

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

January 28, 2021
9:30 a.m.

Gotowebinar.com
Phoenix, Arizona

MEMBERS PRESENT:

Mr. Greg Arnett, Chairman
Mr. Jay Swart, Chairman
Mr. Nathan Andersen
Mr. Matt Gress
Mr. Erik Hernandez
Mr. Jimmy Lindblom
Mr. Lucas Schlosser

MEMBERS ABSENT:

Ms. Francisca Montoya
Mr. Kevin Danzeisen

STAFF PRESENT:

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

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Mr. David Anderson, Business Engagement Manager, OET
Ms. Rebecca Quince, Senior Project Manager, OET

CONTINUANCE:

Z2020052

CONSENT:

CPA2020004

REGULAR:

Z2019071

Chairman Arnett made the standard announcements, and asked if there were any changes or comments to the minutes for November 5, none.

COMMISSION ACTION: Chairman Arnett approved the November 5, 2020 minutes as written.

CONTINUANCE AGENDA

Special Use Permit - Z2020052

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. Gerard said item #2 – Z2019071 is moving to the regular agenda, and item #3 – Z2020052 is moving to the continuance agenda. The applicant is requesting a continuance to February 11, 2021. No action required by the Commission.

CONSENT AGENDA

Comprehensive Plan Amendment - CPA2020004

District 4

Project name: **Rose Estates**
Applicant: Jordan Rose, Rose Law Group, PC
Location: Northeast corner of the intersection of 115th Ave. (alignment) and Williams Dr. (alignment) in the Peoria area.
Request: Modification of Condition for a previously approved Comprehensive Plan Amendment (CPA) – to modify or delete condition 'c' of CPA2019013 regarding a maximum unit count for an area designed for Small Lot Residential (2-5 du/ac) land uses

Mr. Gerard presented the consent agenda.

Chairman Arnett said density is always an issue and what we deleted was the maximum. We have no opposition and it is within the current zoning. Sometimes these maximums are very crucial, and he asked staff to speak to that. Mr. Gerard said the appropriate place for the density cap would have been with the companion zoning case, because once we approve that zoning entitlement they have the ability to move forward with any subdivision that meets those development standards in that zoning district. It will allow a much greater density than the unit cap that was placed on the CPA. We didn't place a unit cap on the zoning, and they have a new conceptual layout that is going to be higher than the maximum unit count that was originally proposed. This is still well within the 2-5 dwelling units per acre. They can move forward today based on their zoning entitlement, and the CPA is for transparency and to clean up the record.

Chairman Arnett asked if there are any comments or questions from the Commission or any members of the public that wish to speak. None.

COMMISSION ACTION: Commissioner Schlosser motioned to approve the consent agenda, CPA2020004 with conditions 'a'-'d'. Vice Chair Swart second. Approved 7-0.

- a. Development of the site shall be in substantial conformance with the CPA Land Use Exhibit, entitled "Rose Estates", consisting of one (1) full sized sheet, dated June 2020, and stamped date received on June 10, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the CPA Narrative Report, entitled "Rose Estates", consisting of 11 pages, dated

June 2020, and stamp date received on June 10, 2020, except as modified by the following conditions.

- c. DELETED.
- d. 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 uses 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 land use designation 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 change of the land use. The land use enhances the value of the property above its value as of the date the land use change is granted and reverting to the prior land use designation results in the same value of the property as if the land use change had never been granted.

REGULAR AGENDA

Special Use Permit - Z2019071

District 1

Project name:	La Casa Blanca Event Venue
Applicant:	Greg Loper, AICP
Location:	Generally located ¼ mile north of the northeast corner of McQueen Rd. and Riggs Rd. in the Chandler area
Request:	Zone change from Rural-43 to C-2 CUPD to accommodate a restaurant expansion with a multi-phase event venue

Mr. Martell presented Z2019071 and noted this request is for an expansion of La Casa Blanca Restaurant to offer venues for various events. This will be multi-phased expansion beginning on the northern portion of the site and ending on the southern portion. Since the restaurant is small the property owner decided to purchase the property to the south to expand the restaurant with the intent to utilize the existing structures on these lots. Many of the events will take place in an existing barn structure on the site and it would be used for meetings, weddings, banquets, and restaurant dining. They would have two to three events per week and include live or recorded music that will take place only in the barn building. They'll incorporate sound mitigation measures to the main structure of the facility and tall solid fencing, and include additional landscaping buffers. They can hire an acoustical engineer to address potential sound issues if complaints are received in the future. They will use alternative dust free materials for parking, asphalt millings or decomposed granite to minimize dust pollution from the site. Staff received opposition comments from the City of Chandler with concerns this use is not compatible with the south Chandler area plan's rural agrarian land use designation. The city states that any residential development shall occur a low intensity manner with density transitions and

overall development compatibility which are issues that must be considered with the zone change request. The city is interested in annexing the entire site in the future and prefer the site match the City of Chandler requirements. The property owners do not wish to be annexed into the City of Chandler and prefer to remain in the County. The city requests the parking lot be paved in place of decomposed granite, require landscaping buffers on the west and east side of the development, require light not to shine into adjacent property's, require illuminated wall mounted signage not to face residential properties, and require the screening of any rooftop or ground mounted mechanical equipment. The applicant intends to add most of these development guidelines except for paving of the parking area. To develop this site as an event venue is appropriate for this facility along McQueen Road, where it does have enough vehicular travel lanes with a center right/left turning lane to accommodate the additional traffic. The screening wall will mitigate any excess noise from the site. The City of Chandler is requesting additional guidelines for the development of this site that are beyond those of the County. The parking area would be screened by the building and walls and will not be visible from the street or adjacent residents in the City of Chandler. The asphalt millings and decomposed granite or other alternative still minimizes dust pollution which is required by the County. There is not a precise plan for the southern portion of the site at this time. Staff is recommending approval of this request subject to the conditions listed in the staff report.

Commissioner Gress asked if the applicant will consider all provisions raised by the City of Chandler except for the paving. Mr. Martell said that is correct.

Commissioner Gress asked does the property owner have any say if the City of Chandler would annex that area, and does it have to be agreed to by the landowner. Mr. Gerard said annexation is completely between the property owner and the annexing municipality. The County is not involved. The property owner cannot be made to annex involuntarily when it's an individual annexation. If it was a large area annexation, and 50 percent plus one of the property owners, those that may not want to get annexed could get annexed. There are instances where the city may be providing water and sewer services outside their city limits, and in order to maintain service the property owner may be compelled by the city to seek annexation for services, but that is outside of our scope.

Commissioner Gress asked if the City of Chandler and the landowner agreed to the annexation in the future would they need to modify their property for the paving, or is it grandfathered in. Mr. Gerard said upon annexation the municipality would provide equivalent zoning to the property, but that's a legal argument. There is a condition of this zoning approval the parking area shall be surfaced by asphalt millings and decomposed granite or other alternative to limit dust pollution. That's a matter that would have to be discussed if the city was to require concrete or asphalt.

Chairman Arnett said there are reasons to annex or not to annex. We are looking at County requirements, but we always look at surrounding jurisdictions.

Mr. Greg Loper the applicant said we aren't against being part of the City of Chandler but we do not have a need to annex. The property is served by the City of Chandler water and sewer for the existing restaurant. Much of that County Island is serviced by the

City of Chandler where they provide those services outside the city limits. When the sewer was installed we were required to over size it and extend it to both the north and south property lines just so other developments can tie into it. This restaurant has been operating for 15 years and has been quite successful. Many of the stipulations from the City of Chandler were already part of our application. The surfacing is an option available to us within Maricopa County, and the goal is to reduce dust and that serves that purpose.

Mr. Loper said they would like to make a change to stipulation 'h' in regard to the noise level on the property. A normal conversation is around 60 to 65 dB. We would like it to be bumped up to 65 decibels to be in compliance with county noise ordinance. Road noise on McQueen Road is going to exceed more than 55 decibels to anything happening with our operation. Chairman Arnett said we will come back to that request after we hear from the other speakers.

Ms. Rosa Gonzalez said she is one of the owners, and the restaurant has been open for 15 years. The pandemic has certainly affected their business but they are holding on. They do get requests from the schools, and from customers for small weddings but their space is tight, and the property to the south of them would really be beneficial for their business. They would like to keep it a rural environment and keep the agricultural look as the City of Chandler has requested, and they are agreeable to the asphalt for the dust control.

Commissioner Andersen said the current stipulation 'f' requires the parking area be surfaced by asphalt millings, and asked if she was in agreement with that stipulation as it is written or are they going to pave the parking area. Mr. Gerard said Planning and Development considers asphalt millings that is compressed and has a binding agent as paving.

Ms. Gonzalez said if paving helps this process and makes it easier with the City of Chandler, then they are willing to do the actual paving.

Chairman Arnett asked if there was any other members of the public that wish to speak. None.

Chairman Arnett asked what is the actual noise standard for the county. Mr. Gerard said we don't normally place a noise limit on a commercially zoned property it's usually with Special Use Permits. The noise ordinance is subjective to the responding Maricopa County Sheriff's Deputy who makes the call if the noise emanating from the site is to be expected from that type of business, so it is not a specific level. If we place a specific decibel level on the site it will make it a zoning issue rather than a noise ordinance. We would enforce 55 decibel which would be much lower than the arterial road in front of the property. 55 decibels is pretty standard for home occupations and wedding venues but they tend to be in residential neighborhoods. Staff would be comfortable if that stipulation was removed.

Mr. Peck said enforcing those noise levels are virtually impossible because the code enforcement officer would have to be there at the time of the violation. That is why it is

much better left to the noise ordinance that is enforced by the Sheriff's Department which has far greater resources.

Commissioner Andersen asked about adjacent uses north, south and east of the property. Mr. Martell said to the north is the La Casa Blanca Restaurant, and there is an auto mechanic shop to the south, and to the east is a residential property with a SUP for a canine boarding facility. West of the site is a residential neighborhood in the City of Chandler.

Commissioner Gress asked if the City of Chandler asks for a decibel level stipulation. In the letter there's buffers with landscaping and other modifications to prevent noise. Mr. Martell said not to his knowledge, but the city does have concerns with noise coming from the site and interfering with the residents to the west. That's why they want landscaping buffers to the west and are in favor of sound mitigation to the building.

Mr. Loper said the property to the east is also owned by the Gonzalez family, so it is a built in buffer to the properties to the east.

Commissioner Andersen said he is comfortable with the application and stipulations, plus he is okay with the deletion of stipulation 'h' in regards to the noise decibels. Mr. Gerard asked about revising stipulation 'f' for the parking area to be paved. Commissioner Andersen said the issue is about dust control and he is comfortable with the way the stipulation stands.

Chairman Arnett said the stipulation is okay as they meet the county requirement for dust control. If they are willing to pave it that's great, but we don't need to stipulate to that. He is comfortable leaving it as is.

Commissioner Schlosser said he echoes Chairman Arnett and Commissioner Andersen's comments. It sounds like the applicant is willing to work with the City of Chandler, and he is in favor of this project.

Commissioner Gress said he is in support, and echoes the other comments.

COMMISSION ACTION: Commissioner Andersen motioned to approve Z2019071 with conditions 'a' –'o' with deletion of condition 'h'. Vice Chair Swart second. Approved 7-0.

- a. Development of the site shall be in substantial conformance with the Site Plan entitled "La Casa Blanca Restaurant Expansion", consisting of two full-size sheets, dated November 17, 2020, and stamped received November 18, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "La Casa Blanca Expansion", consisting of 15 pages, dated November 17, 2020, and stamped received November 18, 2020, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:

1. At the time of the building Permit, the applicant must coordinate with the City of Chandler to properly access the site. The applicant must coordinate with the City of Chandler to dedicate the appropriate Right-of-Way.
 2. 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.
 3. Engineering 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 Drainage Policies and Standards; Floodplain Regulations for Maricopa County; and the MCDOT Roadway Design Manual.
- d. The CUPD will limit the site to the following uses:
1. Restaurant, café, refreshment stands, and catering use.
 2. Event venue for meetings, sports, school, places of worship, banquets, weddings, receptions, birthdays, religious events, private parties, retreats with no overnight accommodations, or other similar uses.
 3. Bakeries with screened outdoor storage.
 4. Outdoor dining with on-site alcohol sales and food pick-up.
 5. Indoor amplified music and entertainment.
 6. Accessory uses/buildings similar and/or customarily incidental to the above use.
- e. The CUPD will prohibit the following uses:
1. Drive-throughs.
 2. Rodeos, auctions, swap meets, and campgrounds.
 3. Residential uses, excluding care-takers quarters.
 4. Outdoor amplified music and entertainment.
 5. Uses not similar with the listed allowed uses.

- f. The parking area shall be surfaced by asphalt millings, decomposed granite, or other alternative to limit dust pollution emanating from the parking area.
- g. Sound attenuation measures shall be incorporated in the refurbishment of the barn building where events will take place to minimize sound pollution emanating from the structure.
- ~~h. Noise generated on site from events shall not exceed 55 dB as measured from a point external to the property lines.~~
- i. A landscaping buffer with dense vegetation shall be added on both the west and east portions of the site as a sound buffer for the adjacent residential properties.
- j. All roof-mounted and ground-mounted equipment shall be screened.
- k. Any illuminated wall sign or wall mounted signage shall not face the residentially zoned properties to the west of the site.
- l. There shall be no driveway for event traffic from the site on to Victoria St.
- m. 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.
- n. 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
- o. 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.

Chairman Arnett adjourned the meeting at 10:17 a.m.

Prepared by Rosalie Pinney, Recording Secretary
January 28, 2021