that are something that staff would expect to see in a development of this size.

HARTMAN: All right. Commission Members, questions of Evan? If not, I will be pleased to call the applicant to come forward and if you'll sign in and then state your name to the Commission, and then tell us what your goals are today.

MANGIAMELE: Good morning, Commissioners. Mario Mangiamele, iPlan Consulting. I am here this morning on behalf of the San Tan Heights Homeowners Association and its board of directors. If I can get the PowerPoint presentation. But in a nutshell my goal is to receive a recommendation for approval to the Board of Supervisors, but I would like to give a brief presentation concerning the project.

HARTMAN: Exactly, if you would.

MANGIAMELE: All right. And I already did sign in, so. And Chair, if I may before we get started, I would like to thank staff for moving this item onto the top of the agenda because I know, or I suspect there is a number of people here that wish to either listen to the case, or speak on the case and I know that they are probably – my guess is more than appreciative for this case being moved up. And also I'd like to thank the community members, if you will. This project has been in the works for – I have been involved with this project for at least four years. I know there's been many community members that have worked tirelessly on this project and have input numerous hours and I'd just like to thank them before we get started and forget to address that issue. And I'm going to try to click through my PowerPoint here without, hopefully messing it up. As staff has indicated, this is a request simply for a PAD amendment to the existing San Tan Heights PAD, the zoning for the – the base zoning, if you will, for the property is CR-1 and CR-3. We are not changing the zoning for this approximate 17.6 acres. The only reason we are requesting a PAD is really twofold. One is to modify one development standard, that is with respect to building height, and the second goal with that is the current C-1, CR-1 and CR-3 uses do not allow for an HOA-type facility to be located within this parcel. We are amending the overall PAD to allow

this use to be located on this particular parcel in lieu of your typical single family detached home.

SALAS: Excuse me.

MANGIAMELE: Yes.

SALAS: You said you're amending it or you're requesting to amend it?

MANGIAMELE: We are requesting to amend the PAD sir, yes.

SALAS: You're saying like you've already done this.

MANGIAMELE: No, no, absolutely not. As we know, this is a - simply a request through the Planning Commission which your recommendation will obviously go onto the Board of Supervisors for ultimate action.

SALAS: (Inaudible).

MANGIAMELE: No, we appreciate that clarification, sir. I'm going to try to use my laser here without blinding anybody or myself. To give you some context, as staff has already started, the San Tan Heights Community is 21 hundred and 80 - approximately 2184 acres. That's equivalent to approximately 3.4 miles. Hunt Highway comprises a majority of the northern boundary for the project. This is Thompson Road running north and south; here is Roberts Road; here is the site, this is the San Tan Regional Park area. The overall PAD is currently approved for 5328 dwelling units. If I may talk about the exiting conditions briefly concerning this property,

as staff has indicated, this is Thompson Road, this is Roberts Road, here's the existing Eduprise School, which is outside of the San Tan Heights PAD area, but we still consider part of our community because they are our neighbor. These homes you're seeing being developed to the north here are within the San Tan Heights PAD boundaries. The property, as part of the initial zoning back in 2000 was approved to actually have eight single family large lots along Roberts Road here, there were some open space and drainage channels that – excuse me – kind of dissected the property and went around the property. Currently this – where I'm going with the laser right now, that is all community open space, it is primarily a drainage channel that has been improved to a certain degree. Unfortunately it's been unmaintained as of recent. The site has been fenced off due to vandalism and various other issues that have occurred on the site. This is that same aerial exhibit that I just illustrated to you. And I apologize, this is the most updated aerial exhibit I could get off of Google Earth. If you go out to the site now you'll see a majority of these lots, if not all of them, I believe are actually built in. This is Meritage – Meritage Homes was a recent development just north of this parcel. Here I've superimposed a card version of the conceptual development plan or the conceptual site plan, if you will, illustrating the proposed HOA facility which is located to the east, which is the

multipurpose room, as well as the aquatics complex, dog park, there's a tennis court, amphitheaters, skate park and some other amenities that are identified to be addressed in future phases. If I may just give you a brief background. As I stated, this, this project, I have been involved with this project for at least four years when the San Tan Heights Homeowners Association hired me on to help them facilitate or navigate through the rezoning process through the City after they'd already had, I believe, some meetings and communications with the City as far as what their desires were. Backing up just a little bit, in the year 2000 is when this PAD was approved. Almost, you know, 14, almost 15 years ago this PAD is approved as staff has indicated this is probably - for Pinal County, and it's all relatively speaking - one of the older PADs in Pinal County. In 2009 the San Tan Heights Homeowners Association acquired this – these, I should say – eight a little over one acre parcels, so they already owned the surrounding open space adjacent to the (inaudible), but they acquired those little eight little over one acre parcels. At that time in 2009, there was some discussions with the HOA board of directors, as well as some other individuals on what to do with the property. At that time, the, to the best of my knowledge, the homeowners association was in somewhat of – oh, for lack of better terms, in dire straits financially. The were having – I'm sorry, I'm

knocking things over here – they were having quite a few concerns with the financials of the community due to various reasons. There was a lot of defaults and so forth, but the main reason why they were looking at commercial uses for that parcel, again, was, was revenue generating. One of the uses I was aware of when I was brought onboard to help out was RV storage, kind of a commercial use and rental of that to rent out to the community. It was, however, decided after that that it'd probably be best to go out to the citizens of San Tan Heights HOA with a community facility survey and say okay, well this is what we want, maybe it's a little shortsighted because we're just looking purely at a revenue basis, however, what is best for the community? What does the community want to see on this site? A survey was sent out to over 2700 property-owners at that time, which were the number of existing property-owners. The top amenities desired – I should say the top uses desired for that property at that time were an aquatics center, a multipurpose room, an exercise – and exercise stations. There was actually a whole list of amenities identified, but those were probably the top three amenities that were identified. Some time had passed since that facility survey, and when I was on board I – we had recommend that we go out and conduct an additional facility survey, just due to the fact that so much time has lapsed, new residents has moved into the community, maybe some of the

other residents had moved out, and maybe some philosophies and thoughts have changed. So in 2012 we sent out a second facility survey and I personally did that. This survey was sent out to over 3742 owners within San Tan Heights, the HOA facility. Nobody surrounding outside community, everybody was within the actual HOA, the ownership. Much to my surprise as a planner, and doing surveys in the past, we had received over an 18 percent response rate, which to me - 18 percent, that doesn't sound like much, but 18 percent on any survey, (inaudible) survey response to me is a pretty high number. That equated to 684 responses. Of those responses, what I've identified here in the PowerPoint is again the top amenities that have been desired are an aquatics center, outdoor ramadas, barbecue/picnic areas, and an outdoor amphitheater. Those are the top desired amenities. Again, there was a whole list of other identified amenities that were desired, but those are the top ones. These survey results were utilized to develop, if you will, this conceptual development plan which staff has illustrated before you, or the site plan as kind of a framework to say okay well the community – the majority of the community wants these amenities. How can these amenities fit what's on the site plan. And in fact, can they even fit on the site plan. So in working with our architect and our civil engineer, we developed the conceptual site plan and work it to make sure these facilities could – or I should say the

amenities could fit, and in fact they do. In 2013, the conceptual development plan that you see in your, in your packet tonight – or I should say this morning – was approved in an open community election, and in 2014 – April of – March or April of 2014, the – there was a land development committee, which is somewhat of a subcommittee of the HOA board of directors – was chartered to kind of help facilitate this process and the hopefully potential development of this 17 and half – 17.6 acres. Just briefly continuing with the background, and to give you a little more perspective, San Tan Heights, again, is 2184 acres. It's been approved by the County for 5336 dwelling units. As it exists right now, there are two community – two larger community parks, at least 12 smaller parks that I counted. There are two lakes, if you want to call them lakes. They're really kind of holding ponds to (inaudible) to water the landscape within the property, and about six miles of trails that are networking throughout the community. By way of an example, if you look at our neighbor, which our most immediate neighbor to the east or southeast is Johnson Ranch, Johnson Ranch is actually a little smaller than San Tan Heights, so they are about 2,000 acres. They were approved, however, with a little higher density at 6100 dwelling units. They have what they consider three community recreation centers, which include swimming pool areas. They have at least, according to my count, 23 pocket parks or

neighborhood parks throughout the community that contain a variety of active and passive recreational amenities. They have lighted tennis courts, basketball courts, volleyball courts, softball fields, soccer fields, picnic pavilions and ramadas and trails, and keep in mind this is in addition to the public golf course and I believe there's a, like a little putting - chip putt type course out there, as well as a catch and release lake. Just kind of wanted to kind of give you a comparison, kind of say okay, this is Johnson Ranch our immediate neighbor. The amount of amenities that they actually have for their community compared to what the San Tan Heights exist today. I just briefly wanted to - hopefully briefly - wanted to get into some specifics on the project. As you as the Planning Commission, I believe, are - you have to make certain findings in an effort to, to seek an affirmative vote for a recommendation to the Board of Supervisors. I wanted to kind of go through those findings briefly, as well as also touch on how does this specific request comply with the County's Comprehensive Plan. And in a minute I'll turn to a slide with the actual site design. But a just brief overview is when you look at the conceptual development plan here in a few minutes, the design of that site actually meets and exceeds all County requirements as they sit right now, as well as all - any sort of policies that the County has. Phase I, which is identified on the project

will consist of the HOA facility or – and multipurpose room, and an outdoor storage area, which will be screened for the, the storage of landscape maintenance, implements for the community. Right now those two uses do exist off of Hunt Highway. You'll see there's – if you've driven past the community, there's a modular trailer that sits kind of back off of Hunt Highway. Back behind that is a large storage area for primarily landscape maintenance purposes. That, assuming that we do receive affirmative action through the Board of Supervisors on this rezoning, will relocate to this Parcel C-13 opening up this parcel on Hunt Highway for future commercial development. Public services, this is a great opportunity to, we look at redeveloping this property. We do have existing services, existing utilities to the site. This site's going to continue to be served by Johnson Utilities for water and sewer. I believe it is SRP for electricity, City of Mesa's actually the gas provider for the site, and we'll also continue to receive public safety through Pinal County Sheriff, as well as still Rural Metro Fire (inaudible). I remember back when there's the big push for the fire district out here, but no it's still Rural Metro Fire. If you consider neighborhood impacts for this property, what I'll get into as part of the public outreach section of my presentation is, we believe that we have mitigated any sort of adverse impacts to the neighborhood with redesign of the site plan. Redesign of

site plan was in direct response to comments that we had heard through our two rezoning neighborhood meetings. Flood control, as it sits right now, and if you go back and visualize the slide that I had showing the existing conditions, this site already has eight graded sites that were actually graded with pad sites for single family homes. The site was already graded to address the drainage needs for the property, it was – it conformed with the drainage plans that were approved by the County, as well as the drainage reports. We believe that any sort of corresponding development of this property, assuming the zoning is approved, will mitigate any sort of additional flood issues, but also, you know, help enhance or address any sort of flood issues by further improving the property. Traffic impact. We do not believe that there is going to be any sort of significant traffic impact, or any sort of traffic impact to this project. We have redesigned the project to internalize vehicular traffic from within the community and promote – hopefully promote alternate modes of transportation to the project. That was one of the agreements that we had with Eduprise back as the result of the first neighborhood rezoning meeting as one of their big concerns was, is well hey, this facility's great, however you're providing your main access point off of Roberts Road, across from our main access point to our school. They had legitimate concerns, in my opinion, legitimate concerns

with traffic safety, and especially the students and the parents there. We went back, back to the drawing board – excuse the cliché – redesigned the project and internalized all of the access to the project area. I'm going to move this thing along, because I know there's a lot of neighbors here that I, I suspect want to speak. With respect to the project overview, I'll continue with the project overview and compatibility with the general plan. We do believe overall that the project is in substantial conformance and furthers the vision and goals of the Pinal County's Comprehensive Plan. Some of the items I'd just like to address is sense of community – yes, we do believe this does help create a sense of community for the project area. This property would add additional gathering places for the project, but also not just adding additional gathering places, but it'll, if you will, father – or father – foster a coexistence of urban and rural land uses as they exist today, with the maintenance of a transitional use. If you go back to the slide, what we had here is you had a more urban density to the north in San Tan Heights, about three units per acre, and then across Roberts Road you had more of a rural land uses, as well as the institutional use, that of the school. Those one acre lots were originally intended to be kind of a transitional land use between the more urban lots and the rural to the south. We believe that transitional land use and buffer is being

maintained with this rezoning because all we're doing is we're simply enhancing or adding to the open space within the community, as well as adding additional community facilities. We do believe this does maintain consistent - consistency with the mobility and connectivity vision. As I've already indicated, that this particular proposal is encouraging alternate modes of transportation, and we do realize that not everybody is going to want to walk or ride their bike, or not everybody can walk or ride their bike to this particular facility, some will want to drive. Yes, you can drive to this particular site and access it via Occidental Road, which is a unloaded collector level road down onto the site. Economic sustain - let me start over here - economic sustainability. Not only are we, we looking at - and when I say we, I'm talking, you know, I do represent the homeowners association - we are looking at developing an efficient location where infrastructure already exists, but I think also just as important, as I previously indicated, the existing San Tan Heights onsite management office for the management company, as well as their landscape maintenance facility, is located on a, I believe it is a CB-1 commercial parcel located off of Hunt Highway. Assuming affirmative action on this rezoning, the goal is to move that temporary facility down to this site while the permanent facility is being built, as well as the landscape maintenance facility. That will open up, in our

opinion, additional acreage to be marketed for – and we don't own, and don't get me wrong, we do not own the commercial parcel, we being San Tan Heights, it is privately owned – but open up additional parcels along Hunt Highway for future commercial development. Moving along, open spaces and places. Improvement of this – I should say development of this site will not only – it's going to improve the quality, quantity and design of open space, it's just going to add significantly to the overall amenities to the HOA facility. And lastly, environmental stewardship. Development of this property is, is as I've indicated, is going to mitigate – further mitigate any sort of flood hazards. As we go through the specific site plan and process down the road, we are going to need to design the phase as we – or I should say redesign the site plan to make sure we're mitigating any additional, additional flood issues within the property. Again, this has already been designed and improved to a certain level, but we are going to go in and, and redevelop, if you will, so we're going to have to comply with any sort of County requirements and we are well aware of that. Protecting dark skies through incorporation of the philosophies, but also utilizing lighting timers for the facility, such as like the tennis courts; they'll be on timers which I know is somewhat of a requirement in the code anyway, but we are – before the code was even adopted back four years ago, we were looking at installing timers on these facilities

so it did not have an impact to the community. In fact, we're looking at all the lights to go off after a certain hour. I don't know what the magical hour is, if it's 10 p.m., if it's 11 p.m., with the exception of necessary security lighting to see into the site. And lastly with respect to environmental stewardship, the new landscape – or I should say the conceptual landscape design - for this site plan has been designed in such a way as that the turf has been limited. We are utilizing low water use plants to take into account, you know, we do live in a desert here, and we do want to conserve water to a (inaudible) extent as possible. One of the other findings is with respect to setbacks, I just want to include a quick slide on the setbacks, even though it's already identified in your packet. And as I'd indicated previously, yes this is zoned CR-1 and CR-3, the only deviation that we are requesting is the gray columns are the proposed development standards. The white are the existing. The only deviation is the height. The Code allows 30 feet, we are requesting 36 feet. The only reason we're requesting the 36 feet is for the potential future phased development of the amphitheater. In working with architect and doing some due diligence, any sort of amphitheater, should they be built, do need a little additional height, and so therefore we identified that 36 feet seemed to be kind of the average height that most amphitheaters are built at. The current

very, very conceptual schematic designs for the H-way facility multipurpose room, it's a one story building, we're looking at 26, 28, 30 feet maximum right now for that building. Again, it's a very schematic, we have not even gone through that process, we just been developing some very schematic designs. Here is the conceptual development plan that the staff had illustrated previously to you. The gray area illustrates even though this entire 17.6 acres is subject to the request of rezoning, we have developed the conceptual development plan and say hey, if this zoning is approved, how can this zoning be implemented? Well we, again, we've developed this conceptual site plan, development plan based on the community's desires through the facility surveys, identified that the HOA facility office multipurpose facility will be located here. This is purely access, and then the landscape maintenance yard which will be screened to store landscape implements and materials, what have you, is going to be located further west. All the other future incidental uses are identified as future use. Those are amenities that are desired current - or I should say currently desired by a majority of the community. Right now what we're concerned with is should we receive affirmative action on the rezoning, we plan to immediately move forward with the specific site plan for the Phase I development, which again is the gray area. (Inaudible) access, again, has been internalized off of

the unloaded collector level street, Occidental, coming into the site from the north. There is one access point directly across from an access point from Eduprise. This is a limited egress for the landscape maintenance vehicles, as well as for emergency access only. And we do have sufficient parking that has been designed throughout the site. The site has also been designed that it will be a secured site, and that there will be a view - what we call a view fence, kind of a tubular steel or a picket steel fence surrounding a majority of the site along the north, west and east. And along the south side the current conceptual design is for what we call a view or partial view fence, or it will be a partial decorative see and (inaudible) wall with wrought iron on top. Again, this will be a secure facility, the HOA and/or the hired security will be able to lock this facility up after hours, like most community parks. Say it closes at 10 or 11, the gates will be locked, nobody will have access to it except for somebody that might have a key. I'll be getting into this with the public outreach section. The HOA facility office has been moved further east in response to concerns that we heard at the last neighborhood meeting. I want to identify one of the items with (inaudible) is the approximate setback from that building to the closest lot is - need new glasses here - I believe - if I remember correctly, it was approximately 180 feet. Just to give you some perspective, if I remember my dimensions

correctly, what is 180 feet? The width of a football field is approximately 160 feet, so if you can imagine, for those of you that follow football, American football, the actual width of that field is approximately 160 feet, so this is a little wider than a football field distance to again, a proposed one story structure. I just wanted to provide a blowup of the, the colored conceptual development plan. See, here is the parking, here is the HOA facility office. Should we move forward with future phases, there's the anticipated aquatic center. We do have a dog park that is located, which is a desired amenity, further east. These are tennis courts, there are various ramadas and some turf kind of passive play areas which also actually double as retention areas. A skate park. This is the landscape maintenance area, and then this is the proposed amphitheater which actually sits in the bottom of an existing retention basin, so it's kind of a dual purpose if you will. Conceptual landscape plan showing not only are we going to be enhancing the streetscape along – here's Roberts Road, here's Thompson Road, north pointing up – not only enhancing the streetscape with larger trees along the street, but also creating a, a buffer which, if this is to develop as single family residential, we couldn't guarantee that you would have the sort of landscape buffer along the north side. And again as has staff had indicated because of the size, we kind of split this up into two. This is the west side of the

site. This is jumping over to the east side of the site, where it shows you the landscape materials conceptually designed. Granted, we know we still have to go through further detailed design with the community. I would like to touch on participation, and the primary reason I like to do this is, is myself personally and, and being a, a planner for over the last 20 years, I've been involved in many different public outreach efforts and elements, both working on the public sector side as well as the private side. I was involved in a - involved, I actually facilitated a comprehensive rewrite of a zoning ordinance in a community which had fairly extensive public outreach. We utilized various media, had numerous stakeholder meetings, various meetings with planning commissions, councils, design review boards, you name it. In looking at and going back and looking at the actual pure numbers of the public outreach that's been used to date for this project, I would say this probably far surpasses one that I actually worked on a comprehensive code update and actually similar time, it took me about four years to get that zoning code approved through that community. And just to identify, as I've already said, we've had two facility surveys to identify, what does the community want on this property. (Inaudible) or I should the survey responses at that time, three - only three percent of the respondents identified that they did not support the project. The reason

that - and I don't want to speak for the public here- the reason that I read into the reason why they didn't support, is there was at that time a lot of concern that HOA assessments could go up as a result to fund this project. There have been two rezoning neighborhood meetings, one in 2011, which had at least 50 attendants. And looking at the sign in sheet, there's only about 50 that signed in. I would say the number's closer to probably 75 to 100, because I actually facilitated that meeting. The last neighborhood meeting we had, which is a town hall format, was in 2014 and we had at least 119 people that signed in at that particular meeting. In addition to the facility surveys that were sent out, in addition to the two rezoning neighborhood meetings, there have been at least 19 HOA board of directors meetings where this project has been discussed in an open format where some sort of vote was taken. There have been at least eight homeowner association land development committee meetings which land development committee is a, again a subcommittee that's been chartered by, or chartered through the board of directors to help facilitate this particular project or redevelopment of this property. In addition to those eight meetings, the land development committee on - in December of 2014 held a meeting in response to a lot of concerns that they're hearing from the community with respect to the financials on can the community support this financial. I know this is really not within your

purview, but I just wanted to identify that. At this meeting there were at least 80 in attendance at that particular meeting for – to discuss the financials. Putting that all aside, we've also had the public hearing notification for this hearing, we've posted the big four by eight ugly yellow sign you see all over the County, out on the site, and staff has also notified all the community members within San Tan Heights Community, as well as those within 600 feet of the project. So have we had public outreach? I would say yes, extensively. Key concerns that I have heard, and again, these are key concerns. I do not want to speak for the residents at all, but I do want to identify the key concerns that I have heard from the community and just summarize the top ones. One thing I just want to alluded to is assessment increase. The board has published that this proposal will not increase assessments to the community. Lighting impacts. This project will, will meet or exceed all the County code requirements, as well as we are striving to adhere to all dark sky philosophies. Lighting will be full cutoff, meaning that the lights will be directed down, not out. They'll be directed down, there will be limited height lighting. The lighting will be off after certain hours, with the exception of security lighting. One of the comments that I, I – not personally, but I kind of take exception to – is I've heard a lot of comments, and I've seen a lot of things in writing that are probably in your packet,

that there's been minimal public outreach. I don't know what else to do without going door to door to each of the 5300 homeowners within the community and knocking on the door and having a conversation with them. [Public interruption.] Moving on, views impacted. I'm not sure there's concern, but one of the concerns that we did hear at one of the last neighborhood meetings is that – actually if I can just jump back here. If I can navigate the – we had heard concerns that people that were recently moving into these, these homes by Meritage – again, there is a couple homes that have been built a few years ago that exist along the south. Meritage came in and purchased a large chunk, if not a majority of these lots has been building here, and they might even be sold out and built up by now. There were some residents that had concerns with were views being impacted. Even though we're set back over here, we have what, 180 feet. This is at least 100 foot setback to any sort of development. Again, we're only – we're looking at small scale ramadas, tennis facilities, we didn't understand how their views would be impacted. However at that time, this HOA multipurpose facility building was located kind of as the focal point, as you came down south on Occidental We said okay, well maybe these are somewhat impacting your views, and we looked at it said they could. It is a one story building, but we elected to address their concerns here, said yes they probably do have legitimate concerns. We moved this

building further east on the site to minimize their views and which - in fact increased the setback away from any sort of residential lot. With respect to noise impact, now obviously we have not performed any sort of noise studies, as it's somewhat difficult to perform a noise study at this point in time for this kind of a project, but we look at this as no different than any sort of act of or recreation open space amenity within the community. Unfortunately, as I said, I'm not sure if staff stated it this morning, but it was actually in the staff report is that this type of facility is something you commonly see in most master planned communities, and it's actually almost expected for most master planned communities that come before the Commission nowadays. Unfortunately this was built at a time where maybe these sort of facilities were not commonplace, and therefore we're kind of trying to play catch-up if you will, in trying to bring the community - enhance a lot - or I should say the enhance the values and as well as create additional gathering places for the community. With respect to the noise impact, again, we don't see this as any different than any sort of active or passive recreational spaces within there. One of the things that we, we have agreed to do obviously is limit the hours, operation as I'd indicated. This is a fully secure - it will be a fully-secure facility. It'll be locked up, so I can't go out there and play basketball at three in the morning when I can't sleep,

and nobody else can. It'll be locked up. I mean you could if you jumped the gate, but theoretically you're not supposed to be out at this particular park after certain hours. And concerns have been identified with respect to traffic. With internalizing the vehicular circulation off of Occidental, we are internalizing the traffic and we are taking that away from the Eduprise facility. Again, but doing this, we also we have trails that lead to this property, sidewalks. We're hoping this will help promote alternate modes of transportation, people on bicycles, tricycles, skateboards, walking, whatever it may be, but we do realize that there will be a need for some people to use motorized vehicles to get to this site, and that is understandable. I'm sure you all are tired of hearing me by now, so I'm going to go ahead and wrap this up. Before I do wrap up, I would like to add that as part of the applicant's presentation, Chair and Members of the Commission, that Jerry Pierce, which his the president of the homeowners association board, as well as Candice Steelman, which is the chair of the land development committee, would also like to kind of supplement my presentation, with just kind of a few words and closing thoughts. But I just wanted to kind of give you some closing thoughts just to keep in mind that when you look at this project, this is supported by a majority of the community. Again, there are a number of lots within this community. Yes, there is some opposition, but again, this is

supported by a majority of the community, and a majority of the board members. This has been voted on by the board of directors and the majority of the board has approved this project. As I've identified this, we believe this project does further the vision – or I should say this rezoning of this property does maintain compatible landforms and it does further the vision of the County's comprehensive plan. We've conducted what I consider extensive public outreach for this project. Again, it's been four years in the making. It's not like I just came on, you know, six, nine months ago and said okay here, let's take this through and see what happens. We've been working diligently on this project for greater than four years. We do not see any sort of adverse impact to the public, health, safety or welfare by rezoning this parcel simply to allow this use to exist. And in final thoughts, is we also believe this is going to enhance the long-term community livability. We also believe that adding additional public gathering places such as this is also going to foster, or further foster social interaction within the community. And Chair, if I may, if I could invite Jerry Pierce up, which again, is the president of the board of directors to kind of just supplement my presentation, as the applicant.

HARTMAN: Before you do that.

MANGIAMELE: Yes sir.

HARTMAN: If we could, I'd like the Commission to go

ahead and ask you some questions, but I want to, I want to kind of start it out.

MANGIAMELE: Absolutely.

HARTMAN: I have a question on drainage. What, what are you intentions on drainage? I know you have to make a drainage report and all that, but I've seen some photographs and the information is provided where it showed flooding and different things, and talked about the elevation and so on.

MANGIAMELE: And Chair, if I may, is there a specific concern you have with respect to drainage. As I've indicate the site -

HARTMAN: Well I, I -

MANGIAMELE: The site is -

HARTMAN: I don't see any flow pattern. Where this water goes. Is there any retention/detention or -

MANGIAMELE: Absolutely. Absolutely. As you, as you see right now - actually let me go back if I may, because we are designing around the existing conditions as they sit today. Sorry if I'm making everybody dizzy here. Existing conditions. We have the eight pad sites, which are actually elevated pads on these eight lots here. These are large drainage retention basins and swells. There's a large retention basin that goes along Thompson Road as it exists today, that is part of the overall master drainage plan. There is drainage at the immediate northeast corner of

Thompson and Roberts. By redeveloping this parcel, we are going to be adding to the drainage channels. In fact one – one the goals that we had early on is not only do we develop the conceptual development plan or the site plan, but we wanted to make sure this worked from an engineering standpoint, knowing that there was quite a bit of sheet flow coming off of the mountains to our west. The site plan was designed in concert with our, our engineer of record, which is Hubbard Engineering, to insure as you look at that conceptual site plan, it can work from a drainage and retention standpoint. In fact it's going to help even further mitigate additional flooding and retention needs. There will be – there are drainage channels that are very conceptually designed – let me get to our larger site plan here – there are drainage channels that are conceptually designed to convey water through the channel that goes along Roberts Road to convey water back to this very large existing retention basin to the north that separates this property from the (inaudible) single family homes. In addition to that, obviously as we move forward with these more specific site plan, we'll have to address a lot more of the design details for that.

HARTMAN: Okay.

MANGIAMELE: Yes sir.

HARTMAN: Well my, my concern as a Member of this Commission is always try to preserve the open space that we

have, and looking in this, in this booklet - let's see if I can show you the cover, whatever - in looking at this booklet on page – where's my – it's page 17 of 28, it's a chart and it shows the categories, the existing PAD, proposed PAD, and then net change. And in, in that, the only change is that you're taking out 8.1 acres of residential use, and I'm surprised of that. It doesn't show really change for the open space whatsoever on the linear, the hillside and all that.

MANGIAMELE: No, you're absolutely correct. Is the way we looked at this in working with staff to insure that table is accurate, is we – this is taking away the eight approximately one acre lots from residential use and putting it into more of an open space recreational type of use, which matches the property around that, the existing retention basin.

HARTMAN: Would the homeowners you – I know you've done the math on this – would the homeowners stand to net more dollars if they sold those eight lots [public interruption] and then instead of putting in the amenities that you're talking about? [Public interruption.]

MANGIAMELE: That's, that's very difficult to determine at this point in time. There was a clause on the purchase of this [public interruption] quite some time ago, that actually did not allow for the sale. In fact we even worked with Rural Metro quite some time ago to look at a joint

use to provide a facility on this property, but it just did not work out. Could the homeowners association sell these properties? You know, I'm not their legal counsel, but most likely yes. Would they make money on it? Most likely yes. Is that going to be a benefit to the community? From a planning perspective, I don't think so. [Public interruption.] And but, but –

LANGLITZ: Mr. Chair, Mr. Chair, Mark Langlitz, Deputy County Attorney. The purpose of a public hearing to allow the public to comment on a proposed action before the Commission. They are allowed to address the Commission only through the Chair. The proper decorum of this proceeding really doesn't permit a disruption of the proceeding. Everybody is entitled to express their opinion and express their view, and they will be heard by this Commission, but I would just like to let folks know that please let a speaker talk. Do not disrupt the Commission proceeding. Please respect the proper decorum of the Planning and Zoning Commission and don't – please don't interrupt speakers. Thank you, Mr. Chair.

HARTMAN: Thank you, Mark. I just was reaching for my gavel and I appreciate your comments, because that helps strengthen my, my position. All right. The next question I have, and I know we have an individual on this Commission that, that I know he's – we're all interested in it, but it's

the fact that I read in there that you're not going to have a fire station and, and you said in there that it was the County's or Rural Metro's responsibility to have a fire station, and as a Member on this Commission, I know on subdivisions, big subdivisions, we'd normally require them to set aside fire station property, and so explain that to us a little bit, and then I know Mr. Grubb - Commissioner Grubb will, will probably ask you the same question or more, or to add to it, anyway. If you would, fire station.

MANGIAMELE: Absolutely, Chair and Members of the Commission. Quite some time ago there was some very preliminary discussions with Rural Metro Fire at locating a fire station site somewhere on this property. For various reasons, which I was not involved in any of the negotiating details on this, it was decided that it was probably not best for Rural Metro to locate an actual facility on this site. This was after San Tan Heights had already been developed, you know, the lots had been developed out there and there's currently looking for different types of uses for this project. To the best of my knowledge Rural Metro's still the service provider from a fire safety standpoint, emergency standpoint to this property. Just because there's not a fire station located within San Tan Heights proper, does not mean that there would not be served by Rural Metro Fire.

HARTMAN: Okay. Another, another question. It

mentioned in here that there's some County right-of-way that has been abused or eroded and whatever, how – why is the County not maintaining that to your satisfaction? Do you know which property I'm talking about?

MANGIAMELE: Chair, no I'm not real clear on that. There's, there's – what's occurred with this particular property is there's, there's quite a bit of illegal dumping, which unfortunately is what happens on a lot of vacant properties over time, people getting pools built or whatever, and the pool companies – whoever it may be, I'm not going to point the figure – they go out and they dump lots of debris on the property.

HARTMAN: Okay.

MANGIAMELE: With respect to maintaining the drainage facilities, I don't have any specific answers for you. Obviously the homeowners association board would work with the County and maintain the facilities as obviously required.

HARTMAN: All right, then, then my last question is the 36 foot height. Now I don't know what kind of elevation that's going to have compared to the existing – our requirement of 30 feet, and whether it'll block view and people do not buy view rights and we think they do, but they don't, and whatever, so explain that to us a little bit on that 36 foot. How is that going to impact being able to look

out of their normal properties to see what they normally see.

MANGIAMELE: Well again, the 36 feet was only requested specifically for the amphitheater structure, and our architect doing his due diligence looked many type of amphitheater type uses developed over time and they seem to have a common – the common thread there, the height needed to be approximately 36 feet for the backdrop. As it's designed now, this very conceptual amphitheater, whether this happens or not in the next – in our lifetime, who knows, but it is a desired amenity of the community – this amphitheater sits at the bottom of a retention basin. I don't know what those dimensions are, two, three, four, five feet down below the typical sidewalk grade, that 36 feet would be is actually – we did not measure that from the top (inaudible), we measured that from where the structure is, which is down at the bottom of the retention basin. Would that impact views, well you're looking at 180, 200 feet from the closest lot to the north, to a structure which my guess is, the view angle, you're probably going to be about 30 feet now, because again, this is down at the bottom of a fairly large existing retention basin.

HARTMAN: Okay. Now what I would like to do is open it up to the Commissioners to ask you questions before we go any further in the testimony while they have these questions on their minds. All right, Commission Members, questions?

DEL COTTO: If I could.

HARTMAN: Yes, Rand Del Cotto, Commissioner.

DEL COTTO: I'm trying to understand that amphitheater, that, that cover or that 36 foot that would typically just be over the stage area.

MANGIAMELE: That is absolutely correct.

DEL COTTO: That's not going to cover the public. That's it.

HARTMAN: Commissioner Grubb.

GRUBB: Thank you Mr. Chair. Good to see you Mario, thank you for the presentation. It – for the benefit of the audience, I used to work for Rural Metro up until a couple years ago. I was an operations chief and built their operation in the San Tan Valley, and I will say that we did work with Mario. When he first came on board, we were already in discussion about this particular project. But also for the benefit of the audience, let's go back to the beginning in 2000 when we actually met with the developers and land was to be set aside for a fire station. It was done at that time, Mr. Chair. Unfortunately, there was some confusion on the actual location, and Sonic now sits where the fire station was supposed to be in the original agreement. But as ownership of the projects, and as we know as different developers get involved and sales of property and who owns what, and so – and that's why we approached at this time to, you know, back about probably four years ago, I think, when we discussed and just

at that time decided it was too far back away from the, the – from Hunt Highway to be as effective as, as it could have been, and it just was not a good location. And when I left, when I retired, they were still in discussions with the property-owner that actually owns the land where their HOA temporary facility is. There was discussions going on at that time to put a facility out there. So, you know, for their benefit, you know, working with San Tan Heights has been an easy project over the years, and they've worked with us to try and resolve the fire station issue in that area, so it just – this is not a really good location at all.

HARTMAN: And so in your opinion it did not increase the response time by having the –

GRUBB: The response time is increased because the station is currently responding from down at Bella Vista and Hunt, and, and I know that, you know, again I'm not involved with them anymore at all, but I know that they're working to resolve response issues. They've opened another station. My final project was the station across from the hospital and, and that decreased their response times to this area, but it's still, I know a concern for that company that that area is still not properly serviced. But they're just – this was not a good location. It would not have benefited the community at large. It would have benefited San Tan Heights, but not the community at large.

HARTMAN: All right, thank you. Commissioner Moritz.

MORITZ: Let's go back to that amphitheater. Somewhere in here I read that the location of that is lower than the other part, so how high would that cover be compared to if a residence were built in that area.

MANGIAMELE: Commissioner, through the Chair, that's a, that's a very difficult question to answer since everything is in a very conceptual zoning stages at this point in time – whoop, that's not my laser. Again, the conceptual location for the amphitheater at this point in time is off of Roberts Road, east of Thompson. This is an existing retention basin, it is an HOA landscape tract only maintained by the homeowners association. Again, my guestimate, without looking at any sort of surveys, is this retention basin right now is probably three, four, five feet down from the top of the adjacent pavement and sidewalk areas, so 36 feet down from the bottom of the retention basin, you're probably looking at – you know, if it was actually built at a higher grade out of the retention basin, you're probably looking at 30-31 feet approximately. Will this amphitheater be built? Will it be built at 36 feet? I don't know, but what we were looking for was we were, we were requesting the ability to have that height should that area, over the performance or the stage need to be approximately 36 feet.

MORITZ: Okay. And on that survey from 2012, which of course is three years old now, that was I think the third choice by those who responded to the survey, so – and it looks like the pool was the biggest item they wanted, the aquatics center, and then the ramadas and picnic area, so – and I read in there too that you're planning on doing the building first and then get to the pool later, is that - part of that because right now you're leasing property for the HOA headquarters and that would reduce the expenses on that if you got the building done first to house them?

MANGIAMELE: That is – Commissioner through the Chair – that is one of the ideas, is we're looking at sooner or later the management company is going to need to relocate off of that property they do not own.

MORITZ: Right.

MANGIAMELE: Off of Hunt Highway. Their maintenance, or I should say the office building, management offices as well as the landscape maintenance area. The intent was to move it down to this parcel, the temporary, until a permanent facility is built. I'm sorry, what was the second part of your question?

MORITZ: I just wanted to know that – the reason for building the building first was to reduce rental expense on the property.

MANGIAMELE: That is one of the ideas, correct, is

to get the management com – management company into a more permanent facility, as well as to create additional spaces. This is going to be a multipurpose building. If you live in San Tan Heights and you want to –

MORITZ: Play cards.

MANGIAMELE: Play cards, have a book reading club, conduct a yoga, you know, yoga for once a week for your friends.

MORITZ: Right. Yep.

MANGIAMELE: There'll be a space to do it. If you want to come down and have a little community dinner, hopefully there will be space to do that.

MORITZ: Okay. Thank you.

HARTMAN: All right, Mary Aguirre-Vogler.

AGUIRRE-VOGLER: No.

HARTMAN: No questions? Commissioner Salas.

SALAS: My concern is that generally that whole area is drainage, right? The whole corridor is drainage? That's been from my observation.

MANGIAMELE: Commissioner through the Chair, let me just go back to show you the current aerial photo. At least the most current I have. Well, it may be even – the area which to me appears brown, that is pretty much all the existing retention and drainage areas. I believe there's also a small channel that goes along the frontage in certain areas

of Roberts Road and there are some channels that run north/south between the actual developed PAD sites for those eight single family lots. So again, keep in mind is we do have the eight existing single family lots that were developed up to a certain level where they actually had a finished PAD so you could go in there and build your home on that PAD site, so there are areas that are built up out of that retention area, and the majority of that retention landscape, retention area, right now is where we look at Tract A which is owned and maintained by the homeowners association as it is now, there is a large portion there between the lots as well. The rest of these are built up and ready for development. Granted, should we receive affirmative action, we're going to have to go through and do some regarding for these proposed facilities.

SALAS: Well, from my observation it seems like the whole area is just a lower grade than what the rest of the area is, and I don't know just by sight, I believe that that whole area, that whole corridor right there is drainage and my concern is that you've got certain PADs there that you're calling retention PADs, if that was going to be adequate when you do get a good, major flood. And of course, your engineering and after nature hits us, is it guesswork, right?

MANGIAMELE: Commissioner through the Chair –

SALAS: And if you've got a large area for drainage

right now, maybe you're reducing the amount that they're going to be holding, that's a concern.

MANGIAMELE: And Commissioner through the Chair, that is a very legitimate concern and we have – our civil engineering team has looked at that and according to our very preliminary drainage studies that this site is actually going to address the drainage more than it does now. We're creating more areas for drainage and volume control. So we look at it as it's actually a benefit to the drainage situation out there today. It's not going to be impacting – there's no – if I could say, according to our preliminary (inaudible), there's not any sort of adverse or negative impact to the drainage or retention needs for that area.

SALAS: I, I find that hard to conceive because when you've got a large area that you're using as a drainage, and you're reducing the amount for drainage, you know, how, how does that make sense when you're reducing the amount from a larger amount to a smaller amount that is going to be adequate enough for the area?

MANGIAMELE: Well and Commissioner through the Chair, we're actually not reducing the amount, I think we're actually increasing the amount when you look at our very conceptual designs for the overall site plan. The drainage will actually be increased for this area.

SALAS: In the same corridor, you're going to make

larger lots?

MANGIAMELE: No, we're not making larger lots, it's the way that the HOA facility is being designed, and that we were designing some what we call some passive open space areas which pretty much makes them open turf areas that will be additional retention, above and beyond what we have out there today.

SALAS: Well I'm – I don't know. I'm pretty concerned about that because –

MANGIAMELE: Maybe we can make the swimming pool bigger, will that suffice?

SALAS: Well you have a whole swimming pool in that whole corridor that when it rains.

MANGIAMELE: Absolutely.

SALAS: And that's (inaudible) we didn't engineer it right and the people that are over there with two feet of water in their, in their floors over there, that doesn't make much sense to me.

MORITZ: Mr. Chairman?

HARTMAN: Yes, Commissioner Moritz.

MORITZ: I think undeveloped land versus developed is greatly different in the flooding topic. So once it's developed, that – and of course that's what he said, before the drainage report has to be accomplished, we're talking about zoning here, not necessarily whether it should be

drained this way or that way, but when it's developed and the plan's submitted and it's approved by the County, then you'll have additional drainage, so I don't know that we should be concentrating that much on that issue. Just my opinion.

SALAS: Are you addressing that to me Jill?

MORITZ: Yeah.

SALAS: You tell that to the people in Phoenix that live in a developed area that were under two feet of water this summer.

MORITZ: That's an exception situation.

SALAS: It's not exceptional in Arizona, Jill. I've lived here all my life and I've seen that happen too many times. Not only here in this Valley, but in Tucson as well. And the planning and zoning committees have allowed the building and the floodplains that are going to be 100 years, and lo and behold they come in ten years or less sometimes.

MORITZ: Right.

SALAS: And so they hit developed areas because we, as planning and development commissions throughout the cities, have allowed this. Why? Because the almighty buck, and then what do we do next? We reduce the amount of density or increase it, excuse me, in some of these projects against whatever comprehensive plan calls for and we worked hard and many long hours to develop the measurements in this comprehensive plan, like ten feet between the houses so when a

fire starts (inaudible) it doesn't take the - wipe out the whole neighborhood because you've got spaces that are five feet apart in between the lands.

HARTMAN: All right, Commissioner Salas.

SALAS: Okay, well those are the concerns that I have and if I have the floor -

HARTMAN: Exactly, you have the floor.

SALAS: All right, that's all I'm expressing.

HARTMAN: Yes.

SALAS: That's it.

HARTMAN: Okay. Gutierrez. Commissioner Gutierrez.

GUTIERREZ: I just have a couple of things. The – just reminder standing – this is a closed area, right? It's not going – there's not going to be access off Roberts Road going into this? I mean it – you know, you're going to have to go through the community in order to access this area.

MANGIAMELE: Commissioner through the Chair, that is absolutely correct. The access point we have designed off of Roberts Road that is adjacent to Eduprise across the street there, that is a limited egress only for landscape maintenance vehicles and whatnot, maybe emergency vehicle egress, but it's also – it's an access for emergency vehicles only, so entering the site. If you were to drive down Roberts Road, you will not be able to enter the property from Roberts Road in a vehicle.

GUTIERREZ: Basically you'll have to be a resident of the area, generally, to, to access this area. It won't become a thoroughfare.

MANGIAMELE: That is correct.

GUTIERREZ: And then as far as access from the community into this area, there's – looking at a thing, there's one road that accesses the one main entrance into the, into the area.

MANGIAMELE: Which is Occidental Road running north/south here between these two separate neighborhoods, and there's also going to be pedestrian gates as well that connect to the sidewalks that run down, and some trails that run into the property as well.

GUTIERREZ: Okay, so it's not going to be a loop or anything. There won't be cars driving through that area or anything, it's basically a dead-end, you go around and go back out.

MANGIAMELE: It will be a dead-end, it will be gated ultimately to restrict vehicles after, after hours, so.

GUTIERREZ: Okay. And the maintenance of this park area, I guess, once it's done, that's solely contained by the – I mean it's – the cost of the maintenance, the drainage, everything, that's going to be a cost absorbed by the HOA, it's already worked into it?

MANGIAMELE: Commissioner, through the Chair, it's

just like any other park or open space within the community, it will be owned and maintained by the existing homeowners association.

GUTIERREZ: Okay. Thank you.

MANGIAMELE: Thank you.

HARTMAN: All right, Commissioner Smyres. No? Commissioner Pucket. Putrick.

PUTRICK: I just had a couple comments. I was concerned about lighting. I – I'm a – I like the dark lighting, dark night lighting, and that's a concern. I know some of the people here were concerned about it. I'm not too concerned about this flood zone. We do have County requirements that they have to meet. The drainage has to meet certain requirements, and we call that out very specifically, so I'm not too concerned with that. And I – the only other thing I can say is I, I live in a community, a planned community and we have an HOA. It doesn't belong to us yet because we don't – we haven't sold enough homes, but there is, there is no way to satisfy everybody in an HOA. That's all I have to say. Thank you.

HARTMAN: All right, I'll turn it back to you. Did you want to make a response to that – to his comments?

MANGIAMELE: No sir, but Chair, if I – just wanted to remind the Commission if as part of the applicant presentation the board of directors president as well as the

land development committee chair would like to say a few words. They're not going to be as long winded and as boring as I am, so I promise you..

HARTMAN: All right, if you'll go ahead and invite them up. I will call to the public later on, but –

MANGIAMELE: Absolutely. Absolutely.

PUBLIC: We have a list of people that have signed up to speak. Why don't we go down that list? Those people address the speakers as much –

HARTMAN: He – this person has put in his application for the homeowners association for the permit. I respect him to be able to call who he wants as expert witnesses.

MANGIAMELE: Thank you.

PIERCE: Thank you Mr. Chairman and Commissioners. My name is Jerry Pierce, I'm the president of the San Tan Heights board of directors. I'm just going to cover a few board actions that have been taken in the last year, all in open meeting to support this project and my goal is to support the favorable ruling by the – this Commission. On August the 22nd of 2013, there was a homeowners meeting and the purpose of that meeting was to count the votes from an election that we had in San Tan Heights, and at that meeting after the votes were counted, there were 278 homeowners who voted in favor of this project and 130 homeowners who voted against it, and that

election was certified on 27th of August of 2013 by our secretary at the time, Sherri Brotherton, and I have the documentation with me for that meeting. And then on March 27th of 2014, and again in an open meeting, the board at the meeting was tabled the approval of the LDC, land development committee members in order to develop a charter to charter this committee and that action was taken in open meeting and I have those minutes with me. Then after that, on April the 24th after the charter had been approved, or developed, the board approved the charter, approved the LDC volunteers, approved the LDC to appoint their own chair, which they did at a subsequent meeting. And again I have those minutes with me. Again, in an open meeting on May 8th, the board appointed the LDC chair and approved the LDC to meet with iPlan to engage iPlan – or to continue our engagement actually - with iPlan for this project. Again on May 22nd in an open meeting, the board approved a workshop meeting with iPlan, approved a co-chair for the land development committee, and I have those minutes here with me. And then on June 26th, the board approved the – we had a new – our chairman, chair lady resigned and so we approved a new chair on June the 26th and a co-chair was approved and we approved the contract with iPlan to move forward with this rezoning request and approved the funding for that on June the 26th. And I say this all to support that all of these actions were taken in open meeting,

in front of the public by the board of directors of San Tan Heights. And if you would like, I can submit these minutes as evidence to support that.

HARTMAN: If you would. I'm going to – if you'll give them to Evan.

PIERCE: Okay.

HARTMAN: And then we'll allow the Commission Members to ask you any questions if you – if they want to.

MORITZ: Mr. Chairman.

HARTMAN: Commissioner Moritz.

MORITZ: Is there any seasonality in this entire subdivision, or in all pieces of it?

PIERCE: Seasonality? I'm not sure what you mean.

MORITZ: Do you have – are they mainly year-round residents or are some –

PIERCE: We have a mix of some res – year-round residents and winter residents from the – our colder regions of our fair country.

MORITZ: Any kind of percentage that you may know of or?

PIERCE: I don't have that information.

MORITZ: Okay. I just noticed that several of those meetings, open meetings, were held in the summer and I don't know how that would affect the population on their vote, or how that might stand. Just a curiosity.

PIERCE: These meetings were held starting August of 2013, and the last one, I believe was June 26th of 2014, and the board meets monthly. This has been a topic, if not on every agenda, but practically every agenda for the two years that I've been on the board.

MORITZ: Thank you.

HARTMAN: All right. Commission Members? No further questions? Thank you Jerry.

PIERCE: Thank you.

STEELMAN: Good morning. My name's Candice Steelman, I'm the chair of the land development committee, now the most controversial committee in the HOA. So I believe in community service, I wanted to be involved in my HOA and I signed up for this committee because I thought it would be fun.. And actually it would be fun to work with a group of people to provide something beautiful to enhance that community and it would be satisfying to see homeowners' wishes fulfilled after two surveys in 2010, 2012 and then a formal vote in 2013. Since that time we've held open meetings in which we've tried to address all homeowner concerns. Here are a few examples. It was suggested we put the amenities in existing parks, but the board looked into this and found that our existing parks are designed as water retention basins, so it would be extremely expensive to redesign and do that. It was suggested we build the amenities on undeveloped land

across from the middle school in our community, but that land is owned by Highland Homes and they want to build homes on it. It was suggested that since our HOA travelers parked on land not owned by the HOA, that we build a small HOA office on the park across from one of the schools, but the whole point was not to have a new HOA office, the point was to have a community center where people could get together, have clubs, have a fitness center, have a kitchen; they could use it for family reunions, wedding receptions, any number of things that the community has said they desire. Lighting. We are well aware of the night sky ordinance. Sound. We have asked engineers about sound walls or landscaping that would absorb sounds of children playing in the pool. We've tried to look into every single thing that's been brought up to us, and on lack of communication concerns, even after all these open meetings, in February, the land development committee will be asking the board to purchase banners that we can put at the entrance to our HOA announcing when our meetings are, the same as we now do for board meetings. We're also asking that a policy be changed where we can send out email blasts announcing our meetings, which up to this point has not been board policy. I wanted to, Mr. Chair if I could, address a Commissioner's question about why we're doing the building before the pool, and that is because in 2013 when that formal vote went out, it specifically asked do you want us to move

forward with this, and it specifically spelled out a community center. That was number one. Number two is as we were doing our homework and talked to numerous other HOAs in the area, they all said the same thing: without management oversight you could have a lot of potential problems with that pool. So we decided that management oversight needed to be there before we put all these other amenities in, just to be more concerned about security. So other than not wanting it in someone's backyard - and I understand that, I really do - and as this gentleman said, not everyone is happy with the location. The biggest concern about this project is that – or the biggest fear is that HOA fees will go up. A fear that even though we've addressed it many, many times still features prominently, as you can imagine in opposing literature because it's such a hot button. But in his letter to you, his very detailed letter to you by the HOA treasurer, he pointed out we are a financially strong HOA, there's no need for quarterly assessments to go up, and I realize this is not something that you're interested in, but I just mention it. So I was very pleased to see that almost half the letters sent to you were in support of this project. We did not do a concentrated campaign asking people to send in letters. So to see that people acted independently in support was very heartening. And these people represent the larger number of homeowners I hear from all the time who are saying we had a survey in 2010,

we had another one 2012, we had a vote in 2013, when are we going to get started. So thank you for listening to me.

HARTMAN: Thank you Candice. Commissioner Members, any questions? If not, thank you.

STEELMAN: Thank you.

HARTMAN: All right. Is this – the applicant of – is this all you're going to address the Commission? Excuse me.

MANGIAMELE: Mario.

HARTMAN: Mario? I didn't get your first name, I'm sorry.

MANGIAMELE: My apologize, Chair. My first name is Mario.

HARTMAN: Mario.

MANGIAMELE: And I missed your question. I was conversing with staff.

HARTMAN: Is there anything else that you want to say before I open to the public?

MANGIAMELE: Chair through the Commission, at this time no, I just – the closing thoughts is I just would like to remind the Commission that we do believe this is a, again, this is a zoning case and is an amendment to the PAD. We are not changing the base zoning districts, it's going to remain CR-1 and CR-3. It is simply a PAD amendment to allow for an HOA facility and incidental uses to operate – to be developed

and operate on this particular parcel. We do believe this is a compatible land use, we do believe the location is, is a good location for this use. Ideally it would be smack dab in the center of the development, but we are not designing this from square one, so that is off the books. But I do believe that this does further the vision of the Pinal County's Comprehensive Plan and does meet and exceed all the code requirements.

HARTMAN: All right, Mario, I'm going to call to the public, and when I do I'm going to allow the public to speak and then we'll call back to you to make some comments if you so wish to. All right, thank you. Okay, with this I'm going to call to the public and I'm not going to say those opposed first, those for afterwards, it's going to randomly let you come forward. If you've chosen a number of people that you want to speak and whatever, that's up to you, but I'm going to call to the public, and if you would come forward, state your name and address and sign in.

GRUBB: Mr. Chair.

HARTMAN: Mr. Chair.

GRUBB: Could we have a, could we have a ten minute break?

HARTMAN: Pardon.

GRUBB: Mr. Chair, over this way. To your left.

HARTMAN: Oh.

GRUBB: Can we take break?

HARTMAN: All right. Yes, we have a raised for a break. Let's take a ten minute break. Thank you. [Break.] All right. Let's start taking our seats. We have a, we have a long ways to go. Before we, before we have the audience come forward and make their comments, I want to kind of make a comment or two myself. We're going to limit the time, because we're going to have, I know, so many individuals, we're going to have to limit the time to like three minutes, and we'll keep the time and let you know when you're about ready to end your presentation. But I would like to call on our legal to maybe make a comment or two, if you would. Mark, if you want to add anything. And my other thought is don't be repetitive. We, we don't need to hear it over and over. We read your letters, we know what you're going to say and I do have some individuals names that said in their letters that they wanted to speak, but if you have new priorities and really want to speak that's totally up to you. Okay, Mark, comments?

LANGLITZ: Well, Mr. Chair, just maybe reiterate again, the purpose of the public hearing is to allow the public to comment to the Commission on the matter before them. It's not really a question and answer time. If the speaker can raise questions and then at the end if the Chair wants a particular question to be answered, he can ask the proper party to respond to that. It's just a question of typical

protocol in the process and how it works and I know a lot of people if they don't attend public meetings, they're probably not familiar with that, and that's certainly understandable. But again, just to lay out that that's the proper process, the one that most governments follow, so I, I would say that's probably a good idea to do that here, Mr. Chair.

HARTMAN: Thank you, Mark. Thank you public. Let's, let's go on with the show. Anyone who would like to come forward, please come forward, sign in and state your name.

AZANGER: I've already signed in. My name is Richard Azanger and I'm one of the two original owners in that property that back up to the proposal. We've been there for like five years when we could see all the way out to, to Mountain View Road, just about, so that's, that's who I am. I did submit a letter, a personal letter and, and a petition that was emailed and somehow we found out this morning never got it, never saw it, there was a video attached that showed the flooding concerns, Commissioner Salas that you had brought up. Back in July – sorry, I've like a 90 second prepared this but just a – before I start that – because I didn't get the stuff in here that I wanted to show you guys, I wanted to explain it. You guys gotta see this video. You have to see this flood video. That was so bad in July of 2012, it was coming up against the back of our walls. This is flooding on

- where there was dirt, so understand that dirt is like - so the water is like falling all over the place, so when you pave that, when you pave all of that thing, that flood water is just going to go quicker into the direction that it has gone right now, into those washes. I'm telling you this was - you couldn't - you'd have to wear a helmet and do a canoe down there, that's how raging this water was, that's what a good video that I had to show you guys here this morning, and unfortunately it wasn't included in the packet. Okay, but very concerned with that. So the petition, we got together, a couple of us, neighbors live close by and we invited a bunch of people, and we set - we actually made two petitions, one for and one against. So a couple of the neighbors went out in the - we are - I represent the 69 lots that are directly touching this area. We are within 300 feet, most of us, many of us are like a block or so over. So one day a couple of the people went out, two petitions, for or against. They came back - and again that was part of my presentation that Evan has over there, I can hope he can include that and somehow you guys can see this. I had a little map that showed colored which neighbors were against it, which were. I forget the exact numbers. Do you have that handy? I think it was 3, 4 or 4 - I forget exactly the numbers - but 73 percent of the people that signed the petition were absolutely against it. Of the 21 houses that are directly by that wall that are

within 300 feet, 13 of us signed against it. I think you guys have some, something where 21 percent of the people directly affected, you have to go three quarters of the – of your panel has to vote or something like that, you know those rules better than I do, but – so sorry I couldn't show you the petition, but it is there and I'm sorry I couldn't show you the flood videos, but we do have them and I would be happy to send it to any of you if you are interested. A couple of things, Mario I appreciate all the hard work you've done for the last four years. We've met several times. I'm one of – we are obviously against this thing. But a couple of points that Mario had mentioned, you know, the outreach program, the 18 percent, way over anything he's ever experienced. I just want to make sure you guys understand that that was in 2011-2012, the survey, okay. Since then we have had 100s and 100s of people move in. That whole area right there, you know, where most of that is getting pretty filled up now. On the right side of that, which is still fairly empty, K&B is being – is building in there also, so this, this – what was referred to as –

BALMER: Mr. Chair, we have 30 seconds left.

AZANGER: Intercity – inter – so the access point that we went out of our way to make sure that we're not – that because Eduprise requested, we don't have it that way. They brought it on the inside. Nobody ever asked those neighbors

in there, the 300 plus and soon to be many more that are going to be - that's going to be one way in, one way out, at the edge of the community. Most of the traffic in there is going to be vehicular. Most of it is vehicular because we're at the outlying section of the subdivision. Real quick, if I may, just read this and I'll read it fast. I'm here representing myself and the petitioners. I'm asking please, please do not allow this low density rural designation that, that's set forth in the comprehensive plan, updated in 2014. Please do not let this get turned into one giant parking lot. Right now they're telling you these are all conceptual, they moved buildings from here to there because of somebody complaining, none of this is set in stone. This could be - today you could approve this thing and all of a sudden I don't know what they're going to put up. Okay? Very concerned with that. So please maintain the area's current rule designation and deny this request. Those wishing to build recreational, maintenance and operational facilities, have other alternatives more appropriate to than this to do. Somebody else can explain that. We oppose this development because of the traffic, the pollution, the heat, the noise, the congestion, potential for crime that will occur in this outlying section. Further, big point, our homes are about seven feet below the grade. I stand out in my yard today and I watch the cars go by on Roberts. So now they're going to

put in a fence with iron (inaudible) thing, they're going to put in roads, so please I'm asking not to have parking lots, roads, buildings, the down lighting that they're talking about also when we're seven feet lower, they could point that as low as they want. For those of us, we're going to see all of this stuff, so -

HARTMAN: All right. Let's move on. Thank you, because I'm sure somebody will pick up on anything that you have missed.

AZANGER: I did. You didn't get my letter in that package, that's what I'm concerned with, so that's why I wanted to take the minute here, and if I had an extra minute to do that, I would have appreciated that because we did send it in. Those of - those speakers that are going to come up, you have at least the advantage to have seen their letter, you have not seen mine. But thank you for listening.

HARTMAN: Thank you Richard. All right, the next speaker.

BROWN: Morning, Commissioner. My name is Gordon Brown and I live at 1894 West Judd Road in the San Tan Foothills. Have lived there for quite a while. Four years is not a long period of time to be working on things. I'm glad that there's some institutional memory. Chief Grubb was there when that, that - as I said, one of the oldest PADs was formed and understands why it was formed that way that it was.

Commissioner Salas has been around for a long time and he's seen the results of taking somebody's word and so have I. With regards to - we've considered all this and don't you worry our little head about it, we've got everything covered. There are reasons that that PAD was why it was. That - those acre lots around the perimeter showed a different vision. Now going back to comparing that and saying well they got more amenities than Johnson Ranch, well George's vision was different. He wanted a country club lifestyle for a working man. In exchange for those amenities they have narrower streets. They don't have the setback from the Hunt. They don't have the larger lots. What is was a competing product. To come back now when you got different people out there that don't know any of the history and they say we've decided we're getting cheated, we don't have all the amenities. So - and we don't have a place to put them, we're going to put them in exactly the place where it abuts the rural area. The rural people, it's right there in the testimony. We talked to everybody at the HOA meeting. We did a survey at the HOA meeting. Our community. It's not a community, it's a subdivision. If you have San Tan Heights, Johnson Ranch, Copper Basin, all of San Tan Valley, maybe that's a community, including the rural area, and the San Tan Mountain Regional Park which the original vision was that area was going to have trails that would come out of that through that retention area

and get up into the San Tan Mountain Regional Park. That was an amenity. But now when the people started asking me, I said well you know, if you crawl across that ditch that the water's carved and read the sign, it doesn't tell you much. We got to find out what gets posted up. When it got posted up, I got emails that I forwarded to one of them to let people know that I had to come today that said they're talking amphitheaters and aquatic parks. Said you gotta go do something. There's nobody remembers what this thing was all about. People in the subdivisions might move every seven years, people in the rural areas don't. They have long memories. They were there, they were part of this. Some of the Commissioners have bee part of that. Don't, don't forget what this was all about, please.

HARTMAN: Thank you, Gordon. All right, next person. Yes sir. Sign in, did you sign in and then give us your name.

TORRES: My name is Keith McDowell Torres.

HARTMAN: Pardon me, one more time?

TORRES: My name is Keith McDowell Torres. Is this on? I live in - I have two properties in San Tan Heights, and my opposition was not from the very beginning totally against amenities or changing this, mine was they're making it sound like it's the I-10 going into this facility. It's not. It is a single street, two lanes, and my grand - four grandchildren ride their bikes around this street and there's a park. And

you're going to have people drinking, renting the facility. They're going to be coming in and out of this facility for rentals or whatever they want to do, and somebody is going to get hit. It, it really has bothered me since the very beginning. I'm like why can't it go out somewhere else? Why does it have to go down this one street if it is not a main thoroughfare. It is a two-lane street, one each way. The residents - you're talking 4,000 people in and out of this, and there's only one way in and one way out. They made it sound like there were plenty of ways in and out, huh uh. One on Occidental. And all of us that live there are going to be affected by this. Grocery shopping, anything. All I gotta say.

HARTMAN: Thank you. All right. Yes, state your name and then write it down too, please.

BROTHERTON: My name is Sherry Brotherton, I'm already on the list. I already wrote my name.

HARTMAN: Is it Sherry.

BROTHERTON: Sherry, S-H-E-R-R-Y, B-R-O-T-H-E-R-T-O-N, and I appreciate the time, Chairman Hartman and the Commission, and you do have my response and my pictures in your packet. And I'm only going to touch on one item in my letter. Item number 3 where as of February 4th the Coolidge School Board voted to consolidate the students from Mountain Vista Middle School into San Tan Heights Elementary and San

Tan Heights Foothills, and by doing this, the middle school could be sold at fair market value or possibly leased. And I have talked to the school district superintendent, once at the meeting on January 22nd, we had quite a bit of discussion; and then I also met with her on - her and the assistant school superintendent and the business manager for the school district, on February 11th. As of that time, six entities have contacted the school superintendent regarding the use, not all of them want to use all of the facility; they only want to use a part of the facility. Several of the amenities already expressed by Mr. Mangiamele, the chairman of the land development committee, the HOA board – and I am a member of the HOA board for San Tan Heights – already exist at the middle school. It has a gym, it's lit, it's indoors, it can be used. It probably could be also have the exercise equipment added to it. It has a facility already set up for offices, it has a conference room. It has a cafeteria with a kitchen and a stage – a permanent stage, not a portable stage - that the committee has suggested be built at the community center. It is more centrally located. It is at the corner of Mountain Vista Road and San Tan Heights Boulevard. It has softball, baseball and football fields already. More – and it's got 74,000 square feet of building space. The HOA community center that they're proposing will have 88,000 square feet. That's it. By – if the HOA can obtain a lease

or a sale of the property from the school district, it would possibly allow us to sublease the parts of it to a boys and girls club, the YMCA, a daycare, after school program, there's already a physical therapy company that rents out four rooms there for people to bring their kids there for physical therapy instead of driving them down to Phoenix everyday, or every week. So the cost of financing the community center, the area, could be taken up by subleasing it. If the school district – when the school district is not open, like on weekends after the school closes, they lock the gates –

BALMER: 30 seconds, Mr. Chair.

BROTHERTON: You cannot use that facility. You can't use the track, you can't use the baseball fields. We are – what I'm asking the Commission is to not approve the rezoning to go forward at this time. Give the community, specifically the HOA area, San Tan Heights, time to review with the legal possibilities the use of San Tan – the Mountain Vista Middle School by the HOA and suspend this request at least for six months. The school district feels that it would take less than a year for all the details to be worked out, whether it's a lease or sale. If it's a sale, it has to go before the Coolidge school Board homeowners for them to say yes or no. If it's a lease, it could be (inaudible).

BALMER: Time, Mr. Chair.

BROTHERTON: I just thank you for your time.

HARTMAN: Thank you. All right. Next.

GRUBB: Mr. Chair?

HARTMAN: Yes.

GRUBB: I have a question for staff. When we have a building like the school that's zoned whatever it is, what happens when the school no longer owns the property? Is that - I mean they get special dispensation in the zoning to build a school, but can it be turned into a commercial enterprise? Because aren't school properties tax exempt?

ABRAHAM: They are, and they're traditionally exempt from zoning if it's a school district. If a non-governmental use came in, they would have to bring the property up to modern codes. They'd have to do whatever they need to do with it to bring it up to, to meet the zoning ordinance like everybody else would. The use on the property, I'd have to look at the PAD book, but I believe it says school, so they'd have to come in here and do a PAD amendment to change the use from school to open space, McDonalds, what have you.

GRUBB: Okay, thanks.

HARTMAN: Commissioner Grubb, I think -

GRUBB: That's not something we could just do.

HARTMAN: No, like Sherry said, it's going - it'll take some time and that's what she was asking about. But I have seen - there's a modern trend that we do have too many schools and they're looking for other avenues of being able to

utilize those schools for the school district's income, one way or another. So there's some thought behind this. Okay.

GRUBB: And I do, I do understand that, Mr. Chairman, I'm just – I don't want people to think that they – you know, we can snap our fingers or the Board can snap their fingers and suddenly, you know, all these people can move into the school buildings and start these commercial projects, in a building, in a property that's been exempt since the beginning. It's been exempt from zoning, it's been exempt from codes, it's been exempt from a lot of things and, and does not meet the definition of commercial property.

HARTMAN: All right, let's turn it back –

GRUBB: That's my point.

HARTMAN: Let's turn it back to the public. It's time. Okay, sir if you would. Your name – did you write down your name?

B. TORRES: Yes.

HARTMAN: All right.

B. TORRES: My name is Bernabe Torres. Ben.

HARTMAN: Ben, all right.

B. TORRES: I've lived in Pinal County resident and San Tan Height owner since 2006. I moved into San Tan Heights knowing perfectly well that there was no community center and no future plans for one. The exact place I wanted to live. Now the HOA board of directors has changed its directions

years later, purchasing this land without homeowners being notified, nor their input, planning a community center and informing only a select few. A community center is not part of the original San Tan Heights Master planned community. I feel this project will hurt its reputation for being a quaint, quiet, friendly and safe beautiful community to live in. I fear that a community center will diminish this beauty, and take away home values in the immediate area, as well as increase traffic low, also destroying the master plan design to reduce traffic flow. This careless planning will invite accidents and lawsuits to all parties approving this project. The case - this raises red flags on a number of items and issues. Communications, lack of informing homeowners of initial land purchase without a voice, ignoring the in put and opinions of homeowners. Lighting. We purchased our home in San Tan Heights to enjoy the natural aspect of the almost zero light pollution, to enjoy our beautiful San Tan star-filled dark skies. This will destroy our views. Planning. This phase was done with intentional minimal publicity, and as - should not interfere with San Tan Heights select majority of board of directors objective, not including San Tan Heights homeowners. Direct impact. The San Tan Heights board of directors did not consider the immediate neighborhood behind the proposed site and surrounding areas as new residential development continues. The board of directors ignored our

voices, again, not including San Tan Heights homeowners. Noise. A community center with amenities to include an outdoor amphitheater, swimming pools, skate park are all open areas. Noise of skaters, pool splashing, tennis balls and amphitheater is unacceptable and a nuisance to the neighborhood. Again, not including the San Tan Heights homeowners. Misleading homeowners. The manner in which the HOA board of directors has presented this to limited residents for accuracy, true fair input, and review is absent. Calling an open house a meeting when it clearly was not, with the intention to collect (inaudible) and signatures to fulfill the zoning committee's requirements is underhanded in my opinion. Money. Currently there are pressing negligent - negli - neglected issues needing immediate attention and dollars. 20,000 square feet of defective common block wall, for example, in need of immediate replacement. Safety. I have grandchildren to protect. They ride their bikes, play on the grounds. The (inaudible) right off of Occidental Avenue, and the flow of new heavier traffic is a, is a danger to them. Again, select numbers of the San Tan Heights board of directors have refused to hear us. This is my last home purchase, I'm retired. I have no intention of moving until the end of my life. I would like my HOA dollars spent wisely. I respectfully implore you, please, Pinal County Zoning Commission, hear our request. I urge the zoning board to

reject this project.

HARTMAN: Thank you Ben. All right, next person. Your name.

ALLEN: John, John Allen. I live at 3281 North Mildred Lane. We bought our house, took they keys on December 20, 2013. That was in the Meritage section, and that's important because those houses were mostly developed after most of the voting was done and those surveys, because most of the houses weren't in that tract when a lot of that stuff was done. So we really didn't get a voice. And I'm against the rezoning, in case you're wondering. So, we haven't had a big voice and we got kind of a little bit of surprise when this came up. So anyways, on with this. This bullet here, increased traffic and noise with a new road behind our house. We're right on the corner – we bought a big corner lot because of – there was no road behind it. We're concerned with the increase light pollution because our lot is lower than the surrounding area by about seven feet. We're – we can look right across the Roberts Road and see the cars, so we are considerably lower and the lights will shine down on us. We chose the location based on it didn't have the amenities and we figured out HOA fees were going to be lower because of it. We knew that were no amenities in this and we're only there six months out of the year and why pay for amenities that we weren't being used. We paid a premium for that larger lot and

its location, and because there was no green space behind – there was green space behind it and there wasn't any street. And now we're going to be faced with streets on both sides of the house. We could have chose another lot into that area, paid less money, because there was a lot of open lots at the time. So now the HOA wants to repurpose that area and we're going to, you know, be faced with – well, a probably lower value on the house because of that, so you know, it's not something we desire. Just as it was already pointed out, the 18 percent on survey return, I don't, in my opinion, think that's a very high return, and some of the surveys, I think, were done – well never mind. It wasn't very high, and the number one items as was pointed out was not the HOA building itself, it was a pool and picnic areas, and they may never ever happen, that's in future development and I think if the homeowners were – knew that, they may – if it was pointed out to them, they say well we maybe want to do something else instead. At any rate –

BALMER: 30 seconds Mr. Chair.

ALLEN: I think that's all I have and I appreciate the time to talk, so thank you.

HARTMAN: Thank you John. All right, next person. Your name and sign in please.

MOONEY: I signed in already. My name is Karen Mooney.

HARTMAN: Pardon?

MOONEY: My name is Karen Mooney.

HARTMAN: Sharon.

MOONEY: Karen.

HARTMAN: Karen. Thank you.

MOONEY: I moved here in 2009 and learned of the board – that the board had purchased this property, joined the board of directors in 2010. This has been an ongoing project for five years. I have worked with Mario on this and other boards. One point that has been made, and I do feel for the people that have moved into this area that was vacant, builders were very excited that we were going to be building amenities and had been telling people oh, there's a pool coming out. It's more like these are proposed amenities because we knew we had to come before the Commission and get this property possibly rezoned. Things may have changed, I don't know, I'm not sure why the San Tan Heights board of directors should be held responsible for something that a builder did or did not tell a homeowners. There – some people have said that nothing was going to be built behind them, they are eight one acre lots and that is what is potentially be there, eight one acre homes. Just at the end, the ninth lot down was just approved for (inaudible) two story homes with an RV garage in their backyard. So there will be things, if this goes the other way, that could potentially be behind them, so

something will be built there, and I just wanted to bring that point. And the last point is I was shared a copy of the form letter that has been included in your packet. My name is listed at the bottom in a paragraph. Don't need to talk about the topic, but I see that on many. I did not talk to these people so the statement made to my spouse and myself is inaccurate. Thank you.

HARTMAN: Thank you, Karen. All right, next person. All right. Is there anyone else that would like to come before us? If not, we'll close the public portion and move back. Mario, if you would. If you'd like to come forward and make some comments.

MANGIAMELE: Absolutely chair.

HARTMAN: Coming to a vote.

MANGIAMELE: Chair, Members of the Commission, just please keep in mind that I, myself, being a planner, I was hired by a majority of the community to help them facilitate this through because a majority of the community does want to see this developed as an HOA facility with incidental uses. If the majority of the community did not want this, I would not be here, I would be doing something else. I am not here to make any profit off this, I mean I'm a planner just trying to help the community, the HOA, facilitate this through the process, through the rezoning process, circumnavigate it, if you will. In response to some of the concerns that I heard, I

think that I've already addressed a lot of the comments that have been brought up. One thing to note that although we are presenting a conceptual site plan or a conceptual development plan, if you will, any substantial deviation – and this is for the commission as well as the audience – any substantial deviation from that site plan, will need to come back before the Planning Commission for approval. That site plan is adopted as part of the zoning. Yes, we can tweak some stuff here and there, move a building two feet, whatever it may, I don't know what that is, but if there's a – but if the staff cannot determine what we bring forward as part of the specific site plan process, which is kind of the nuts and bolts of the construction documents for the project, if that is not in substantial conformance with an approved development plan as part of the zoning, we need to come back before the Planning Commission to re-seek approval. Addressing some concerns that this is going to be a huge parking lot. Actually it is not, and if I could – probably I should address this when – wrong button here - when Commissioner Salas had brought this question up to me. And in continuing to promote the vision of environmental stewardship, if you look at this – stop, stop – we believe the development of the site is actually minimal use of pavement. We have only provided pavement which is a concern from a funding standpoint, but also from a heat gain standpoint. Minimal use of pavement to where we absolutely

have to, and that is for vehicular parking and vehicular circulation, to the very minimum. Yes, obviously we do have a skate park and a future phase that will be concrete, but other than that the future pavement and concrete areas, those impervious surfaces, are identified as gray. Very minimal throughout this entire development. And you heard today and it's quite unfortunate news, and we heard it here probably within the last week the - from the district, the anticipated closing of Mountain Vista Middle School. You know if that works out for the HOA in the future, great they might be back before you in a year or two years time. I don't know, it'd be great. We - there are also people from the land development committee that have met with, with school officials and there is a lot of uncertainty. I mean the school was just announced to be closed here as of recent. There's a lot of uncertainty what they're, what they're going to do. I mean are they going to repurpose this, or are they going to sell it to a charter to repurpose this as a charter school? Nobody knows, nobody has a magical answer right now, but if that were to work out for the HOA in the future, great. However one thing I like to remind the Commission the whole purchase while we are here today is the PAD amendment to allow the HOA facility to development on Parcel C-13. We're not here to talk about the school. If we are, that might happen in the future, maybe, maybe not, we don't know. And Chair and Members of the

Commission, I just would like you to let everybody know something I neglected in my initial presentation, is that we – we being the San Tan Heights Homeowners Association - are in agreement with staff's recommended conditions of approval and I'd like to conclude my presentation. Obviously, I'm available for any questions the Commission may have.

[Public interruption.]

HARTMAN: No, we actually – pardon me – we actually closed the public portion, so unless Mario wanted you to speak as his special representative with information. All right. Commissioner Salas, Mario is through with his presentation if you wanted to speak to him, go ahead.

SALAS: Refresh me again on that brown area that goes across. Is that going to be development area? Is there going to be homes on there? Or is that going to be just bare or what?

MANGIAMELE: These – this wide area with the black lines, these are what were referenced by some of the homeowners, is these are the Meritage Homes that was developed in here. Actually some of these lots here have been existing with homes on it for quite a few years. Meritage bought the remaining portions (inaudible). This brown area, you see the little kind of dots here, these are representing the trees within this area. This is the existing retention basin that surrounds the eight one acre lots. We are – the only place we

are encroaching into that is the potential future development of a amphitheater which would be in the retention basin, as well as we are also looking at proposing to extend Occidental Road, a street through the retention basin.

SALAS: That would be paved area, right?

MANGIAMELE: That's correct. And our preliminary studies have analyzed this and addressed the retention and drainage needs as a result of encroaching that road into that existing - or across this retention area. But this is all existing retention around here. We do not plan on impacting it, we actually plan on adding additional retention and drainage areas throughout this site. I mean the dog park, if that is developed, that will also serve as another retention basin.

SALAS: But my concern is again with the flooding area where that brown area is, and you've got paved area right next to it, if you have a heavy rain that's going to wash out your pavement. It will undercut it and it'll be gone.

MANGIAMELE: Point well taken.

SALAS: That's something you should consider.

MANGIAMELE: Absolutely.

HARTMAN: Mario, let me, let me go to our staff. Lester is bringing his microphone over. He knew I was going to call on him. Lester, comments.

CHOW: Well it's kind of like any other community

where you have a road next to a retention basin. The basins are design to hold the water and not to impact the adjacent roadways. For this project, our flood control section will look at the existing drainage reports that we use, they will look at existing conditions as far as the flooding that has been mentioned, and that will all be taken into consideration to make sure that this project addresses that so it doesn't adversely affect any neighboring properties.

HARTMAN: Thank you, Lester. Gutierrez, comment? No. Okay. Smyres.

SMYRES: Mario, if I understand it correctly, the graphic that's up there now, all gray area at this point is not paved, is that true?

MANGIAMELE: Commissioner, through the Chair that is - well with the exception, Occidental Road currently curves into this subdivision right now, so this small area of gray is paved, the remainder of this area is not paved.

SMYRES: Okay. Should this project go forth and what we see is gray would be paved to accommodate that, however, if this project is not forwarded, then we're still going to be building eight houses down there, you're still going to have to bring that road in and pave that portion of it, is that correct?

MANGIAMELE: Commissioner through the Chair, if I may answer that, if this property does not - or this does not

– rezoning does move forward with an affirmative action ultimately led by the Board of Supervisors, Occidental Road will most likely stay in its current nature, which curves into the subdivision here. This will go away, these – the homeowners association will need to consider what are going to reconsider what are we going to do with those eight one acre lots. So mostly likely you will have driveways coming off of Roberts Road into these homes if the property is reverted back to this existing and approved use of single family residential. Does that answer your question?

SMYRES: Yes it does. The only – should the project go forward, then you would be paving the parking lots around the office area and all that, which would take the place of where the eight lots are now, and definitely if you pave it, you're going to get more runoff in and less absorption into the retention areas.

MANGIAMELE: And Commissioner through the Chair and that has been accounted for in our preliminary drainage analysis, absolutely. I can just eyeball on that, my guess is if this is to develop as eight single family lots, there are cases where you might have even have more pavement with the actual individual residential lots. Depends on what that owner wants to do with their lot.

SMYRES: A couple other quick questions, and it may or may not be something you're familiar with. We have some

rather graphic pictures in our packet of flooding down on –

MANGIAMELE: May I look at that picture, because the pictures I saw are not of this site. They are from an area –

SMYRES: That's what I'm trying to get at is – may I show him?

HARTMAN: Yeah, go ahead.

MANGIAMELE: Because some of the pictures I saw – okay, now that is the exact corner. But there are some other photos included in your packet that were found to be – and that is actually the intersection, thank you. There are some other photos included, I believe, in one of the opposition letters that were areas that were further away, way further from the site.

SMYRES: Is this photo like this, is that close to this retention area?

MANGIAMELE: That is right at the immediate intersection corner, I believe, because that is the stop sign that got over from – and I'd have to refer to staff – was that the actual 500 year storm that came through here?

SMYRES: And do we know, is this caused from the retention area overflowing, or water diverted around it some way?

MANGIAMELE: Commissioner, through the Chair, it's my understanding that what – and again, I am not the engineer, but it's my understanding is that there is – during the last

major storm event, the major storm event which I was just asking staff if that was the 500 year event – that sheet flooding – that sheet flow came acrossed Thompson Road in all areas, and in this particular came across here where there's some – there's not a lot of improvements to the south or on the other side of Thompson, so that water just came unimpeded across here and did some washout at our corner, due to the lack of improvements on – around that entire intersection.

SMYRES: At this point who maintains these – who maintains these retention areas all along Thompson Road and all that? Does anybody really take care of them or they're just –

MANGIAMELE: That would be - without having the CC&Rs affirming, my best assumption is the maintenance of those HOA tracts would be to the homeowners association. If those are truly HOA tracts that run up Thompson further north and along Roberts. And this is a retention basin tract also should be maintained by the homeowners association currently.

SMYRES: I guess part of my question is do we know are they maintaining them now, or could some of this flooding have been prevented if those were properly maintained?

SALAS: They don't exist, those retention.

SMYRES: They do not exist at this point?

MANGIAMELE: The retention basins exist around this entire site. If I go back – that's part of the problem that

we are faced with, and that is what our civil engineer has looked at. Let me get back to - that last major storm event, and again I'm not a civil engineer – it was coming down off the mountain to our west here, the San Tan Regional Park, coming across this entire area, across Thompson Road. As it exists now, along Thompson on the east side of Thompson, there is a, quite a large drainage swale if you will, that is used to convey water used to retain, as well as convey water, as well as there is a swale used to contain and convey water further east along Roberts. This area – it's kind of hard to see in this graphic unless I blow up – but these are the two lots – you can see a bunch of dumping there, illegal dumping – these are the other, I believe six lots here that actually do have drainage swales in between the lots going back to the existing retention basin along the north side of this parcel, between this parcel and the residential homes. So yes, there is – this site back when it was developed was initially graded and landscaped to a certain extent for drainage around this entire site, when they developed these PAD sites for the residential homes. So retention basins do exist out there now. Will they be improved? Yes, they will be improved as part of any sort of site plan development of this projected.

SMYRES: But there is potential of more, of another paved street in there, based on your plans for this project.

MANGIAMELE: Correct, you can see –

SMYRES: (Inaudible), but there will be more paving. Thank you, that's I was getting at.

HARTMAN: All right, Commissioner Salas.

SALAS: My comment is that if the retention basins exist, they didn't do a very good job, did they. The obviously need a lot of improvement, because that's what I'm asking - questioning if they were there because (inaudible) didn't do very much good with the last rainfall that they had.

GRUBB: Mr. Chair, to your left.

HARTMAN: Okay.

GRUBB: To your left.

HARTMAN: Commissioner Grubb.

GRUBB: I appreciate Commissioner Salas' comments and the flooding issue. It was an extraordinary storm, but retention basin construction by the developers is to retain the water that falls on their land. This water came from the mountains. You cannot hold Mr. Smith and the other owners of this property responsible for the rain that comes off the mountain. You know, it was addressed in their general plan, it was addressed in their development plan, how they were going to deal with some of this water, but they're not responsible for all of water that comes off of that mountain. We can't hold them responsible or 50 percent of the subdivision would be a retention basin. So, you know, blaming the HOA because an extraordinary storm dumped water is like,

you know, holding you responsible because the neighbor's dog goes in your property. It's not your fault that the dog came and did his business on your property. It, it, it's – you know, so you can't hold them accountable for that.

SALAS: Well I'm not –

GRUBB: You're saying that, you're saying that the retention basin didn't do its job, the water that fell on that property went down their swales and down through the subdivision and out into the –into the retention basins where it was supposed to go.

HARTMAN: Okay, Commissioner Grubb, let's go ahead with Mario and address your questions to Mario. Commission Members? If no more questions, thank you. Now, let's turn it back to the Commission amongst the Commission Members of any problems that you have heard that you might think that we as Commission Members need addressing to understand what has happened.

GRUBB: Then I will, then I will continue in at this point in this subdivision, this southwest corner where this starts, is the highest point in the subdivision, unless you go around and go up by the water tank over off of Gary Road. But as you look at the property from this corner of Thompson and Roberts, you're looking downhill through the subdivision, downhill into Johnson Ranch, downhill across the street into Morning Sun Farms, so this is the high point of the property,

not the low point. This is not where the water's ending, this where the water begins. So anything that fell on this property left a long time ago. This is the residual water coming off of the San Tans and coming out of the foothills that, that's the problem here. So if, if developing this land, one way or another, improves the flow of water across the property, then that's a responsible management in doing their part in flood control. But let's not hold this project accountable for the San Tan Regional Park's flooding.

SALAS: I'm saying that -

HARTMAN: Commissioner Salas.

SALAS: That they're not accountable for any rainfall that falls, and you don't know where it's going to come from, so you gotta have some kind of resources that are going to help the citizens of that particular neighborhood and that's all I'm saying. I'm not saying that the HOA is responsible, they didn't call for the rain, it was an unusual rain, but it's not going to be the only unusual rain that comes around.

GRUBB: And understood, and I appreciate the fact, but what was done for this property was done according to the requirements set on the developer at the time this project was developed 15 years ago.

SALAS: Obviously not well enough.

GRUBB: Well then shame on you.

SALAS: Shame on your engineers or whoever.

??: Lester wasn't here back then.

HARTMAN: Let's just don't go back and forth.

MORITZ: Mr. Chair.

SALAS: I want to say that the whole area is flood area, I don't care where you live.

GRUBB: That is true.

SALAS: Okay?

GRUBB: Yep.

SALAS: And those are one of the things that you have to look at when you're building in this Valley and you give extra attention to some of these areas that may be lower than the other flood areas. That's all I'm saying.

GRUBB: And again, I appreciate that and I, and your stewardship of the land is noted.

HARTMAN: And let's remember, this could have been a 500 year event, and if it is, that's about as far as we really go (inaudible) 500 year event, and if there was no more flooding than maybe the shoulder of the road being washed away a little bit or whatever, and some stop signs knocked down, then I think the residents of San Tan Heights are very fortunate because other areas did see flooding of homes and whatever. So, with that comment, Commission Members any – yes, Commissioner Pucket.

PUTRICK: It seems to me that the flooding issue

exists as it is, whether or not this development goes through. It seems to me also that if this does not go through, that, that it would revert to building eight homes there. Those homes could be, as was said, could be two story homes, so all of those things that, that, that were complained about, impact to view, is there no matter what happens. The flooding is there, no matter what happens. This – anything that's done along that strip is an improvement based on the pictures, the photographs that we've seen in our brief, and so it seems to be that we need, we need to go back and address this rezoning for this development and, and make our decision based on that. Thank you.

HARTMAN: All right.

MORITZ: Mr. Chairman.

HARTMAN: Commissioner Moritz.

MORITZ: This is a difficult one. I live in a community of about 1100 homes and we have a rec center that is used by the, I would say the minority of the people in that community because a lot of people have their own pools in their backyards. But it's simply a pool. Around the pool there are tables that you can have lunch at and whatever, and then a couple of picnic tables and ramadas and it's very lovely and it has grass in it and they maintain it beautifully. So I am a proponent of having amenities within a subdivision complex for its residents and it's a very big draw

for a lot of people because they look for that so they don't have to build their own pools and maintain those. It's not used by the majority of those residents, but it's available to them. This particular instance, it appears that the amenities that are proposed are possible is somewhat overzealous in my mind. It's almost like an amusement park, rather than a community center. I would suggest that the HOA - and I've also been on the - worked with the board and been a member of a committee for our HOA for five years; what I suggest strongly is that you review the possibility of the school, whether that be a lease or a purchase basis, and the cost that it would, would be incurred by upgrading it to the required zoning requirements at this point, see what that would cost, it's an existing building. Why let it go to waste? And then review and determine what you really want to do with this amusement park area rather than a community center. That's my, my suggestion. Thank you.

HARTMAN: Okay, Commissioners? Mary Aguirre? Nope? My, my only thought is that I'm kind of excited about the thought of maybe the school property. Now I don't know what the feasibility is and I know that we're not seeing a lot of conversion of school properties for public use, but this is public, it's there, it's designed for traffic, it's designed for playgrounds and so personally I'm thinking that maybe the school site property might have some validity. With that,

Commission Members, any other comments? Commissioner Gutierrez.

GUTIERREZ: Mr. Chairman, although there's options that the HOA may consider and the residential area may consider, you know, this is a Planning and Zoning case, so I mean I think we need to focus on the fact that what the request is and follow through on that. Whether or not it's good for the community, you know, I mean that's – that always has a – it's critical, but it is a Planning and Zoning situation and stuff, so I think we need to focus on that.

HARTMAN: Exactly. Commission Members? Any further comment? If not, I want to, I want to thank the public for their well mannered presentation. It, it – it's been enjoyable to listen to everybody speak, either the homeowners or the home individuals that have homes there. Very knowledgeable and wish you the very best of luck. With that, I'm going to turn back to the Commission for a motion, if you would.

SALAS: I so move.

HARTMAN: Move what?

SALAS: For a motion, you called for a motion.

HARTMAN: Give me a motion then.

SALAS: Okay. I move that PZ-PD-016-14 be forwarded to the Board of Supervisors with a negative recommendation.

HARTMAN: All right, do I have a second to that

motion?

MORITZ: I second that.

HARTMAN: Commissioner Moritz seconds the motion. Any discussion on the motion, Commission Members? If not, I'm going to call for a roll call vote. Steve, you knew that was coming.

ABRAHAM: Okay, this is a motion to recommend denial to the Board of Supervisors. Commissioner Putrick.

PUTRICK: Yay.

ABRAHAM: Commissioner Grubb.

GRUBB: No.

ABRAHAM: Commissioner Moritz.

MORITZ: Yes.

ABRAHAM: Commissioner Salas.

SALAS: Yes.

ABRAHAM: Commissioner Smyres.

SMYRES: Yes.

ABRAHAM: Commissioner Del Cotto.

DEL COTTO: No.

ABRAHAM: Commissioner Gutierrez.

GUTIERREZ: No.

ABRAHAM: Commissioner Aguirre-Vogler.

AGUIRRE-VOGLER: No.

ABRAHAM: And Chairman Hartman.

HARTMAN: Yes.

ABRAHAM: One, two, three, four, five. Five in favor and four to four – motion carries.

HARTMAN: All right. You've heard this recommendation from the Planning and Zoning Commission. It's a recommendation to the Board of Supervisors for a denial. A 5 to 4 vote. All right. Thank you public. And applicant.

ABRAHAM: Mr. Chair, while everyone's taken out, or leaving, in – sorry, I didn't say that right. While folks are dispersing, with due respect to the State senator, he wanted to have some comments on the next case, so we were going to – Mark is going to see if he's still here and then what we'll do is move the public hearing on that case. He did leave? Okay, hold on just a second. What we can do is move the public hearing in front of the staff presentation so he can say his words, and then we can move forward as we normally do with the case.

HARTMAN: Okay, now is our, is our lunch here?

ABRAHAM: And yes, your lunch is here. It is, yes.

HARTMAN: All right, then Steve?

ABRAHAM: Mr. Chair, why don't we just get going with our presentation, and then you can always recess in the middle of it, or if in case Mr. Farnsworth is not present, we can just break for lunch and Evan can conclude after that.

HARTMAN: Okay. Let's – Steve if you would, let's move onto case PZ-013-14, item number 6.

ABRAHAM: That's also Evan's. He drew the short straw this month.

BALMER: Okay, Mr. Chairman, Members of the Commission. This is case PZ-013-14. The proposal is for approval of a zone change from CB-1 to C-3. The property is roughly eight acres, it's currently zoned CB-1. I received no letters in support or opposition with this case. The subject property is on the northeast corner of Ocotillo and Meridian. The applicant - applicants are Charles and Pamela Vowell and the agent is Brian Vowell. Here's the subject property on the County map. We're located in the San Tan Valley area. The surrounding zonings, it's SR suburban ranch to the south, a little bit of GR east of the subject property, and Ironwood Crossings is actually located a little farther to the east. The Comprehensive Plan designation on this property is moderate-low density residential, that's up to 3.5 dwelling units an acre. There's also a noise sensitive overlay on the property, and that has to do with the flight patterns out of Williams Gateway. Again the existing zoning on the property is CB-1. As I mentioned before, there's some suburban ranch to the south and the parcel just to the north is actually zoned industrial. Here's an aerial photo of the site. There is - the applicants did a survey of the site, which kind of gives - there's quite a few things going on at the sites and this kind of gives you an overall of the permanent structures.

The applicant's site plan. Photos were taken at the location off of Ocotillo. This is north into the subject property. South across Ocotillo. This is east. And this is west along Ocotillo. I also took some pictures of some of the different uses within the property there. There's a barber shop. There's a landscaping company on the site that actually got an SUP a few years back to operate there at the landscaping company there, and this is the office located on the site. There's a mechanic who also - there's some truck storage that goes on there also. This is an old cotton gin kind of in the middle of the property there. It houses commercial, the Rodeo Hard business, which also does U-Haul truck rentals. Some of the trailers out front there. This is looking north by the Rodeo Hard building down Meridian there. So there are eight stipulations with this case. And then just to kind of encapsulate what's going on with this site, it was zoned CB-1 to operate a lighting business in 2000. Since then some of the uses have changed at the site. There are a number of uses on the site, one of which is a farmers market which operates seasonally on the weekends. There was a code case started with the farmers market which kind of prompted staff to kind of look at the overall site, and there were a few different uses on the site that don't comply with the current zoning. So we spoke with the applicant about rezoning their property to a designation that would allow some of these different

uses. So in a nutshell, that's kind of the history of this site, because here are quite a few things going on there, and that kind of brings us up to where we are at currently. I'll be happy to answer any questions that you may have for me.

HARTMAN: Commissioner Salas.

SALAS: Were there any fines issued to the people that were not in compliance?

BALMER: I'm sorry?

SALAS: Were there any fines to those people that were not in compliance to begin with?

BALMER: There were no fines. We – it was a citation with kind of a caveat that there are issues on the site that we need to work towards rectifying. As long as they were working towards that, we didn't go down the –

SALAS: So this request comes with a request from you guys, right?

BALMER: It was an option for the property-owner. The other option would be to bring the current uses on the site in line with the zoning. And the, the big issue was that the CB-1 zone doesn't allow outdoor uses, so all of the commercial uses and everything like that need to within the building.

SALAS: So are the businesses there related more or less, the business connections. Not in ownership but I mean you know the horses related to some of the business that, you

know.

BALMER: I'll let the applicant maybe address that a little, a little better than I can. To my knowledge, they are not related.

SALAS: Okay, so the guy isn't selling saddles on the side, (inaudible) horses (inaudible) on the other side.

BALMER: Right, right.

SALAS: Okay, thank you.

HARTMAN: Commission Members, any other questions of Evan? If not, I'll gladly call the applicant to come forward and if you'll state your name and address. Write your address and everything down there if you haven't already. And is this Brian?

B. VOWELL: Yes, I'm Brian.

HARTMAN: All right.

B. VOWELL: Okay, thank you Chairman and Commissioners. My name is Brian Vowell, I'm here representing my, my parents, Pam and Chuck Vowell. There are property that we - that my family's had out there, again we bought it in '99 or 2000. The original purpose of that property was a lighting company that at that time was my family's business. We operated that business out of there for some time. Geographic reasons and whatnot, business declined and we ended up relocating the lighting company and then the property had several dwellings on it that people expressed interest in, you

know, leasing from us over the years and what not, and so over time the property had evolved from a lighting company, which was our personal company, to being basically a, you know, a multitenant parcel with different people doing different things, just you know, to Commissioner Salas' question, completely unrelated, just all independent business people operating their, whatever businesses would fit – they felt would fit in those buildings on our property. We, we got the complaint from Pinal County after the farmers market had been launched by one of our tenants, which that, you know, it was a great community outcry, everybody wanted the farmers markets according to – and after – I'll let Carrie, she has a little more information on the steps that they went through - but at some point to my understanding they had spoken with somebody at the County and gotten the unwritten blessing that it was okay to have a farmers market there, but I don't – you know, we don't have any official approvals on paper or anything, so, so anyways they went through with the farmers market, operated the farmers market and then within the first few weeks we had the complaint. Once Pinal County brought that complaint to us to – to my parents and the property owners – then we started this whole process of, you know, what's illegal, what's not illegal. We didn't realize that you, you know, couldn't conduct any business outside of the confined walls, which is a pretty limiting factor if it's an enforced law on any

commercial property. You know there are plenty of other nearby businesses that do exactly what we do. There's a, you know, like a Dunkin Donuts down the street that you can buy donuts and sit outside on the patio and eat your donut and drink your coffee, which was one of the, one of the zoning violations for Jim's Burrito Shop. They, they put a, you know, they put up a little patio and put some tables out so people could choose to eat their burritos outside on the patio versus inside the restaurant, and that was one of the violations cited. Then there was the farmers market, of course, and then the U-Haul trucks apparently were a violation; so there were just – you know, we go through it and there was all these little violations that each, apparently, each individual violation in and of itself is not a, is not a big deal but when you put it altogether, we have, you know, quite a few tenants out of, out of zoning. So our purpose here today is, you know, we're, we're an Arizona native family. Me and my family's been in the east valley our entire lives. We just want to bring our property in conformance, let our tenants operate, still have viable businesses and do everything that we can to satisfy the, the zoning requirements without breaking the bank of, you know, a small business person because even – because we are small business people ourselves in leasing the property. So – and you know, the charm of this property is it has the Anderson-Clayton cotton

gin that was put up back in the 30s or 40s, I don't remember exactly what year it was. You know, we always wanted to – our goal has always been to keep the, the country look to that property that's part of the whole lure of this – you know, that whole part of the valley is, you know, it's one of the few places left that still has that country charm to it. So we didn't want to have a great big development. We were approached to do that. We turned down several of those things because it was – it's a good income source for my parents, they rely on that and we just, you know, we just always wanted to keep it that small close-knit country charm style property and business. So, you know, without dragging this out, you know, I really don't have a ton to say. We just want to try to comply as much as we can. We're not looking to change anything on the property. We're not looking to sell the property. We're not looking to, you know, put up a multi-million dollar development. Our sole purpose here today is to let our tenants operate the businesses that they currently have so it doesn't hinder them, which in turn doesn't hinder us. And just to – and also for the longevity of the property, if we can achieve the C-3 zoning, that'll make it a little bit – that will make the future life of this property a lot better, it'll attract better tenants over time, make sure that it stays leased out and it doesn't become vacant and become an eyesore and become a financial burden for anybody to take care

of this. The senator – Senator Farnsworth came to speak on our behalf here today, unfortunately the previous case took a lot longer than he had to wait, and he had to get to his other business, so we, we really appreciate him coming, but unfortunately he didn't get to come up and talk on our behalf. I know he's a great supporter of the farmers market, he's a great supporter of the small business. You know, we're not doing anything crazy or, you know, nobody's criminals out there, we're all just small business people trying to make a living. So we just want to try to achieve this C-3 zoning so we can move forward and not be in violation anymore.

HARTMAN: Very good. Okay, Commission Members. Questions?

AGUIRRE-VOGLER: Question.

HARTMAN: Mary Aguirre-Vogler.

AGUIRRE-VOGLER: You know, I see all these stipulations that are going to be very costly, and I just wonder if an SUP would have worked out better or something, because, you know, this was a rural community, county, at one time and with all of these stipulations on here it just pushes out all the small businesses and it's just going to be a very expensive project for these people, and I'm just wondering if there was any other way to do this.

HARTMAN: Is that question directed to Evan?

AGUIRRE-VOGLER: (inaudible) staff. Because I'm

looking at all the things that have to be done and we're forgetting where we came from and where we're going, I guess.

ABRAHAM: Mr. Chair, I'll field that one. With the current configuration of the property, there may have to be multiple SUPs that would have to be applied for and approved and a key component of this proposal is that it's going to be at the intersection of two (inaudible) roads, which are designed to be major thoroughfares throughout the County. And a lot of times when it – development comes to an area, there are parcels that are not included in modern development and are left out or not included, or just – folks just didn't want to sell. This is one of those types of pieces where if you're driving down Combs is it, or Ocotillo? Ocotillo, I'm sorry. You know, you're going from the intersection at Gantzel which is fully improved at this point. You've got Ironwood Crossings, you've got some curved gutter modern standard, and then you hit this property which is not built to a modern standard, part of this zoning approval is to help the Vowells move forward with their land use plans and attach some modern development stipulations to this property if it were to be developed in the future. Any, any change in use or additional uses would require property improvements, and those are essential to, you know, (inaudible) development.

AGUIRRE-VOGLER: My, my – here's what I wanted to know. A drainage report. The – I believe there was traffic

analysis. Just these things that are going to cost a lot of money for a small business and I just – I realize that we want to be modern and everything, but we want to retain a sense of community like we used to be, maybe sometimes too. You know, that was an old cotton gin and I realize – I saw the pictures, I know it does look like a conglomeration of lots of stuff, but like he did make a point, Dunkin Donuts let people sit outside and you're not letting that taquito or whatever is going to be sitting outside. I mean some people want to sit outside. So I just – I'm just trying to figure out a way here with somebody's help to, you know, to kind of keep it, keep it rural looking. I realize it does look like it used to look around Pinal County a long time ago, but I'm just trying to kind of help out some small business people.

B. VOWELL: If I, if I can comment? Could I comment a little?

AGUIRRE-VOGLER: Sure.

B. VOWELL: You know we, we understand the need to go to the C-3 zoning, and we understand there are going to be improvements that have to be made, although I 100 percent agree with you, that – and I've expressed this to Evan, you know, a few times, that although we want to go for this zoning – and the C-3 zoning would be best for the property in the long run because the only downfall of the SUPs is that we get an SUP for one individual business, and then that individual

business leaves, and then the next guy has to get an SUP as well, which is possible. But if we could achieve the C-3 zoning, that is going to make that property just a more viable piece from here on out, and to where we can have, you know, attract, you know, different tenants when its needed, better tenants when its needed. Maybe somebody will want to put up a - something bigger and better on there, one of our tenants, and we can work it out with them. So over time I believe if we achieve this zoning, the property will naturally, will naturally improve itself, with, with, you know, without breaking any individual business at any individual moment. You know, I would appreciate, you know, obviously we're here because we want the zoning for the future of the property. We would, we would very much appreciate the improvements to be as non-financially impactable as possible. I do understand that Queen Creek is - already has plans to put a light in at Ocotillo and Meridian, or Moyer whatever you want to call it - it's one way, one the other - but they already have a plan to do that, to put in the light, put in turn lanes, put in all those things. From what I understood, I haven't seen the plans but from my understanding the City of Queen Creek is already planning on doing that at that intersection, so that in itself would improve the egress and ingress of the property and whatnot. But there are a lot of different ways to develop a property and make it look nicer, if you will, while still

maintaining the country charm, other than doing, you know, blacktop and curbs and gutters, you know. There's all types of landscaping, there's all types of, you know, grading this in, grading that out, putting in some better driveways, but using natural materials that would more mirror the country charm of the property that's there and not making it a completely modern cookie-cutter development just like you see everywhere else.

HARTMAN: Very good. Commissioner Salas.

SALAS: Does anybody sell alcohol on the premises?

B. VOWELL: No sir.

SALAS: Nobody, huh?

B. VOWELL: No sir. That is not in our future plans. We don't – something we don't really want.

SALAS: (Inaudible) eat some burritos with a cold beer down there.

B. VOWELL: Yeah? As far as, as far as I know nobody sells alcohol on the site. Not to our knowledge.

SALAS: Thank you.

HARTMAN: All right. Commissioner Smyres.

SMYRES: You purchased the property roughly in 2000?

B. VOWELL: Yeah, it was –

C. VOWELL: 1997.

B. VOWELL: Yeah, it was –

SMYRES: Were all the structures on the property at

the time you purchased it?

B. VOWELL: Yes sir.

AGUIRRE-VOGLER: (Inaudible).

B. VOWELL: The only, the only – I'm sorry, the only structure that was not there was the one mechanic's shed that they show, was when Rural Metro Fire at one time was one of the tenants on the property, they put that to park their fire trucks underneath, and one of our tenants picked it up and moved it, and that's the mechanic's shed now, so that structure is – was not there. The portable office for the landscape materials company, that was not there, but that's like one of those Mobile-Mini office buildings. Everything else was, was an existing structure.

SMYRES: My question, really, is about the mechanic's shed.

B. VOWELL: Yes.

SMYRES: According to the aerials, the aerial photo and the (inaudible), that mechanic's shed appears to be encroaching on the property.

B. VOWELL: That was –

SMYRES: Are they extending over into the right-of-way for Meridian Road.

B. VOWELL: Well, that was just brought to our attention. We didn't realize that that was the case until we started through this process. Evan brought that to my

attention. Now there is a – there's a strip on that side of the property and the other side of the property that is an easement, that is an easement – a deeded easement for the property. Now we're having a little bit of a – we have to figure out exactly what's going on with that, whether we actually own that easement or if it's owned by a company called Meridian 40, but either way, it's a deeded easement for the property and we would be more than willing to either remove that shed or pull it within the guidelines. You know, that, that thing was kind of done overnight by one of our tenants and we actually didn't have any knowledge of it until it was already moved.

SMYRES: Well it – when you said it was picked up and moved over there, relieved part of my concern, because I was thinking if we have to move that, it's going to be very expensive, but since you moved it – since it was moved there, it possibly could be moved –

B. VOWELL: Absolutely.

SMYRES: Over a few feet without a tremendous expense.

B. VOWELL: And we've already, we've already addressed that with our tenant and told him that if that's the case –

SMYRES: I looked at that and I thought could be very expensive.

B. VOWELL: Yeah, we already addressed that with them because they did move it without our permission – well I guess, I shouldn't say without our permission, they didn't – we didn't get final say on the placement and we just went out there and it was up, so that was one of those here it is.

SMYRES: Thank you.

HARTMAN: All right, Commission Members? Any further questions?

MORITZ: Mr. Chairman?

HARTMAN: Commissioner Moritz.

MORITZ: Well I just want to compliment you on your, on your presentation. It's articulate, you have all the information. I think it's –

B. VOWELL: I didn't prepare anything, I just talked.

MORITZ: Well, you're very good at it, then. And I think it's admirable that you want to be progressive. I love the cotton mill or whatever that building is, the corrugated; it's so charming, so much of the past, but as we all know there are government regulations and there are things to help you be more productive and have more income on that property. I just wanted to say that I really appreciate what you're doing here.

B. VOWELL: Thank you very much, and we really, we really tried over the years to keep it – and I know it can

look a little cluttered, but if you go back to the roots of Queen Creek, you know, my dad farmed this area when he was a kid, I've been born and raised here, that's, that's Queen Creek, you know? It's, it's just – it's rural. It's – we've always tried to keep that, that look to it – and even the businesses on the property, we've always been very selective. We've had a lot of people want to do a lot of really crazy things on that property over the years and, you know, we have – we're people of morals and if we don't feel that it's something that we would want to see next to our house, we don't let it go on the property.

HARTMAN: All right, Commissioner Grubb.

GRUBB: Yes, thank you. And thank you Brian, for the presentation, very good. Five years ago I stood in front of this Commission and asked for permission to put one of the buildings on this property working with Charles, and, and I put the – under a special use permit, the fire station, the temporary fire station that was there for a couple of years and has now moved. My experience with the Vowells has been nothing but positive. They are exceptional people and we worked very well together in doing what needed to be done in that period of time and this is a significant piece of property as we move forward. It has some historic value. But it also sits at a major intersection that's coming. You know, they're already building the exit off the 60 in preparation

for the road that will cut right next to this property and intersect by the railroad and, and Rittenhouse. And it's coming, and so I think that it's, it's right for this to be a C-3 property as that future comes along so that, you know, when the time is right if the family does choose to sell the property, that, you know, that it's set for what it needs to be and that's a huge commercial corner. But, you know, I think that we should push this through because of the issues with the farmers market and those things that, that they immediately responded to those challenges by filing to do this process. And, and I'm in support of this.

DEL COTTO: And if I could, Mary had made the suggestion and as a small businessman myself, I know that they are always hurdles that you have to try to get over, and I would, I would just encourage us to try to find some kind of happy medium in regards to maybe all of that could have been gutter and what Queen Creek may have looked like 50 years ago, and if we can even transition you maybe into the future where you have to do some more of those major, major things to comply with the way the County wants to look in the future, but also try to retain some of that old, old feel, and, and, and kind of make it a bit more palatable for you and your family, I think is a great move, or great, great stride.

B. VOWELL: And do your – you know, to the Board's point, you know, we don't, we don't not want to – we don't

want to not improve the property, we want to make the property a better piece of property, and like I said, you know, look at the future of the property and we understand that in the – with future, you know, you have to do things as they come along, and you know, with the property getting the C-3 zoning, that'll put us in the position to maybe get a few better tenants or, you know, maybe somebody will want to come in there and develop a little bit of that, and that point when those things happen, you know, then we can build some of those costs into that without disabling the people that are there, versus – and disabling, you know, my parent's income at this point. I just think that it – there's gotta be a way to achieve the zoning and let the property – you know, obviously there's going be some things that need to be done and we're okay with that, but I think that just giving the property the zoning itself, doing the, I guess if you want to say the bare minimum, for lack of a better words, to get us up and running and in compliance as soon as possible, then I think just with a little bit of, a little bit of natural attrition and time, the property will improve itself just because we, we take – we have a lot of pride in that property, you know, we – it's our property, and it's – and you know, it's my parents' – it's their livelihoods. When they're – when my parents are gone, I fully intend on keeping that property and, you know, me and my family – me and my brother fully intend on keeping it a very

nice piece and just obviously we'll have to adapt to the times, but we'll adapt to what needs to be done when it's, when it's feasible and when it's necessary, I guess, is what we would request.

DEL COTTO: One of the questions that I would have for the County is do we have any kind of alternative road design or entrance or egress stuff in place that, that lends itself more to that rural lifestyle versus brick and mortar and curb and gutter, and is there any way to transition, if they do some curb and gutter, can they, can they, can they get by with what they need, possibly, for their main entrance now and as they grow and as they develop and more things start to happen at this particular location, that they, that they maybe can kind of grow into the big, the big picture, if you would.

CHOW: Chair Hartman, Commissioner Del Cotto, if you look at the stipulations, you know, one of the concerns we have is as Ocotillo gets more and more traffic because of development to the east and to the west, you're going to have a lot more vehicles on that road. Looking at their site as it currently is today, anyone can pull off Ocotillo, can pull on Ocotillo at any part along their southern boundary. Safety-wise we're trying to centralize those entrances because as traffic, you know, increases, those would be more conflicts with (inaudible), so that's our main concern for the stipulations. The stipulations are written for the right-of-

way and for the road improvements as, as approved by the County engineer. The reason why I put that in there was to allow the case to move forward, but still have that stipulation, let the applicant come into the County to discuss with us some alternative means. If, if I didn't put that in there, they would have to do that from day one. So I put that in there to allow them to come into us, let's discuss some alternatives, because I do understand their situation, but also to – we have – we as – for the right-of-way, have to look at if this gets the zoning of C-3, and this property sells, goes to a different ownership, that zoning's already there and if I don't have the right-of-way stipulation on there, we don't get any right-of-way. And if they develop it as a large Fry's center, or you know, like we had down the road, I can't – the zoning's already in place and there's no possible way to get the zoning, or the right of way. So I put that right-of-way stipulation there to allow the applicant to come and discuss with us – there are ways we could do it, there are easements we could put on there, but we have to look at that with what they're planning and, you know, with their application I couldn't come up with a definitive stipulation, so this allows them to come in and work with us.

HARTMAN: Thank you Lester. Commissioner Pucket.

PUTRICK: I have just a question for you and a statement. You've read the stipulations, you understand them

and you agree with them?

B. VOWELL: I've read them. You know, at this point in talking – in speaking with Evan and whatnot, we – it – okay, our understanding is, you know, we, we get the C-3 zoning, you guys make your recommendation then it goes to the Board of Supervisors, and we don't actually know what they're going to require of us, except for what's written here on the page, but that's kind of hard to visualize on the property. So, I mean – and, you know, and as much faith as humanly possible, we're moving forward with this because it's the best thing for our tenants and our property. We just hope that when it gets to the point that if it does pass the Board of Supervisors, that it's not something that's going to be financially crippling to the, to the business owners on the property. I do understand what's in there, I just hope that there's some wiggle room, I guess, if you will, to where we can, we can do this to where it doesn't financially cripple the property, the tenants, the property owners and keep some businesses going. Because the – there's no reason to put viable businesses in a bad spot, you know, for, for a few improvements that are, you know, hopefully they're not just set in stone as these exact things that have to be done. Maybe, you know, like I said, maybe there are some ways we can value engineer these safety things and, you know, do some things that it won't financially cripple the property right

off the bat.

PUTRICK: Okay. And I'm going to encourage the County and the rest of us to think about, just for Commissioner (inaudible) said, that there are lots of places in this country where they've reached the point in a town or a city somewhere where they've had a problem and they've done some amazing things with changing planning and that. Some of those are towns like Leavenworth in Washington, Solvang in California, Medora in North Dakota, Williamsburg, Colonial Williamsburg, Fredericksburg, Old Town Ft. Worth, you know, just there's hundreds of them all over, and it's taken some very imaginative people to put those down. Just a quick example, the town of Leavenworth was a lumber town up in the mountains in the Cascades and the lumber mill went out of business and the town council said god, what do we do now? And they got together and they mulled it over for a couple of weeks, they decided to change it to a Bavarian village, and so they replaced all the facades on the buildings with buildings that - or facades that looked like a Bavarian village, and so they do all of these festivals, Oktoberfest, lighting to the Christmas tree, you can get, you know, all of the things Bavarian that you might imagine there, and it's a great attraction, it's a great draw and it's a very simple thing. Medora's even - look up Medora, North Dakota, that's even a crazier thing because there aren't millions of people there,

and yet they've managed to fill that stadium every weekend through the summer. Anyway, that's my comment and I think if we do – if we take a positive approach to this that we could all prosper from it. Thank you.

HARTMAN: All right. Commissioner Members, does that pretty munch wrap it up? Commissioner Moritz? Okay, nope. All right, thank you Brian.

B. VOWELL: Thank you very much.

HARTMAN: Very good presentation. Okay with that, I'll call to the public. Anyone in the public? Yes ma'am, if you would come up and state your name for the Commission and then write it down also, and your address.

RIBEIRO: I already did, and Senator David Farnsworth said he's sorry that he couldn't stay, but he's voting on 60 bills, feel sorry for him.

HARTMAN: All right.

RIBEIRO: That's what he wanted me to say. My name is Carrie Ribeiro, and I am the reason why we are here today. I started the farmers market and I'm sorry but I'm a Jersey girl and I grew up at Lafayette Village and I'm an army brat, daughter of a sergeant major, grandfather fought in the Vietnam war, and I've always been and raised in farmers markets. I did Gilbert Days, I was queen of the crop back then, you know, so I saw the building and you know, my friends lease it and I was tired of going from parking lot to parking

lot, to parking lot, dodging the cars, you know, blocking the entrances to Fry's and Wal-Mart, so we wanted a permanent location. And we asked and we got the permanent location. I've been in contact with Pinal County since October of 2013 before I even started the farmers market. I wanted a PHD in what we could do an what we couldn't do, as far as food and what we could sell and what we couldn't sell. At that time I was told that it was fine, it was good to go, everything was great. I've talked to Gail, Don Thomas, I'm in contact with them weekly ever since January 18th, the first day the farmers market opened. We passed all our health inspections whenever they come, and it's, you know, it's unfortunate because of one person's letter, email to a Member in Pinal County, it was actually filed as a formal complaint, and that's why we are here. I was told that Pinal County can look the other way, and they were, until they actually received that complaint and now we had to go forward. I do want to let you guys know that since January 18, of 2014, 615 community members - and that's just in San Tan Valley - have been vendors. Whether it's been with their crafts or their clothes that they've made. 915 vendors have actually been at the farmers market, and that also includes all the way from Phoenix. So it's - we have 26,000 signatures since people found out. We've been in the news channel 10, 12, the Ledger, the Tribune, 99.1 FM, 106.7, you name it, we have - we've had a lot of publicity and we

didn't, we didn't want it. But seven businesses actually come out every single month for free to maintain the property.

HARTMAN: Let her finish her presentation. Go ahead.

RIBEIRO: Seven businesses in San Tan Valley come out monthly to maintain that property. The farmer across the way in the pictures, it's all farm, we - they come and weed it and they allow the parking on his property, as long as we don't go in his ditch. People come on horses and pick up all the litter, if anything. Big blocks are moved. I - it's really, really phenomenal of how this community has come together for such a little farmers market. The Garden Diggers, they bring their (inaudible) out every single week. We have been nonstop since January 18th, unless it's 115 degrees outside. You know, since, since the property, since 1997, I just did want to let you guys know that nothing on the property has changed. The way we enter, the way we exit, the U-Haul has been in business since 1997 on that property. The hay business has been on that property since 1997. That's 13 years. And I understand that we have to grow, I do get that, but 13 years ago, I camped here with my family. There was nothing. There was nothing. You pulled the trailer in here, you set up a tent and you camped. So back then they said oh, you know, we gotta do it this way for traffic, but it's been working for 13 years and I hope in another 13 years we'll be

able to keep going, because we keep getting - and David Farnsworth, Senator David Farnsworth's wife Robin is a vendor, and he actually proposed a bill as of last night to actually get this changed throughout Arizona, to where we are not limited on what we can do and what we can't do. I understand we don't want to get anybody sick, that's why I'm always calling Don. He's on speed dial. But you know, we just ask to allow us to continue doing what we're doing. We can go anywhere. We can go to Maricopa, we can go anywhere, but I live here, and I've lived here for ten years and I'll be here another 30 because I just purchased a house a year ago in Circle Cross. And I represent 1895 vendors, and I am the president of the small based business out here in San Tan Valley. Thank you.

HARTMAN: All right., thank you. Commissioner Salas.

SALAS: One question, are your products locally grown?

RIBEIRO: Yes sir, and they are very organic. We work with three of the local farmers, including the Garden Diggers. Vertuccio Farms is one of our major - we can't get farmers to come out here, we're too far. Any - it's like we're the end of the world because we can't get - you know, Crooked Sky Farms came down and made $800 the very first Saturday and they said it wasn't enough. So we can't get

anybody out there to come out here, so we actually – it doesn't get any more organic, we pick it from the ground, wash it off and put it on the table for the foods. Everything, we make sure.

SALAS: Thank you.

HARTMAN: Commissioner –

DEL COTTO: Mr. Chair, if I could, if I could ask, so how do you guys – or how do you provide services for people there? Restrooms, you've got that many vendors and I assume you've got tons and tons and people coming in and out of there.

RIBEIRO: It's a hit and miss every single Saturday. I'm telling you, if the Olive Mill is doing something, or you know, Schnepf Farms, we don't have that much business. But we do have two porta potties on property and we have three restrooms inside that are available at any time.

DEL COTTO: I know that in our neighborhood next to our plaza, that's such a big – it's just such a big concern, and/or most of the time it's a big problem because we also have this little farmers market that goes on next door. There isn't a lot of local grown stuff, but there's quite a bit of vending, if you will, going on and while I certainly see a need for that, or just at least the services to provide for that in our neighborhood, we kind of have it going and it's, kind of gets quite filled up, but unfortunately we don't have,

we don't have facilities next door where it happens, and so I think porta potties are probably just about the easiest solution that there is for that, and if it works for you that's great.

RIBEIRO: Yes, we have a handicap one a regular one, but you gotta remember we're so new, we're not the Gilbert farmer's market yet, we are hoping to be, but our - the least vendors we'll have is ten on a day, and maybe 25-30 the highest. The only time we get a lot, a lot of vendors is on holidays when we really show a shindig.

DEL COTTO: Well I look forward to coming out there and seeing your operation.

RIBEIRO: I appreciate it.

HARTMAN: All right. Commission Members, if there's no further questions. Thank you.

RIBEIRO: Thank you.

HARTMAN: Anybody else? Yes sir, if you would. Give us your name and address, please.

MARCHANT: Bret Marchant, 5276 East Horsethief Gulch. Don't hold that against me, but I've been in the area for about 35 years, I've lived out there. I'll make this real brief. I think they've covered most everything. One thing that Brian said earlier, that intersection - I've been in contact with the Town of Queen Creek and I understand that with - probably within the next six months they are putting a

light there, they are going to improve that intersection to an extent, and I – from what I understand they're going to be going into the Pinal County side a little bit, which will help. One of the – so I think that will kind of alleviate some of the concerns about the traffic and stuff like that. And I'm pretty sure it's a real thing, this, one of the stipulations (inaudible) in the Maricopa County/Queen Creek side, so – but we're definitely in favor of that. I'm sure if you've been in that area at all, you've seen all the vendors on the sides of the roads, that there's a need for them to be somewhere and this is kind of solving that need and I know working with – being around these folks that safety's a huge issue and it's a huge issue of yours and really appreciate all you've done for us.

HARTMAN: Very good.

MARCHANT: And I appreciate Lester taking the insight, looking ahead at what we need to do in the future to make the easements put in place and all that. So thank you.

HARTMAN: Commission Members, comments? No. All right, thank you. If there's no one else that would like come before us, we will close the public portion and move back to the Commission for further discussion and a motion.

SALAS: So move.

HARTMAN: You've got to move something.

SALAS: PZ-015-14, PZ-PD-015-14, forwarded -

HARTMAN: No –

SALAS: I've got the wrong one?

HARTMAN: Yeah. Yeah, you do. Page three.

SALAS: PZ-013-14 be forwarded to the Supervisors with a favorable recommendation.

HARTMAN: With how many stipulations?

AGUIRRE-VOGLER: 15.

SALAS: 8.

HARTMAN: All right. Okay, do I have a second on that motion? Yes, Commissioner Grubb seconds the motion. Is there any discussion on the motion, if not, call for a voice vote. All those in favor say aye.

COLLECTIVE: Aye.

HARTMAN: Opposed, so signify. Good luck. Commission (inaudible) approval.

AGUIRRE-VOGLER: (Inaudible).

HARTMAN: All right, let's take a break to 1:30 and we'll come back and finish up our day's. [Break.] If I can have your attention, we're ready to start our afternoon session. The case is PZ-PD-015-14 and there's another case going to go with it. I'll let D. Denton take it, take it over.

DENTON: Now I'm D. Denton now.

HARTMAN: D. Denton. DD. Let DD.

DENTON: All right, let me, let me get started so we

can get out of here.

HARTMAN: Right. There you go.

DENTON: Today's case is going to be Circle Cross Ranch North. The applicant is proposing a rezone to R-7/PAD. It's located in the northeast corner of Gary Road and Charbray Drive, and the applicant is Westcor Queen Creek, LLC. It is located in the northern portion of the County as indicated by the red star. The comprehensive plan in this area is moderate low density residential which allows for dwelling units up to 3.5 dwelling units to the acre. The area map there is a different mixture of zoning classifications. Largely it's CR-3, but you do have some CB-2 on the corner of Bella Vista and Gantzel Road and also along Hunt Highway. And directly across from the site on the other side of the railroad track is SR, and that property's supposed to be reserved for a school site. The existing zoning on the property right now is GR, CR-1A and CR-3/PAD. The property is vacant currently and there is another housing area just to the north called The Parks, and as you can see on the map, it's kind of all lotted out, but I believe those haven't been constructed. This is the applicant site plan. They have some ingress and egress on Gary Road. Also on Charbray Drive, as well. A couple of park site that they're proposing along with some trails that's along the center and the eastern edge of the subject property. And the applicant's also proposing a buffer away from the railroad as

well. Circle Cross Ranch was approved back in 2000. It was approved for 3,806 dwelling units and with this application, that would bring the total to 3,473 dwelling units, which is still below the total that was approved back in 2000. The applicant - with this request, we're also getting some increased open space for the PAD, some recreational areas and some internal trails, and then also a buffer away from the railroad track, and that wasn't a part of the previous plan. And the applicant is also requesting for a reduction in lot area from 7000 to 6000 square foot, and also the rear yard setbacks. The first photograph was taken – well, was taken on Gary Road. And this is looking north on Gary Road and the subject property's on the east side. On the left side is – in the – it's in Maricopa County. And this is looking east towards the subject property and that building in the background is the Banner Hospital. And this is looking south. The subject property is on the left-hand side and those houses in the background is a part of Circle Cross Ranch. And this is looking west into Maricopa County. And the next photograph was taken on Charbray Drive, and this is looking north into the subject property. Looking east, and you can see the Banner Hospital in the background. And this is looking north – I mean looking south, excuse me, looking south into Circle Cross Ranch, and looking west. And with that, staff has two stipulations for PZ-015-14 and 18 stipulations for PZ-PD-015-

14, and with that, I can answer any questions that the Commission may have. And the applicant is present.

HARTMAN: Commission? Commission Members, questions? No, I think not. All right, if there's no questions, I'd like to call the applicant to come forward and if you would, state your name for the Commission and write your name down and your address down too.

DAVIS: Yes sir. Good afternoon Chairman, Members of the Commission, my name is Greg Davis. I'm here on behalf of Westcor Queen Creek, LLC, which is comprised of Westcor, their development partners, Circle G and Landmark Properties. So I have a brief presentation that I'll be showing you here and at anytime you guys have any questions about anything I'm presenting or if you're just tired of hearing me talk, feel free to speak up and ask whatever you need. So with that, Circle Cross Ranch basically comprises this entire area, several square miles. The subject site is this approximately 90 acres at the very northwest corner of the property. It was originally entitled for single family residential back in 2000. Shortly after it was entitled, Westcor came knocking to El Dorado Holdings, who was the master developer's door, because they were looking for their next regional mall site. San Tan Village wasn't built yet, but it was already planned, and titled and well on its way, so then it became a question of where is the next regional mall going to be for the east

valley, and this site, which this is the subject site, was going to be planned for the regional hospital and then the three to five acres on the west side of Gary was going to be for the actual regional mall business office and some residential. That was the plan that was everyone was working towards until 2008 when the economy imploded and it really changed the way malls are going to be developed in the future. Technology changes, businesses such as Amazon, eBay, the way people shop and just the general economy, have really made it difficult to foresee any mall development in the east valley at all. You might see some power malls and power centers and shopping centers like that, but you won't see the large regional malls anymore. So the mall was basically taken off the table because of those occurrences, but the hospital site still had some life left because there is still a need for a regional hospital in this area. Unfortunately Banner beat Catholic Health Group to the punch and developed their site, which is just a mile to the east on Ironwood and Combs. So unfortunately both those sites became really obsolete for their intended uses, which Westcor purchased them for. So since that time, we've been looking at just reverting those parcels back to what they were originally intended for, which is single family residential. That brings us to where we are today. This is the plan that is before us. It's 88 acres in size, 290 lots, so it equates to 3.3 units per acre, which

makes it compliant with the comprehensive plan. And we anticipate two lot sizes and two product lines for this parcel. We're proposing 19 acres of open space, which equates to 21 percent of the net side area, of which we have three primary park areas, which I'll show you in just a minute, and we anticipate this being a one phase project with a three to five year build out. We did a couple comparisons. This is technically part of the Circle Cross Ranch master plan, even though a lot of the project has already been developed for several years. This is, again, the entirety of the project and that is our specific parcel. We first looked at it just on a land use or density standpoint. As staff mentioned, it was originally approved for 3,806 units. It was built out, not including this parcel at 3,183. So there was a remaining 623 units that were allowed by the PAD. Obviously we're only coming in with 290 units, so it's leaving about 330 units that were originally approved that will go undeveloped. The table below is just a summary of that information with the exception of this density category. As you can see here, these are the first four phases of the project. Overall they equate to a density of 3.61. Since we're coming in a little bit less at 3.3, we actually reduced the overall density of the projected slightly to 3.58 units per acre. We are asking for a few deviations, and my circles didn't line up exactly. But we really – when we first started this project, we just

anticipated we would use the same development standards that Circle Cross Ranch had, since we're part of the same PAD. After meeting with staff, they kind of suggested well, you know, that was a long time ago, I think you should maybe come more in line with what we would ask for today if this was a standalone PAD. And so that's what we did, and this table just simply represents what the code requirements are for these standards, what the Circle Cross Ranch PAD was approved for, and what we're coming in with. And they really differ in just the - these three categories. So we're coming in with a larger lot width, a larger lot area, and a larger setbacks than what was approved for this parcel back in 2000, but they are still less than what would be required if this was not a PAD today. The final comparison is just on open space. Even though we are proposing less density here, we did want to maintain the overall open space for the project and so we're coming in with 19 acres, again which is 21 percent, which matches what the existing total is, so we're not upsetting that balance. Just a few project details. We talked about the open space. We have three primary park areas, the first of which is - has a full sized basketball court, a ramada, small (inaudible) lot and a turf area. The middle one serves more as a trail node for the east/west trail going through the project, but also does have some climbing boulders, turf area, and a trellis ramada. The south park has a larger (inaudible)

lot, two ramadas and a turf area, so we're trying to spread the amenities out throughout the project so that it's convenient for everyone to use. Now when we met with the existing neighbors of Circle Cross Ranch one of the things they liked most about the neighborhood was the trail and the walkability of it, and so they asked us if we would kind of maintain that theme, which obviously we think is a good idea too, and so this map really just represents all the trails that we have that are both along the sidewalk, such as along Gary and Charbray, but also ones that are dedicated trails in open space areas. So we have the perimeter of the project, we have east/west trails connecting our open space areas, and then we have a major east/west corridor that ties into our trail node here. As we mentioned we did meet with the neighbors back in September of 2014 and there were six families that attended and they really had two primary concerns. One was what kind of impact would there be to their existing HOA, you know, fee structure etc., and even though this is part of the master plan, part of the PAD, it is a standalone homeowners association group, so there is no impact at all to the existing Circle Cross Ranch homeowners association. The second issue was traffic and anytime we deal with this area, we always deal with traffic. Being that this ownership group has been working on this site for over ten years, we are well versed in the situation at hand today and

what the future holds for possible solutions. But I did create just a couple quick exhibits to kind of show you the existing conditions today. We have an entrance off of Gary and an entrance off of Charbray. Right now the major north/south corridor is Gary into Rittenhouse moving north. You can go east to Ironwood on Combs, or west to Ellsworth on Empire. But the road, which is almost fully, or pretty fully improved up to Empire scallops down, and by this point is just a one lane each direction roadway, and if anyone's traveled that, they know how backed up that gets. That was a concern for the neighbors, it's a concern for us frankly, if we're going to have families move in here, we want them to actually be able to get here. So we have been working with MCDOT, as well as the Schnepf family, Perry Ray and the Olive Mill Group, Church Farm, which is just north off this map, which is a large master plan, and again the Westcor, same ownership is in control of this piece to, to really kind of solve or help solve those transportation issues which are very difficult because of the railroad crossing and the stacking distances. So as part of our project, we're obviously going to be dedicating improving our side of Gary Road. This project which is running along the same timeframes would be dedicating and developing the west side of the road. So at a very minimum, we're going to be getting rid of the scalloped condition and provide much better stacking as it approaches

this intersection, but more importantly, we just found out this week that MCDOT has the funding in place and the designs done for the stretch between Ellsworth and Gary Road, so that this connection will exist all the way from I-10 all the way over to Ironwood and beyond, so the transportation situation's going to greatly improve because of the projects that are being proposed here today, as well as the one that comes forward in the Town of Queen Creek in the near future. So I'd just like to sum up my presentation with some of the justification of why we, we hope you will recommend approval of this to the Board of Supervisors. Again, we're coming in at a density that's less than not only Circle Cross, but also less dense than what the comprehensive plan would suggest as a maximum in this area, which we are compliant for at 3.3 units per acre. We have almost three acres of open space above and beyond with a typical 18 percent PAD, which is what you'd typically look for in this project, again, keeping it consistent with the Circle Cross Ranch open space numbers. We've tried to find a consistency or a balance between what the code requires and what Circle Cross Ranch development standards are. We feel that, because of these other things, the few deviations we are asking for hopefully are justified. Just a recent occurrence, we have been in contact with the J.O. Combs School District and we have an agreement being formulated right now with them. We had originally thought it

was part of their original 2000 agreement, but this parcel was not, so we've talked to Superintendent Blanchard and got that agreement at my office right now to fill out and send over to them. And then finally at a minimum, the improvements that are going to be required of this project will improve the roadway conditions on a local level, but because of this project and all the other efforts being made by the property owners, we really plan to be a catalyst to improve all of the regional transportation in this area as much as we can. So with that, I would be glad to answer any questions that you might have.

HARTMAN: I was prepared for you to go through page by page.

DAVIS: If you want, but we might be here past dinner.

HARTMAN: All right. Commission Members?

AGUIRRE-VOGLER: I just -

HARTMAN: Mary Aguirre-Vogler.

AGUIRRE-VOGLER: I have a question for staff. I meant to ask it in the last presentation. Why do you - this is - all those tax codes, there was 183 pages in the last one, and then you make these people do - I mean how come you make them do all that work? I mean I don't understand it. It didn't used to be that way. I don't recall that many pages of tax codes before, and that's paper for you, and copies for

you, and – do we need to see all that? I mean even if you need to see it, we don't need to see it, do we?

ABRAHAM: After the two cases in San Tan and this one, I will advise the staff that if it's more than about two pages, we'll write a note to you saying if you really want to see that, we have it on file.

AGUIRRE-VOGLER: That's ridiculous.

ABRAHAM: It is technically, it's a legal application requirement to show what their mail out is.

AGUIRRE-VOGLER: Well for you to see it and approve or what – the 300 feet or the 600 feet –

ABRAHAM: Right.

AGUIRRE-VOGLER: Like that, but I'm just trying to save you some time and paperwork, but my other question was, is you started out the presentation by saying something about the regional malls, and I was trying to figure out, you know, it says here that it was zone change. I don't quite under – I mean I'm seeing it here, but what did you say again on those malls and the – was some of this presented for the hospital, you said, and then some of it was for a little mall?

DAVIS: Chairman and Commissioner, correct. I'll just use the –

AGUIRRE-VOGLER: Well the reason I'm bringing it up is because there's so many houses out there now and the infrastructure is a problem and I'm just wondering isn't a

minimart, gas station, something like that, other than houses all the time, all the time houses, houses, houses. Traffic, traffic, traffic. No infrastructure, no infrastructure.

DAVIS: Excuse me. Chairman, last time I checked everybody wanted to move to Arizona.

AGUIRRE-VOGLER: I know.

DAVIS: So, it's a good problem.

AGUIRRE-VOGLER: And they just moved out there, didn't they? I don't know, I –

DAVIS: This site was – and it's owned by Westcor which is, you know, the Valley mall developer. It was planned to be a regional mall such like Chandler Fashion Mall or whatever, because of the –

AGUIRRE-VOGLER: Well I heard what you said (inaudible).

DAVID: They thought it was – you know, their malls are about 15 years out when they buy a property, because it takes so long to solve those issues, and they spent five years alone on just this intersection, on how to get all that traffic in and out from a mall, which his going to be, you know, dozens of times more than a residential development. And ultimately, that's why it took so long and they, you know, when the market changed –

AGUIRRE-VOGLER: When do you think you'll actually start building? After the roads (inaudible).

DAVIS: Part, part, part of the, you know, part of the approval of this process is going to be improving Gary Road, which is already approved to the south, but now it will connect up to Riggs (inaudible).

AGUIRRE-VOGLER: On your side, just one side or both sides?

DAVIS: It'll be - we'll be required to build our side and then the County has already planned to build the east/west connector to Ellsworth, so that's going to alleviate, you know, the existing condition already. And then when the project to the west comes in, which is also under our control and we're planning for it right now, that's going to be a 500 acre master plan. That is going to be a lot of homes and that's going to require a lot of road improvements to even make it viable. So we plan for this development to go forward pretty quick.

AGUIRRE-VOGLER: You're going to need shopping for sure. You need to put a little corner in and alleviate some of those houses. But you do border up to Maricopa, is that right? That's why you talked to MCDOT?

DAVIS: Chair, Commissioner, yes. We are along the border of Meridian (inaudible) Gary Road, so everything across our street to the west is part of Maricopa County. And there is a lot of commercial (inaudible) with Schnepf Farms and Olive Mill and -

AGUIRRE-VOGLER: Oh my gosh, I was just out at Schnepf Farms. It's, it's a headache there. I mean it's just they've grown so much and there's so many things going - in fact the last time I was on Rittenhouse, it wasn't like Rittenhouse that I knew, the slant that you're talk - that you're showing, that slant. That actually goes through communities, it twines in and twines out and I got lost and finally found the Olive Mill and Schnepf Farms, but it's just a complete disaster in there. Especially when they have all their - those events that are going on.

DAVIS: Correct.

AGUIRRE-VOGLER: And Empire: Geez, they did improve it a little bit, but it's still - everything is just totally, totally terrible, in my opinion.

DAVIS: I'm not sure I know how to respond to that.

AGUIRRE-VOGLER: I mean it is just the traffic. He admitted it, traffic backups. If you had a problem that sirens had to get through, and firemen had to get through, or the ambulance had to get through, is there any dirt road that they can even bypass and go this way or that way? You know, I mean it's just terrible.

DAVIS: And the one thing we can say is that development brings those roads in and that's where the source of funds -

AGUIRRE-VOGLER: 80,000 people, and they've got

roads, right? Yeah, right.

??: We have a couple.

AGUIRRE-VOGLER: Well yeah, you have a couple, but not enough to move those people. Anyway, I don't understand it, but they keep moving in the area, so.

HARTMAN: All right.

AGUIRRE-VOGLER: That's my spiel.

HARTMAN: Commission Members? Any further? Commissioner Salas.

SALAS: Notwithstanding the obvious here, you are requesting that the lot area be reduced from 7 to 6,000 square feet, side yard setbacks be reduced from 10 to an alternating setback of 5 and 8 feet, that sticks in my (inaudible). I don't see why it is needed. A lot of Members of this committee spent hours working on the comprehensive plan that established 10 feet setbacks on the site, because we thought it was the obvious safety feature. Probably not the best but it gives you 20 feet between the houses in case of a fire that at least doesn't create a domino affect that we're afraid of. So personally, in my opinion, that doesn't fly with me, the reduction, and it seems to me like we're getting the old squeeze play there to stick more homes in there, so I just wanted to be up front with you that I don't approve that.

DAVIS: Mr. Chairman and Commissioner, we understand that when we asked for that deviation it is a deviation and

there's a reason for that. The best justification we could provide is that we trade off open space for that. We could provide the ten foot setbacks, but then we'd have less open space. Most of that area, although it does provide room for safety, it's really un-utilized by the homeowner, where if you put it into a park, it's more beneficial to the whole. And that's the reason we choose to do that versus not, but I understand your concern and respect that.

SALAS: (Inaudible) you did have the - you did comply with the open space.

DAVIS: Exceeded, yes.

SALAS: (Inaudible) ten foot setback (inaudible).

DAVIS: Sir, actually the setback for this project originally was 5 and 5. We're actually increasing the setbacks over what was currently approved on the property back in 2000.

SALAS: (Inaudible) if you went through the compliance with the comprehensive plan, (inaudible) ten feet, correct?

DAVIS: The - we're at 3.3 units per acre from a comprehensive plan standpoint.

SALAS: (Inaudible) from ten.

DAVIS: Yes.

SALAS: (Inaudible) compliance with the comprehensive plan it went to ten feet.

DAVIS: The comprehensive plan speaks to density, which we are consistent with. It does not – the zoning code refers to the setbacks.

SALAS: (Inaudible).

DAVIS: We had never used ten foot, that's just what the zoning code calls out. We had originally proposed to use the existing setbacks of five and five within this PAD. Staff did not support that, and so we went with an increase setbacks of 5 and 8.

SALAS: If you didn't have ten feet (inaudible).

DAVIS: Well the comprehensive plan calls for a maximum density of three and a half units per acre, we're proposing 3.3 units per acre, so that is the reduction that I'm talking about in reference to the comprehensive plan. But from a zoning code standpoint, we are not proposing to meet the zoning code. We are asking for the deviation and offering the lower density, the open space increase as an offset for that.

SALAS: Well I personally am not going to sacrifice the safety for a few more feet (inaudible) open space. I'll be up front with you.

DAVIS: I appreciate that.

HARTMAN: Okay, Commissioners. Commissioner Smyres.

SMYRES: I've got a question more for staff. In here it says about the ten foot, is that – setback – is that

ten foot on each side? Was that originally in the comprehensive plan or is that a total of ten feet?

DENTON: It's not in the comprehensive plan, it's in our zoning ordinance, and that's a ten foot setback for each side.

SMYRES: So my thinking is correct, originally ten feet on each side of the house, and now we're asking for five and eight.

DENTON: That, well that's correct, but the one thing you guys have to understand is that this is a part of Circle Cross Ranch and their development standards is 5 and 5, so he's actually providing more than the existing PAD.

SMYRES: Okay. Thank you.

HARTMAN: All right, Commission Members, if there's no further questions, thank you. I'll call to the public and retain the right to call you back.

DAVIS: Thank you sir.

HARTMAN: All right. I call to the public, is there anyone here that would like to come and speak to us? And you might be Charlie Flowers.

FOSTER: No, I'm Tim Foster.

HARTMAN: Oh, okay. All right. Yeah we were. Charlie Flowers wrote and I would like to speak at this hearing, and so –

??: (Inaudible).

FOSTER: The reason I'm here today is I'm in favor of the project with one stipulation which has already been discussed, and that is the traffic impact. I agree wholeheartedly, 110 percent about the concerns that have been expressed today. Right now the northbound and southbound on Rittenhouse, especially when you reach the major – or the intersection of Combs and Gary, is a disaster at the present level of traffic flow. You consider you're adding 300 homes and then now we're hearing five – you know, a substantial number in the future. My concern is the impact on the traffic of that artaway – artery going in and out of the area. And you add to the fact that you have the Olive Mill and Schnepf Farms, which occasionally have the events going, and it becomes an impossibility to get through there.

AGUIRRE-VOGLER: It's terrible.

FOSTER: It's awful. It is terrible. I would like to see an improvement of those roads before construction begins, because once you bring in heavy equipment, you're just adding to the problem. So that's my chief concern is the traffic control in the area.

AGUIRRE-VOGLER: Can I ask a question please, Chairman?

HARTMAN: Yes, Mary Aguirre-Vogler.

AGUIRRE-VOGLER: So, if we just add the 300 down the road, everybody's still building around there too, right?

FOSTER: They are.

AGUIRRE-VOGLER: Yeah, so how many are actually already building, and then this will be added to it, so do you have any idea? Maybe I should ask traffic person over there, Lester Chow when are they going to do an improvement at Combs and – you know, I got two maps. One says Charbray, Gantzel and the other one says Rittenhouse. So there's one problem right there.

??: Those apparently changed names.

AGUIRRE-VOGLER: And then the Combs is the – it goes over the railroad traffic, and it's horrible.

FOSTER: Oh, it's awful.

AGUIRRE-VOGLER: Especially when they have events, and I hardly go over there, but I did go over for Halloween, I think it was October.

FOSTER: The other day I was coming home and I was at the signal there where – at Cloud on Rittenhouse, just before you get to Combs. I sat through four changes of the light, and I was only two car lengths away from getting through the intersection.

AGUIRRE-VOGLER: So let's ask the traffic man over here, what's proposed for there and when?

CHOW: I know there's a design concept for that major intersection of Combs, Meridian, Rittenhouse, but that is with a joint thing with MCDOT/Town of Queen Creek. I am

not aware of what the applicant brought up as far as the east/west, if they have funding for that. That I can check with the area manager, but I know there is a conceptual plan, in fact I did speak with Charlie Flowers on the phone, and I did send them some information on that conceptual design that they – that MCDOT does have for that major intersection. As far as the timing, I don't have a timeframe of that. That is not – that will not be a Pinal County project, that will be a MCDOT or Town of Queen Creek project.

AGUIRRE-VOGLER: And some of that information should have been included in here for our information. I can tel – whoever's been to the Olive Mill, according to this map, Meridian would be a huge street, right? It's an alleyway into Olive Mill, right? Like you can't even find it. I think Meridian is on like a little pole, or like utility pole, and it says Meridian and if you're lucky, you turn there, if you know where you're going. But it's just horrible and I just can't see – like I say, I know there's other developments that are going on and by the time this one gets on board if they don't do something, I mean we've got have an idea when they're going to do something, right? And that should have bee included in the package. When are we going to do something?

FOSTER: Yeah, when's that going to happen?

AGUIRRE-VOGLER: And really when is it going to happen, not just a pretend.

FOSTER: Yes. I mean before we add another –

AGUIRRE-VOGLER: Right. I totally agree.

GRUBB: Mr. Chair. To your left.

AGUIRRE-VOGLER: To your left, to your left.

HARTMAN: Me?

AGUIRRE-VOGLER: Right here.

GRUBB: This left.

HARTMAN: Oh.

GRUBB: If I could, maybe Mr. Barney might be able to shed some light for us on, on what's going on at that intersection, because he has – Barney has a vested interest in that area.

BARNEY: I'd be glad to, if that's all right, Mr. Chair?

HARTMAN: (Inaudible).

BARNEY: Sign my name. Jason Barney. I'm one of the property owners here on this project, partners with Westcor as well as across the street on the Queen Creek side. And as - Greg covered quite a bit of this, but we've been in this property now over 15 years and during that time we've looked at a lot of intersection designs because yes, it is terrible. It's a big problem and the way the problem's going to get solved is development's going to come in, my project which is two jurisdictions, two sides of the street. What Schnepf is going to do across the street and as a side note,

Mr. Schnepf has a significant amount of commercial planned on his side of the street, which is going to bring the shopping that you're asking for as well as the road improvements on that side. But I met with MCDOT - Maricopa County Transportation and Queen Creek just Tuesday on this topic. We meet very regularly, and as of right now, Mr. Chow if you want to follow up on this, there is funding for Riggs Road to be built. That's a big deal for all of us. That's a significant reliever of traffic. Add to that, when I come in with my project on the Queen Creek side, they're going to come in with two lanes, I'm going to add two more lanes on top of that when I come in there, and Mr. Schnepf will add more - two more lanes on his side for a total of six lanes. Unfortunately that all doesn't happen at once, it does happen incrementally because, you know, development builds these roads generally, except for the rare case when a County comes in and does what they're doing with Riggs. But in terms of Gary, this project's going to build half of Gary and my Queen Creek project is going to built the other half of Gary, and we've got an intersection design that we've been working on for a long time. We're kind of in the final stages of getting that knocked out with MCDOT. I think Pinal County continues to be involved with that, and Queen Creek. So there will be an intersection design there that alleviates the issue with the railroad and -

AGUIRRE-VOGLER: Oh, have you been in talks with the railroad?

BARNEY: I personally have not, MCDOT has.

AGUIRRE-VOGLER: And can you bring us any information on that railroad, because how long ago did we ask them for that information out in Maricopa?

BARNEY: What – well here's what I know, and this is coming from MCDOT, and they did mention this in the meeting on Tuesday. They've gotta go to the Corporation Commission to get approval to widen that, that railroad crossing, and that is being done in conjunction with this Riggs Road improvement. As Greg Davis had mentioned, that road is designed, it's funded, it's a two lane road, but they're going to have the crossing, as I understand it, be built out to its full width at this time, so that later on when development projects like mine come in, we've got the ability to build up to a fully widened railroad crossing. So the bottom line is, the traffic is an absolute disaster right now, and the only way we're going to fix it is to – as much as it hurts to get through the interim process, the only way we're going to fix it is to let these development projects go forward, do their part to build it. I'm a significant portion of that, because I'm two, two quadrants of this intersection here. Any other questions?

GRUBB: Just a quick comment. I've been through there when here's no traffic and it's a great – because it's

diagonal, instead of going north/south or east/west kind of a thing, so I like, I like it, Rittenhouse. And the simplest, the quickest thing you could do to fix that is to make a right turn. Cut that corner off because people can't make greater than a 90 degree turn. For some people making a 90 degree turn is a major event in their life, but making that turn is what slows up the traffic.

FOSTER: (Inaudible) not quite a 45 it is pretty tight.

GRUBB: Yeah, it is very tight, and that's, that's what slows everything up going northbound. And if you could fix that, I think it would help alleviate, because the left turn traffic coming southbound going onto Combs has a signal and a turn signal, so that's – that I think is okay. You aren't going to mitigate the number of cars coming through there immediately, so – but you could provide immediate relief by doing some – getting the right people turning right turn off that road and get them to Combs without going through that, that turn.

BARNEY: Noted. Developer types like me are never in a position to go make those –

GRUBB: Understand.

BARNEY: That's a – that'd be a County thing if somebody wanted to come and create an interim, but I will – what I do know is that the design concepts that we – we're

talking about with MCDOT go well beyond that. And I will tell you this, here's a key thing that has really embedded itself in the conversation since these last six months, over the past 15 years as we've come up with these designs, we had one design that was a $70 million design. The entire intersection was elevated with big ramps, off-ramps, and we're talking freeway interchange style kind of thing, and then everybody was that's never going to get built, or if it does, it's going to take too long to get built and what are we supposed to be doing in between now and then. So really the focus now has been still come up with a very good design that stands the test of time, but also simplify it to where it can be done sooner than later. Sooner meaning three to five years, as opposed to 30 to 50. So that's really the focus now is to get more immediate relief to it. Of course, you know, build in combination with the developer types like me and the County.

AGUIRRE-VOGLER: So I have another question.

HARTMAN: Mary Aguirre-Vogler.

GRUBB: Thanks, Jason.

AGUIRRE-VOGLER: So what is Schnepf Farms, and as they exit Schnepf Farms I think on – I think Holmes turns into Cloud?

BARNEY: Combs, Rittenhouse continues north.

AGUIRRE-VOGLER: Yeah, Rittenhouse is the slant and then Combs comes over the tracks and then goes kind of into

Cloud.

BARNEY: Goes into Riggs.

AGUIRRE-VOGLER: Well Cloud is –

BARNEY: Cloud is further north.

AGUIRRE-VOGLER: Well anyway, what is Schnepf going to do to help out or, I mean do they do anything?

BARNEY: They do, they do a significant amount. Schnepf is going to be significantly responsible for the north half of Riggs. So I've gotta build – the County's going to build two lanes of Riggs. I'm going to build two more lanes –

AGUIRRE-VOGLER: When?

BARNEY: Within the next 18 months. They've already got that funded and moving. When I come in with my project, I'm going to build two more lanes south of that. When Schnepf comes in with his retail commercial on the north side –

AGUIRRE-VOGLER: Are you going to do the road before you start any developing portion? I mean that's going to be the first thing you do? The road?

BARNEY: What you do is whatever project you're building, you do that road. So when I come in with the project that you're looking at today, I'll do that road. Then when I come in with the other project that I'm doing across the street, I'll do that road at that time. Generally you don't do – you certainly don't go do offsite roads ahead of time. (Inaudible).

AGUIRRE-VOGLER: I understand, but some of the major roads have to be done.

BARNEY: Does that help?

MORITZ: Mr. Chairman.

HARTMAN: Yes. Commissioner Moritz.

MORITZ: When, and if it was in here and I've forgotten it, I apologize, but when are the 290 residences scheduled to start?

BARNEY: If all goes well and if the market continues to heal up, I'd say we can see some residents in the next two or three years.

MORITZ: Okay, what you're saying then is that some of the improvements in that area by the other appropriate entities will supersede your project starting.

BARNEY: Riggs Road will be in there before we're in there.

MORITZ: Okay, all right, thanks.

BARNEY: You bet. Anything else?

HARTMAN: All right. I guess not. Thank you. All right, at this time, if there's no one else from the public that wants to speak, I will close it to the public and turn back to the Commission for further discussion and a motion. Remember, we're here to make two motions. Two, two stipulations on the first motion, and 18 stipulations on the second. May I have a motion on PZ-015-14? Commissioner

Moritz, I already found it on my line sheet here.

AGUIRRE-VOGLER: I found it too, but (inaudible) make a motion because (inaudible). I'm not making a motion. I'm (inaudible).

??: No one else does?

AGUIRRE-VOGLER: Yeah, how come nobody wants to (inaudible).

GRUBB: I gotta find it.

MORITZ: Mr. Chairman.

HARTMAN: Commissioner Moritz.

MORITZ: I'd like to make a motion.

HARTMAN: If you would, please. On PZ-015-14.

MORITZ: I would like to make a motion that we forward PZ-PD?

HARTMAN: PZ-015.

MORITZ: Yes, PZ-015-14 to the Board of Supervisors with a favorable recommendation.

HARTMAN: With what stipulations?

MORITZ: With the stipulations listed.

HARTMAN: With two stipulations.

MORITZ: Yes. Two stipulations.

HARTMAN: Do we have a second?

GRUBB: Second.

HARTMAN: Okay, Commissioner Grubb seconds the motion. With that, Commission Members, any discussion? If

not, call for a voice vote. All those in favor say aye.

COLLECTIVE: Aye.

HARTMAN: Opposed?

AGUIRRE-VOGLER and SALAS: Nay.

HARTMAN: Two nays. All right. Motion carried. Motion carried. All right. The next motion. PZ-PD-015-14.

GRUBB: Mr. Chair?

HARTMAN: Yes, Commissioner Combs.

GRUBB: Combs?

HARTMAN: I mean excuse me Combs. Grubb. Oh man, I am getting confused. Okay, Commissioner Grubb.

GRUBB: I would make a recommendation that – or I move that we move PZ-PD-015-14 to the Board of Supervisors with the attached 18 stipulations with a recommendation for approval.

HARTMAN: All right, do I have a second?

MORITZ: I'll second it.

HARTMAN: Commissioner Moritz seconds the motion. Any discussion? If not, I call for a voice vote. All those in favor, say aye.

COLLECTIVE: Aye.

HARTMAN: Aye. Opposed?

SALAS: Nay.

AGUIRRE-VOGLER: Nay, and I'll say why. Because of the infrastructure's way too long in coming. I mean we've got

certainly a lot of houses in there and there should have been a lot more infrastructure.

HARTMAN: All right. With that, both recommendations forwarded to the Supervisors with a favorable vote. Thank you. Okay Commissioner Members. Steve, is there any other business to be brought before us?

ABRAHAM: No other business.

HARTMAN: If not –

AGUIRRE-VOGLER: I suggest (inaudible) motion (inaudible) adjournment.

HARTMAN: Mary Aguirre-Vogler makes a motion to adjourn.

GRUBB: Second.

HARTMAN: And Commissioner Grubb seconds the motion. All those in favor say aye.

COLLECTIVE: Aye.

HARTMAN: All right, meeting adjourned.

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

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

Julie A. Fish