

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

February 11, 2021
9:31 a.m.

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Phoenix, Arizona

MEMBERS PRESENT:

Mr. Greg Arnett, Chairman
Mr. Jay Swart, Chairman
Mr. Nathan Andersen
Mr. Kevin Danzeisen (arrived 9:38 a.m., left 11:30 a.m.)
Mr. Matt Gress
Mr. Erik Hernandez
Mr. Jimmy Lindblom (left 10:21 a.m.)
Ms. Kate McGee
Ms. Francisca Montoya
Mr. Lucas Schlosser

STAFF PRESENT:

Mr. Darren Gerard, Planning Services Manager
Ms. Rachel Applegate, Senior Planner
Mr. Sean Watkins, Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Mr. David Anderson, Business Engagement Manager, OET
Ms. Pearl Duran, OET

REGULAR:

Z2020052, Z2019132, Z2020068

Chairman Arnett made the standard announcements.

Ms. Applegate noted agenda item #1 – Z2019132 Twin Knolls Vistas is being placed on the regular agenda due to opposition received.

REGULAR AGENDA

Special Use Permit - Z2020052 (Cont. from 1/28/21)

District 4

Project name: **Bailey Wedding Venue**
Applicant: Alan Beaudoin, Norris Design
Location: Generally located approximately 700 ft. southeast of the SEC of White Wing Rd. and 159th Ave., in the Surprise area
Request: Special Use Permit (SUP) for new wedding venue in the Rural-43 zoning district

Mr. Watkins presented Z2020052 and noted we received a neutral comment from the City of Surprise, two support comments, one public opposition comment, and comments

with concerns from the Arizona Fire and Medical Authority. The property is approximately 2.6 acre property in the Rural 43 zoning district. There's no known violations associated with the property. The property comprises an existing residents in three accessory buildings, one of which will be removed. The wedding venue is anticipated to be developed in two or more phases. The existing resident's well water and existing bathroom facilities are not intended to be used for the events except for catering services. The events will be run by the property owners and all outside vendors, such as catering, will be licensed and bonded and will provide their own staff, equipment and supplies including all drinking water. There will be rented or leased mobile, ADA accessible bathroom facilities until later development provides permanent restroom facilities. The wedding venue is anticipated to operate from September through May annually. Events will not begin before 8:00 a.m. and will end by 10:00 p.m. with typical attendance of 80 to 125 guests with a maximum of 150 guests. Live music will be used for the events and amplified music to be aimed away from neighboring properties. The wedding events are to be held in either an outdoor ceremony area or in a proposed 1,400 square foot, open sided building called an event barn. To be constructed southwest of the existing residence as part of the initial development phase. The initial development phase is also expected to include a new pedestrian bridge, a freestanding sign, parking area, outdoor lighting, and fences and landscaping. Subsequent phases of development are anticipated. The total proposal coverage is approximately 7,500 square feet or 7% of the property where up to 25% is allowed. Access to the property is provided by 163rd Avenue and a southern extension of White Wing Road, which is an ingress/egress easement that extends approximately three quarters of a mile east from 163rd Avenue to the subject property. White Wing Road runs through several properties, including Bureau of Reclamation, Arizona State Land Department, and four privately owned properties. The applicant proposes to pave White Wing Road and make other improvements under phase one development, with asphalt millings from 163rd Avenue to the subject property. This will address concerns from the County Engineering, the City of Surprise, and the Arizona Fire and Medical Authority. The proposed freestanding signs complies with the commercial signage regulations and proposed landscaping along the northwest and south property boundaries, and a combination of landscaping and fencing on each property boundary. There is a residential ranch property to the south and Rural-43 zone properties to the north, east, and west of the subject property. The only structure located within approximately three quarters of a mile is a residence located approximately 450 feet to the west. To date, staff has received two public support comments, two public opposition comments and one neutral comment from the City of Surprise, and statements of concern from the Arizona Fire Medical Authority. The public opposition comments from Mr. and Mrs. Lebhart who own the vacant neighboring property to the south are located in the City of Surprise. The applicant held two meetings with the Lebharts in August 2020 to discuss concerns. They stated they purchased their property in 2001 because it's remote with excellent views and the benefits of isolation, but with good freeway access. Concerns with privacy and value of their property will be diminished with increased traffic on White Wing Road and potential noise, lights, drainage, and other quality of life issues associated with the proposed wedding venue. Staff received a neutral comment letter from Mr. Robert Kuhfuss, planning supervisor for the City of Surprise dated August 17, 2020, which made several requests but did not express support or opposition to the proposal. The applicant provided a letter of responses to the City of Surprise dated September 23, 2020. Staff attempted to contact

Mr. Kuhfuss several times via telephone and e-mail to verify the cities position of the proposal, but there was no response to these inquiries. Since there were no response, staff assumes the City of Surprise concerns have been addressed. Staff received several e-mails and comment letters of concerns from Mr. Eric Kriwer, Deputy Chief Fire Marshal, with the Community Risk Management Division of the Arizona Fire and Medical Authority from January and February of this year. The AFMA is concerned about access, egress, water supply, low water crossings to the west on White Wing Road and occupancy of the residents. The AFMA had previously commented in a will serve letter dated June 15, 2020 that the subject property is in the boundaries of the AFMA and that the authority will respond to any emergency in that location. Further project analysis by the AFMA resulted in revised comment letters of January 25th and February 3, 2021. Staff responded to the current concerns with a new condition of approval that is in condition 'e', which requires a new will serve letter to be submitted in association with any future building permits associated with the proposed wedding venue. The wedding venue is allowed in the Rural-43 zoning as a special use per Maricopa County Zoning Ordinance, Article 1301.1.11. The proposed use, including the conditions of approval and proposed property screening, access route improvements, and stated limitations and the number of events, seasonal hours of operation appears appropriate for the surrounding development in land use patterns. The requested deviations development standards do not appear to impose undue esthetic quality of life or safety related issues of neighboring properties, and appear to be appropriate for the proposed use. For those reasons staff recommends the Commission motion for approval subject to the conditions 'a'-'i'.

Chairman Arnett asked if the number of guests is enforceable and is that just how many they're expecting. Can they have as many guests as they want? Mr. Watkins said part of the approval would be to the approved narrative, it discusses the number of guests. The SUP would actually be tied to that maximum number of guests identified in the narrative.

Chairman Arnett said he is more concerned with enforcement, and that's a difficult thing to enforce. Mr. Gerard said that is difficult enforcement, and it would be a zoning violation. We would have to somehow verify if there are over 150 people, and it would require counting people on site. It can be very difficult because we'd have to be there at an event.

Chairman Arnett said with the letter from AFMA, they would have to come together to address those things, because those are some significant points being brought up. He asked if staff is comfortable with stipulation 'e' to mitigate that. Mr. Watkins said yes, the intent of the new condition 'e' is to mitigate the issues AFMA has brought forward. Simply stating that the applicant will have to work with them and satisfy their requirements to obtain a new will serve letter, which would be required before the applicant could obtain any construction permits for the wedding venue.

Commissioner Montoya said in condition 'f' is stating a 20 year Special Use Permit, and asked is it general policy that we provide our special use permits for that length of a time. Mr. Watkins said yes, 20 years is a typical period for this type of SUP. There are shorter periods for other types of SUP's, but 20 years is typical for this type.

Commissioner Montoya asked is there any flexibility, she is a little concerned with some of the issues that have been raised and to extend it for such a long period. Mr. Gerard said it is your discretion to determine what the appropriate length of time for the SUP, and it can be based on many factors, such as potential changes in land use patterns. This is an area where there could be a great changes in land use patterns. That's something for you to consider.

Commissioner Montoya asked what's to keep them from having events during the summer. Mr. Watkins said the approval would be based on stipulating the narrative as well as the site plan. Having events outside of that would be a zoning violation.

Mr. Peck said he doesn't believe that would be a proper condition. You are granting these people zoning for events. Just as the zoning ordinance doesn't regulate hours. That has to be done by a separate authority of the Board of Supervisors. This is not a temporary use permit. He's not sure we would be successful in enforcing it. What you can do is limit periods of time to only indoor events if they have an indoor structure, but the statement you can't hold events during that period of time, would be problematic.

Commissioner Schlosser asked does the concern with fire, safety and access part of the recommendation to satisfy AFMA's concern. Mr. Watkins said he believe it addresses the AFMA concerns, but they may wish to comment on that.

Commissioner Schlosser said he doesn't have a problem with the 20 year permit, it is a superb location for this kind of venue regardless of the future growth.

Commissioner Gress asked what triggers the permit. He does not want approve a rezoning, and large gatherings of people who can't be rescued in the event of some type of emergency. Would they be able to begin holding large-scale events before they start building their event venue? Chairman Arnett said you need to apply for special use permit to do that to have an ongoing business. Mr. Gerard said in order to establish the use, there will be a construction permit that gets completed and the zoning clearance. There are certain conditions that must be complied, such as the parking and access would have to be paved. This must occur prior to hosting an event.

Commissioner Gress asked should we compare and balance two competing interests, where there's residential ranch designation by the City of Surprise, and the nearby properties and this proposed commercial use. Chairman Arnett said this is in the jurisdiction of the county. We always consider those things that are outside of the county. We don't want to change the feel of the neighborhood, especially for surrounding residence. That's why we talk about these issues and consider what's best for not just this applicant, but for those around the applicant.

Commissioner McGee said she is concerned about livability issues, and she's never been to a wedding that's ended at 10 o'clock at night. She asked if it went on until two in the morning how would that be enforced. There is a property to the south of the proposed venue where the property owners have objected. What changes will be done based on their concerns. Chairman Arnett said we will need to hear from the applicant to address those questions. Once they get an SUP then noise would be a zoning violation, which is

totally different than having a late party. Mr. Watkins said he followed up with the Lebhart's whether or not they had come to an agreement, and if they wanted to rescind their opposition comment. Their response was they did not want to rescind their opposition comment at this time.

Commissioner McGee said staff did not hear back from the City of Surprise and the conclusion since staff hadn't heard anything, the City of Surprise was fine with it. She asked can that be confirmed. Mr. Watkins said he did attempt to contact Mr. Robert Kuhfuss with the City of Surprise with several attempts over the last few months, and received no response. We assume that means their concerns have been satisfied.

Mr. Peck asked should there be a condition related to the Governor's Executive Order and the Maricopa County Resolution relative to COVID-19 precautions? Mr. Gerard said this is entitled, it is not subject to the large special event permitting through the County. Mr. Peck said would it be appropriate to put it as a condition? Chairman Arnett said SUP's are entitled and that supersedes state mandates. Mr. Gerard said the way the county adopted large special events, resolution, and the Governor's Executive Order, if you have an entitled use, you are not a special event. You're expected to have that type of user activity. A church or a school can have more than 50 people at a public assembly and do not need a large special event permit during this pandemic. A wedding venue that's approved and entitled for special event weddings can continue to operate.

Commissioner Lindblom left the hearing.

Mr. Brent Bailey, the applicant said our family moved here in 2005. They are such a tight knit family and thought it would be great to start a business together, and wanted to serve people and the community. They had a difficult time finding a wedding venue in the west valley when their son got married several years ago, and had the same issue when their daughter got married. They realized there is a huge void in the West Valley for wedding event venues and here's an opportunity to live out that dream. We began with a business model back in 2016 looking for areas in the West Valley. We're a hard-working family that has great value, integrity, honesty, and honor, and we wanted to serve our community to the best of our ability. We didn't want people to go through the same thing that our family went through. Over the last five years we were looking for something unique, and found a piece of property they loved surrounded by desert, and it would be the premier place in the West Valley. Prior to signing a contract on this property had a TAC meeting to make sure it was actually an imminent project for this property. With eight properties out there, there's only one other neighbor 450 feet away. We met with the neighbor prior to us signing a contract on that property to let him know exactly what we were doing, and Gabriel and his family was in support that entire time. He meet with their family often and gave them updates on what's happening and showed him the plan. He had no opposition at all and they continued to have open communication. The other closest property is about a thousand feet away and all the other properties are vacant land. We talked to Gabriel about helping him improve his access road, which is the north White Wing Access Road. We'll support local vendors and this will also create jobs. They won't have any more than 150 people attending the events. They chose to take summers off because it's too hot in Arizona and from a family perspective, they want to take every June, July, and August off to enjoy that time together, and don't want to

work any holidays around Christmas and New Year's. Staff can't cannot police that, but it's an honor thing for them. He met with Robert Kuhfuss from the City of Surprise and addressed their concerns. Mr. Kuhfuss was more than willing to have us move forward, and agreed there's a need out in the West Valley for this type of venue. The reason why there was never communication back to staff is because we handled those concerns.

Mr. Alan Beaudoin, representing the property owner said he's been involved in land planning for about 35 years here in the Phoenix metro area. Lone Mountain Road is a significant future corridor almost immediately north of the site, and makes the connection with the Loop 303, three miles to the east. The transportation pattern is going to change dramatically, and we would expect to see improvements fill in as it relates to infrastructure. This site is relatively remote, but it won't be long where it's not so critical. There's also a piece of state trust land immediately adjacent to the site, and Lone Mountain Ranch. We expect to see that develop as a residential community. The family picked this site for its exceptional views, and it is a spectacular site for the purposes of the special day for a couple getting married. The primary thing here in the site plan there's a ceremony space, and it's all outdoors. The event barn is planned for the future. The family can't afford the construction of that event barn initially, but they'd like to work toward the site. The pedestrian bridge would be a part of phase one which is an essential component to get people from the parking area to the event area. The access is 163rd Avenue north. To the north of White Wing is State Trust Land and to the south is Bureau of Reclamation land that is affiliated with the development and maintenance of the Central Arizona project. We believe the area south of that line will be permanent open space and never developed as a part of that management. We have 49 parking spaces to accommodate the largest event. If there was an event greater than this we would have issues accommodating the vehicles utilizing the parking lot. We put it in there to the maximum capacity, because we were serious about maintaining his passion and his family's integrity in terms of maintaining the permit in the right way. Upon arriving in the parking lot, there is the pedestrian bridge that crosses the wash then arrival into the event space. This would be a public assembly space and we know we would have to work closely with public safety on the property, and constructing to code and certainly egress. Plus all the things that go to emergency situations in public gatherings. We started this in June of this past year, where we did the filing, went through the notification process through site posting, the affidavits posting, the TAC meeting, the first neighborhood meeting, and then we had a second neighborhood meeting. That was predominantly with the Lepharts, because they're the only ones who expressed any concern. Those meetings were respectful on both sides and we were hoping that they would come to a conformed consent and not continue to oppose it. We made some site plan adjustments and then we're scheduled to be on your agenda on the 28th of January, and learned the AFMA had some concerns, and requested a continuance. This gave us the opportunity to meet with the Deputy Fire Chief and his team, we had that meeting on Monday of this week. We understand where the Deputy Fire Chief is coming from and staff added a condition of approval. With regards to the Lepharts concerns, we immediately agreed to do the pavement that leads into their property including paving their frontage. We agreed to have a natural surface parking lot for the event, and increased the landscape buffering along the south property line to screen the parking lot. We mirrored the orientation of the event barn. Previously, we had an outdoor space on the south side of the event barn then we flipped that so that there would be no

storage space on their south property line, and the event barn could help buffer anything that's happening on the property. Once receiving the letter from the City of Surprise we scheduled a meeting with Robert Kuhfuss, and walked through every item. We believe that the City of Surprise was fully satisfied with the response to the comments we provided. We immediately went to work with AMFA through an understanding as to how we would proceed in the future. We don't take exception to any of the conditions that were provided, and appreciates staffs quick work as it relates to AMFA and coming up with a condition that we can support, and the Deputy Chief was willing to support as well.

Chairman Arnett asked if they are okay with stipulation 'e', and you'll have to address these concerns before the new will serve letter. Mr. Beaudoin said that is correct.

Commissioner Montoya asked there are some planned development communities to the north and south of this facility. Mr. Beaudoin said that is correct, those property owners have ambitions to develop that property at some point. He is not aware of any immediate plans to do it, but in next 5 or 6 years there would be development activity.

Commissioner Gress asked do you plan to hold any wedding events prior to receiving the will serve letter. Mr. Bailey said no, we want to align ourselves with policies and procedures, and so it may take us a few more months to even build. From an SUP purpose, we don't plan on holding any weddings events or anything until this is solidified and permitted the right way meeting all the requirement conditions.

Commissioner Gress asked when you plan to move forward with these projects. Mr. Bailey said he is retired from the fire service, and the conversations with AMFA have been very respectful. We align ourselves totally with their recommendations. The new recommendations added about six months to our project to do the upgrades and conditions. Even if we begin after the approval we are still 6 to 8 months away from having our first event, and that's at a minimum. They need to raise more capital to meet the conditions for approval.

Chairman Arnett said for the record Eric Kriwer with Arizona Fire & Medical Safety is essentially neutral to what we have in our packet, and he's able to speak if there are any questions from the commission. Mr. Bristol Lee is in support and does not wish to speak.

Commissioner Montoya said her parents moved to Surprise in the late fifties, and she grew up in Surprise. Her mom still lives there, and her brothers live in the new developments. They have seen nothing but explosive growth in that area. She wants to commend the applicant to fulfill your dreams and your vision. This venue will fill a gap because there is a need for this type of venue in the area on the west side, but she is concerned about the 20 year Special Use Permit. She would like to propose changing the 20 year SUP to 10 years, so that we can revisit this to see if it still fits within the planned growth for that area. If it does, then there probably won't be any likelihood of any opposition.

Commissioner Andersen said he appreciates all of the public outreach they've done, and the way they've communicated with neighbors and with the City of Surprise, the fire authority, and responded well to the neighbors' concerns, and the impact on surrounding

properties. If they are going to be investing a significant amount of resources to make this vision happen on this piece of property he is comfortable with the 20 year term.

Commissioner Gress said he agrees with Commissioner Andersen's comments about the outreach. There's a lot of capital investment, they're going to be paving that entire stretch of road. This is quite an extensive investment. He is more concerned on how long will it take for them to comply and to be holding large-scale events prior to fire and public health, and safety. The applicant said that they would not hold any wedding events until they get the AFMA will serve letter, which provided additional confidence in the project. He wants to make sure the people who attend these events are going to be able to get help in the case of an emergency.

Commissioner McGee said she understands that you have to have some degree of assurance before you proceed with your capital investments, and you need a longer period of time. But if you get to the end of 10 years, and it hasn't happened, what do you do, just say no.

Chairman Arnett said without a new will serve letter from the AFMA these events would be out of compliance. Mr. Gerard said that is correct, in order to establish the use they would at least need a grading permit for the access and parking. If they hold events without doing this that is a zoning violation.

Chairman Arnett asked with the will serve letter they have the ability to provide the fire and safety to that property. Mr. Gerard said before we will give clearance for issuance of any permit they have to have the new will serve a letter.

Chairman Arnett said he doesn't look at this from a capital standpoint, but looks at it from a land perspective and he believes this is a good use for the next 20 years. In 20 years if they are not a good neighbor they will not be approved, so their goal is to be the best neighbor in the world.

Commissioner Schlosser said he understands Commissioner Montoya's concerns regarding the 20 years. He echoes the other Commissioners comments with the amount of investment and improvements which aren't cheap to do, and who knows how long it's going to take them to get this off the ground. He is in support of the 20 years along with condition 'e'.

COMMISSION ACTION: Commissioner Schlosser motioned to approve Z2020052 with conditions 'a' -'i'. Commissioner Hernandez second. Approved 9-0.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Bailey Wedding Venue", consisting of 1 full-size sheet, dated December 16, 2020 and stamped received December 17, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Bailey Wedding Venue", consisting of 30 pages,

dated November 6, 2020, and stamped received November 6, 2020, except as modified by the following conditions.

- c. The following Planning Engineering conditions shall apply:
 1. Retention basins within the parking lot must go according to the Maricopa County Drainage Policies and Standards Manual Standard 6.10.7. The requirements for the retention in the parking lot are:
 - a. Maximum depth is 1-ft
 - b. Parking lot retention areas shall not be adjacent to buildings and not be sited in travel lanes.
 - c. No more than 25% of the parking lot area may be used for stormwater storage.
 - d. The minimum longitudinal slope permitted within parking lot storage facilities is 0.005 ft/ft, unless concrete valley gutters are provided.
 2. At the time of the Building permit, the Engineered Grading and Drainage Plans will need to address the Erosion Setback/Protection. Identify the limits of 100-year inundation (floodplain limits). The erosion setback is measured from that limit or top of bank, whichever is more conservative. For more information on Erosion Setback see link:
<https://new.azwater.gov/sites/default/files/SS5-96SystemSedimentBalance.pdf>
 3. At the time of the Building permit, the calculations to show the pedestrian bridge can cross the Paddelford Wash without inundating the buildings in the area.
 4. At the time of the Building permit, the maximum retention basin side slope is 4:1.
 5. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
 6. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
 7. The applicant should be aware that there is a FEMA Zone AE Floodplain on the property. The wash is Paddelford Wash Split 5 from the Padelford Wash Flood Delineation Study (Contract #99-12). For more information regarding the floodplain in the area, contact Jennifer Lynch of the District at (602) 506-3320. Identify the limits of the floodplain on the G&D's. The applicant

should be aware that a Flood Control Permit will be required at the time of the Building Permit.

8. The Proposed Event Barn has part of the structure in the floodplain. The structure must go according to the Floodplain Regulations of Maricopa County. See link:
<https://www.maricopa.gov/DocumentCenter/View/630/Floodplain-Regulations-for-Maricopa-County-PDF?bidId=>
At the time of the Building Permit a Flood Control Permit will be processed with the Building Permit. The building will need to go according to the Floodplain Regulations. Prior to finalizing the Building Permit Inspections, an Elevation Certificate in the FEMA format will need to be submitted, reviewed, and approved.
- d. The following Maricopa County Environmental Services Department (MCESD) condition shall apply:
 1. Public water system and new NOID must be obtained prior to any construction permit approval if applicable.
- e. * Prior to approval of any building permit associated with the proposed wedding venue, a new "will serve" letter will be obtained to substantiate the availability of fire and emergency services.
- f. * This special use permit shall expire on **March 10, 2041**, or upon termination of the use for a period of 180 or more days, whichever occurs first. All site improvements associated with the special use permit shall be removed within 180 days of such expiration or termination of use.
- g. Prior to occupying the existing residence or any portion thereof for any use associated with the Special Use Permit, the applicant shall obtain a Building Permit to retrofit the existing residence to meet current commercial building code requirements as applicable and shall obtain a Certificate of Occupancy for the retrofitted building prior to occupancy.
- h. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- i. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the Special Use Permit shall be revoked. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application

to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Zoning - Z2019132

District 2

Project name: **Twin Knolls Vistas**
Applicant: Glenn Odegard, Twin Knolls LLC
Request: Zone Change from C-3 to C-3 CUPD
Location: Located approximately 450 ft. east of the NEC of 81st St. and Apache Tr., in the Mesa area

Mr. Watkins presented Z2019132 and noted this was pulled from the consent agenda this morning because staff received two opposition comments. The comments express opposition to the disturbance of rock formation, and potential environmental impacts with materials like silica as a result off on-site construction, and use of well water, shedding, potential environmental impacts from drilling a well. Both comments link this to the mining operation. Staff finds no connection whatsoever between the applicants Twin Knolls LLC and the Twin Knolls 2 Land LLC associated with mining located 1,000 feet to the east. The applicant proposes a new on-site septic system and well. The proposed motel use is allowed in the C-3 zone, and it appears appropriate for the area, which is characterized by existing commercial and residential development, and it is designated for high density residential uses by the county and neighborhood residential, and commercial uses by the City of Mesa. The requested development standard modifications appear reasonable and necessary to provide for the proposed use, and do not appear to impose undue burdens on neighboring properties. For these reasons staff recommends approval subject to the conditions.

Chairman Arnett said for the record Ms. Cathy Freifort is opposed.

Mr. Glenn Odegard, the applicant said he has been in contact with the neighbors that voiced objection. Their only concern is the generation of silica dust. They sent him a text message saying they did not object to the project, and are trying to stay consistent with the objection to the mining operation one thousand feet away. Mr. Odegard said we are disturbing only 10 percent of the property, serving 16,000 square feet of it, and 168,000 square feet intact. The housing is being built on stilts, and we're not creating any mass foundations or anything. We're doing the most minimal disturbance we can to minimize any concerns the neighbors might have.

Chairman Arnett said for clarification the opposition was actually a similar name, because you are not in the mining business. Mr. Odegard said correct.

Commissioner Gress asked about the idea behind airplanes on top of the buildings is. Mr. Odegard said it's a very prominent location that's very high above the street. My first idea was to have a plane embedded into the mountain just for attraction, but my kids weren't

too keen to that idea. So, he bought a used plane in Baton Rouge and he is just going to put it on top of the roof as a focal point of interest honoring Falcon Field and pilots who were prior in our lives.

Chairman Arnett asked if anyone else wished to speak on this case or any raised hands. None.

COMMISSION ACTION: Vice Chair Swart motioned to approve Z2019132 with conditions 'a' -'i'. Commissioner Andersen second. Approved 9-0.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Twin Knolls Vistas", consisting of 1 full-size sheet, stamped received February 2, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Twin Knolls Vistas", consisting of 3 pages, dated February 2, 2021, 2021, and stamped received February 2, 2021, 2021, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. At the time of application for building permits for the site's infrastructure, a geotechnical evaluation and recommendation(s) will be required for cut slopes in excess of 2:1 and fill slopes in excess of 3:1.
 2. The retention basins with side slopes in excess of 4:1 must be fenced so that they meet the County's pool barrier requirements.
 3. Retention basin(s) must provide for one (1) foot of freeboard; and drain within 36 hours.
 4. Berms used as part of the site's drainage infrastructure must be designed with a top width of at least eight (8) feet.
 5. Retention basins and septic system components must be separated by at least 25 feet unless it can be demonstrated that the top of the septic system components are below the bottom of the retention basin(s),
 6. Structural design of any retaining walls/structures shall be submitted for review with the building permit for the site's infrastructure.
 7. Prior to the issuance of a building permit for the site's infrastructure, the owner/applicant must submit evidence of approval/acceptance of the emergency services provider who will provide fire protection and related services to the site.

8. Engineering review of planning and/or zoning cases is for conceptual design only. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance; Drainage Policies and Standards; Floodplain Regulations for Maricopa County; MCDOT Roadway Design Manual; and current engineering policies, standards and best practices at the time of application for construction.
 9. Detailed Grading and Drainage Plans showing the new site improvements must be submitted for approval and acquisition of building permits.
- d. The following Maricopa County Environmental Services Department (MCESD) conditions shall apply:
1. A Drinking Water New Source Approval Application (NSA) and Notice of Intent to Discharge (NOID) for water and sewer are required prior to any construction permits approvals.
 2. Prior to construction permits approvals, the applicant will need to apply for SWPPP with MCESD Stormwater Quality program. For further information, go to www.maricopa.gov/stormwater.
- e. The following C-3 CUPD standards shall apply:
1. Maximum building height: 40 ft. above original, natural grade including building appurtenances.
 2. 1,600 sq. ft. of hillside disturbance in required rear setback.
 3. 3 ft. setback for rooftop appurtenance where a 10 ft. setback would apply.
 4. No screen walls to be provided.
- f. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- g. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would

be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

- i. The zone change with CUPD overlay is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. A public water system and public sewer system shall be required prior to establishment of any non-residential use that requires potable water.

Special Use Permit - Z2020068

District 5

Project name: **Amadio Ranch and Farm Special Use Permit for Events**
Applicant: Benjamin Tate, Withey Morris PLC
Request: Special Use Permit (SUP) for farmer's market and seasonal events in the Rural-43 zoning district
Location: Generally located at the SWC of Dobbins Rd. and 47th Ave. in the Laveen area

Ms. Applegate presented Z2020068 and noted the Special Use Permit is proposing several types of events, including Farmer's Market, Farm Days and Seasonal Events. None of these activities would exceed a maximum of 75 attendees of which are only for the five seasonal event days per year. The applicant mentioned within the narrative that the Farmer's Market would have between 25 and 50 attendees and the farm days with smaller crowds of roughly 15 attendees per event. Vendors would be located at the north-east portion of the site adjacent to the roads and access, via one way in from 47th Avenue, and one way out to Dobbins Road. The applicant has agreed to add right turn only signage to the egress area to help prevent left turn lane and crossing over traffic on Dobbins Road for vehicles leaving the site. The parking situation is not ideal with 13 on-site spaces, staff understands that visitors to the site would be staggered throughout the event date. The site is currently running under a temporary use permit approved under TU2020006 for the same use and they have a home occupation permit for the pie baking business. Staff has received 384 documents in support, including some adjacent and nearby neighbors of the subject site. The support states the existing events have been well organized and respectful of the surrounding neighborhood, and the site is an asset to the community. Staff has also received two opposition documents with concerns with having a business in residential area, as well as vehicular and pedestrian traffic safety, and the amount of visitors to the site. Staff is in support of this Special Use Permit request for a 10 year entitlement. Staff recognizes and understands the concerns of the opposed, the subject site is located on a quarter, a lot, adjacent to arterials where commercial zoning exist across Dobbins Road to the north of the site with an existing City of Phoenix fire station on one of these commercial parcels. The subject site has an existing single family residence, and on non-event days this property can function under the same rural and residential uses as the surrounding neighborhood. One change that staff would like to make under the recommended conditions of approval under Paragraph 17 in the staff report is condition 'd.4. Staff would like to strike out the proposed language in the report

as: The parking facility must have full internal vehicular, circulation and storage. Parking is not allowed in the public right away, and replace with the following language: Any offsite, on-site parking shall comply with the applicable parking regulations enforced at the time of event. Staff recommends approval with conditions a through j, with revised language to condition 'd.4'.

Chairman Arnett asked is there any current violations on the property. Ms. Applegate said there's no violations on the property with that temporary use permit.

Mr. Benjamin Tate said he is with Withey Morris representing the applicants Eric and Christine Amadio. We've been working on this for the better part of two years, with the original complaint that led to the temporary use permit process, and then the process to bring the Special Use Permit to this commission for consideration. This is a bit of a special case and it's a special case for two reasons. It's rare we're coming to this commission and asking for approval on behalf of a property owner that's not seeking profit for new development, but instead where the primary motive is to continue bringing joy to their community. They bought this property in 2008, right after the bottom fell out of the housing market and quickly started growing their vegetables, plants and fruit trees on their property. They realized just how productive their land was and were producing so much of it they couldn't possibly consume all of it before it spoiled. On the weekends, they started putting out some fruit and vegetables for other people in the area to buy. They found that it was actually a really significant demand for freshly grown produce in the area, and over time that went from just putting out some crates and selling, into twice monthly farmer's markets. They brought in other vendors from the community to sell their wares, to have foods on the property for people to eat. It became something that has been valued in the community. They make pies with their home occupation permit, and make honey. They go to other farmers markets around the valley to sell those items. They received their home occupation permit in August of 2018 and converted the attached garage into a commercial kitchen. The TUP was approved in April of 2020 for the Farmer's Market, farm days, special events. What started this process was a formal complaint to Maricopa County for the operation of the Farmer's Market which was really popular in the community. Eric and Christina realized that some type of additional approval from the County was going to be necessary. The Board of Adjustment approved the temporary use permit, as well as the Laveen's Citizen's Responsible Development, which is a community of citizens that are a board of citizens in the area that review development cases. There were approximately 20 letters in opposition to the temporary use permit, and maybe 5 to 10, who spoke in opposition at the Board of Adjustment. Today, there are two letters of opposition and he doesn't know if anybody has registered for this hearing to speak in opposition. It's pretty clear that these events during the temporary use permit period have been successful, there's been no formal complaints, and the opposition has been almost completely eliminated. That really is a testament to the work that Eric and Christina have done working with staff to make sure that these events continue to have a positive impact on the community and not a negative impact on the surrounding area. Our proposal is for a special events - farmers markets, farm days, and seasonal events and these are three different types of events that will be hosted on the farm. The farmers markets are 18 events per year with stalls for vendors with approximately 25 to 50 people at any given time. Seasonal events are a little bit larger, but are incredibly treasured in the community. They do a pumpkin patch event, every

year, and a Christmas event and these are approximately 3 to 5 events per year. Farm Days are much smaller events, with no more than 1 to 2 outside vendors. These are generally on weekends, but sometimes on weekdays. It's just an opportunity for people to come and tour the farm to see the animals. They put in 13 permanent onsite parking spaces, that's 12 normal spaces plus one ADA space. The driveway for 47th Avenue has been made to ingress only, and the in the driveway, onto Dobbins is exit only with turning signage that says right turn only. People will have to come in off of Dobbins right off of 47th Avenue, under the property parking, and if the parking spots on the property are full, there's a dirt shoulder on the west side of 47th Avenue for parking. There's a large dirt shoulder on the west side of 47th Avenue for any overflow parking. Many people walk to these events especially when the weather's nice. The turnover at these events is pretty high, people tend to only stay for about 20 to 30 minutes. The parking spaces circulate fairly efficiently, and there are usually parking spaces available as people coming out. There's an ADA compliant portable toilet and hand-washing station. There's a City of Phoenix fire station that is right across the street on Dobbins in the event of a medical emergency. As part of this SUP, we're requesting one single host mounted 4'x6' permanent sign that will be put in on the property in the future. We proposed a series of design guidelines for this site in order to ensure it has the feel and agricultural nature of this part of Laveen. The 400 support letters are from the immediate area around Laveen, it really a testament to how much support they have in this area. A lot of those letters are clustered from right around the Laveen area and South Mountain, and as far as east Mesa and far west to Buckeye. We're requesting a 10 year SUP for farmers markets, seasonal events and farm days for Amadio Ranch. This is a family in Laveen who stumbled into something really great and have done everything in their power to ensure that these events can continue to occur in a way that is impactful on the surrounding community in a positive way.

Commissioner Hernandez asked as part of the temporary use permit the improvements to the parking lot have already been conducted. Mr. Tate said that is correct. They have put it in the parking spaces, and have striped it for the direction of traffic flow and made all of these improvements during the period of the temporary use permit. Commissioner Hernandez asked is that asphalt or just some sort of stabilized granite. Mr. Tate said the original plan was to do 95% compacted subgrade. What they ended up doing was to actually pave it with asphalt, which is a more permanent and more dust proof solution. Mr. Hernandez asked was a grading and drainage permit obtained to do that. Mr. Tate said because this is a special use permit, that we are not subject to commercial grading and drainage requirements.

Commissioner Schlosser said he grew up in, and worked at the Laveen Fire Department while going to college, and he is very familiar with area. He noted the deputy Sheriff they originally hired for security came to the conclusion that the property didn't need security. He is in full support.

Mr. Eric Amadio said he appreciates the commission for hearing the case, and their consideration.

Mr. Jeff Hale said he lives just two houses to the south of the Amadio Farm. He loves having the farm down the street and it's great to see the people and families out there enjoying

it. They keep the street really clean, cleaner than when they started. This promotes a sense of community, and it's a great place to be. He fully supports them doing this new venture.

Ms. Rebecca Perrera said she speaks in support of the farm and the special use permit. Maricopa County is one of the largest counties in the nation and to have a more livable future, the growth needs to be steered towards responsible development that meets today and tomorrow's needs. Food accessibility in supermarkets and Laveen is one of those areas of low access. This heritage is an important part of responsible planning, and the farm program actually connects to the community and that heritage. She urges the commission to support their special use permit.

Mr. Dan Penton said he lives a couple of blocks from the Amadios. Back in October we had the opportunity to you meet with the applicant and the representatives at the Laveen Citizens for Responsible Development (LCRD) meeting where they presented their SUP, their site plan, and their goals. We were all very supportive of the plan. It holds the true nature of Laveen. He has known Eric and Christina for three or four years now and to see how the property has grown is amazing. We need to see more of that in Laveen and elsewhere in the Valley. Farmland and agricultural uses are diminishing, and we really need to focus on preserving that. There was one concern with the parking which they've addressed, and the right turn only coming out of the egress. To making a right turn only for the people leaving the property and there'll be no unintended cut through traffic through the neighborhood. Overall, he is extremely supportive of the plan. They are planning for a sign in the future and they took our concerns and our comments to heart. It's a great opportunity for the community during these uncertain times.

Mr. David Anderson with technical support said he received a chat message from Denise Foerster, she lives directly across the street and she is in full support of the Amadios.

Chairman Arnett asked if anyone else from the public wished to speak. None.

Commissioner Gress asked about the concern with the right turn on the Dobbins, and it might generate additional traffic on 47th Avenue. Is it possible to note 10 years from now to follow back up on that. Or is that the normal SUP renewal process given the changes in dynamics in the neighborhoods. Mr. Gerard said there will be a new technical review when the SUP comes in for renewal.

Chairman Arnett said we don't know what's going to happen over the next 10 years. He is comfortable with a ten year SUP. If they're good neighbors, the same people will be here 10 years from now. The SUP is a great way to zone in these kinds of cases because it's almost like a permanent entitlement.

Vice Chair Swart said we get to see a lot of presentations and he wants to compliment the Amadios and their attorney for an outstanding presentation, and he really likes this project.

Commissioner McGee said this is a fabulous project and she can't wait to go visit.

COMMISSION ACTION: Commissioner Montoya motioned to approve Z2020068 with conditions 'a' –'j' with modification to condition 'd.4'. Vice Chair Swart second. Approved 8-0.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "Amadio Ranch and Farm – Special Use Permit Case #Z2020068", consisting of 1 full-size sheet, dated stamped received January 12, 2021, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "SWC Dobbins Road and 47th Avenue – Amadio Ranch and Farm", consisting of 29 pages, dated stamped received January 15, 2021 except as modified by the following conditions.
- c. The following Engineering conditions shall apply:
 1. The fence relocation shown on the Site Plan for the Special Use Permit, located in the north/northeast corner of the site to enclose the retail spaces, will require a Building Permit.
 2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning Ordinance and the Maricopa County Drainage Policies and Standards.
 3. All development and engineering design shall be in conformance with Section 1205 of the Maricopa County Zoning Ordinance and current engineering policies, standards and best practices at the time of application for construction.
- d. The following Maricopa County Department of Transportation (MCDOT) conditions shall apply:
 1. Dobbins Road and the west side of 47th Avenue are Maricopa County Department of Transportation (MCDOT) operated and maintained roads. Any construction (driveway, utilities, etc.) within the Right-of-Way will require a MCDOT Right-of-Way Permit.
 2. Traffic Control is the responsibility of owner/applicant.
 3. No road closures/obstructions shall be permitted; and no signs or any other event related objects shall be placed with the public right-of-way unless a Special Events Permit is procured from the MCDOT Permitting Branch.
 4. ~~The parking facility must have full internal vehicular circulation and storage. Parking is not allowed in the public Right of Way.~~ **Any off-**

site, on street parking shall comply with applicable parking regulations enforced at the time of event.

- e. This Special Use Permit shall expire on March 10, 2031, or upon termination of the use for a period of 120 or more days, whichever occurs first. All site improvements associated with the special use permit shall be removed within 120 days of such expiration or termination of use.
- f. The following SUP standards shall apply:
 - 1. Existing fencing to be allowed within Site Visibility Triangles (SVT's) along Dobbin's Rd. driveway. If any future structures (including signage) or landscaping are proposed, it cannot exceed 2' height within said SVT's.
 - 2. 0' setback for existing structures from eastern (street side) property line.
 - 3. Signage: shall be non-illuminated and ground mounted. Maximum sign area of 24 sq. ft. with maximum 12' in height, post shall be no taller than 8'. Sign material shall include two of the following, as approved by Planning and Development Department – corrugated metal, rusticated metal, wrought iron, barnwood or reclaimed wood, or shiplap siding.
- g. This Special Use Permit approval does not grant any entitlement or permits to buildings, fencing, or structures that may encroach onto adjacent properties, easements or rights-of-way. Structures that have been erected or improved without permits must obtain the necessary approvals through the Maricopa County Planning and Development Department.
- h. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- i. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- j. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any

rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

Chairman Arnett adjourned the meeting at 12:03 p.m.

Prepared by Rosalie Pinney, Recording Secretary
February 11, 2021