

**TOWN OF BUCKEYE  
BOARD OF ADJUSTMENT  
TOWN COUNCIL CHAMBERS  
100 NORTH APACHE ROAD / BUCKEYE, ARIZONA 85326  
REGULAR MEETING MINUTES  
June 10, 2008  
6:00 P.M.**

**1. CALL TO ORDER**

Chairperson Napolitano called the meeting to order at 6:00 p.m.

**2. ROLL CALL**

Members present: Chairperson Napolitano, Vice Chairman Zwerg, Boardmember Kempiaik, Boardmember Jimenez, Boardmember Hawley, Boardmember Richardson, and Boardmember Stafford served on the Board. Alternate Boardmember Carson and Alternate Boardmember Molina were present.

Members Absent: Councilman Hardesty

Departments Present: Attorney Mark Langlitz, Management Assistant Claudia Herrera, Community Partnership Director Phil Harris, Community Development Assistant Director Suparna Dasgupta and Town Engineer Woody Scoutten

**3. APPROVAL OF MINUTES FROM APRIL 8, 2008 REGULAR MEETING**

Boardmember Stafford requested corrections to the minute's items 5 and 6 to accurately reflect the correct Boardmember who made the motions on the items. The minutes shall reflect that the motions were made by Vice Chair Zwerg and seconded by Boardmember Richardson on items 5 and 6 of the April 8, 2008 Regular Meeting. A motion was made by Boardmember Stafford and seconded by Vice Chair Zwerg to approve the minutes with corrections from the April 8, 2008 Regular Meeting. Chairperson Napolitano, Vice Chairman Zwerg, Boardmember Jimenez, Boardmember Hawley, Boardmember Richardson and Boardmember Stafford voted aye. Boardmember Kempiaik voted nay. Motion passed.

**4. APS Sun Valley Marshalling Yard Variance VA08-05**

Associate Planner Andrea Marquez presented the item to the Board. Chairperson Napolitano asked if the lease was approved by Town Council. Town Attorney Mark Langlitz explained that the Town Council held a special meeting in which the lease was approved. Boardmember Stafford asked if the variance was necessary since Town Council approved the lease. Town Attorney Langlitz explained that the applicant was still responsible for obtaining a variance even though a lease was granted by the Town Council. He added that the use of a marshalling yard still required a variance. Vice Chair Zwerg asked if the variance request was due to the fact that the applicant wants to place temporary trailers on the property. Assistant Director Suparna Dasgupta confirmed that the placement of temporary trailers on the property were the only component of the contract that were not allowable per the Development Code and required a variance. The applicant, Michael Park with EPG made a brief presentation on the project and explained that the location of the project was strategic. Mr. Park explained that the nature of the project which is a 21 mile linear corridor would cause problems for vendors to deliver directly to the work sites. He added that the marshalling yard with temporary trailers would house staff that could receive and secure the products necessary for the project. Mr. Park added that the site is temporary for 2 years. Chairperson Napolitano asked if the project was complicated due to the fact that it crossed different jurisdictions. Mr. Park explained that the project crossed into Maricopa County and Town of Buckeye. Boardmember Stafford asked why the project could not be located at the Palo Verde Nuclear Power Plant. Paul Richards from APS explained that the use of the Palo Verde Plant is very limited and security was a problem. Boardmember Hawley inquired about dust control. Mr. Park explained that they would adhere to the Town of Buckeye dust control regulations. Vice Chair Zwerg inquired about utilities for the trailers and business hours. Mr. Park explained that they would only have electrical utilities and utilize bottled drinking water and portable bathroom facilities. He added that there would be 24-hour on-site security. Mr. Park said that delivery hours would be from approximately 6:30 a.m. to 5:00 p.m. Boardmember Stafford asked if the trailers could be left permanently for use by the airport after the lease expired. Mr. Park explained that the option had not been discussed but that the buildings were also leased. Boardmember Stafford inquired about the purpose of the trailers. Mr. Park explained that one of the buildings would be used for security while the others would be utilized for administrative and construction staff. Boardmember Stafford asked if the

current fencing was sufficient for security purposes. Mr. Park explained that they may plan for additional fencing with the site plan. A public hearing was opened at 6:16 p.m. There being no comments from the public the hearing was closed at 6:16 p.m. Boardmember Kempiaik asked if the request was only against the Development Code. Associate Planner Marquez explained that the placement of the trailers was in violation of Section 7-4-6 of the Development Code. Boardmember Kempiaik asked if the project would still need to go before the Arizona Corporation Commission for approval. Mr. Park explained that the project was already approved in 2005. Assistant Director Dasgupta explained that request for the variance strictly applied to the Town of Buckeye Development Code and had nothing to do with the other processes that APS had to undergo for approval. A motion was made by Boardmember Hawley and seconded by Boardmember Jimenez to approve the APS Sun Valley Marshalling Yard Variance. Motion passed unanimously.

#### **5. ADJOURNMENT**

There being no further business to come before the Board a motion was made by Boardmember Kempiaik and seconded Vice Chair Zwerg to adjourn the meeting at 6:20 p.m. Motion passed unanimously.

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**Annette Napolitano, Chairman**

**ATTEST:**

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**Claudia Herrera, Management Assistant**

I hereby certify that the foregoing is a true and correct copy of the Board of Adjustment Regular Meeting held on the 10th day of June, 2008. I further certify that a quorum was present.

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**Claudia Herrera, Management Assistant**