



**CITY OF BUCKEYE
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
DECEMBER 8, 2015**

**City of Buckeye
530 East Monroe Avenue
Buckeye, AZ 85326**

1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

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

Members present: Commissioner Thomas Marcinko, Commissioner Jeffrey Nagy, Chairperson Carol Kempniak, Commissioner Clayton Bedoya, Commissioner Gregory Clemmons, Vice Chairperson Nick Hudec, Alternate Deanna Kupcik, Alternate Gail Reese, and Alternate Bill Elliott

Members absent: Commissioner Preston Hundley, Alternate Jesse Knight, Alternate Duane Mity

Staff present: Planning Manager Terri Hogan, Planner II Andrea Marquez, Administrative Assistant Keri Hernandez, City Attorney Gary Verburg, City Engineer Scott Zipprich, Planning Intern Cody White, Council Liaison Craig Heustis excused himself at 7:52p.m

2. APPROVAL OF MINUTES FROM NOVEMEBR 24, 2015 PLANNING AND ZONING COMMISSION REGULAR MEETING

A motion was made by Commissioner Bedoya and seconded by Commissioner Nagy to approve the minutes of the November 24, 2015 Planning and Zoning Commission Regular Meeting as presented. Motion carried.

3. CONSENT AGENDA

No items

4. CONTINUANCE AGENDA

No items

5. REGULAR AGENDA

5A. EPCOR WATER PLANT 15 – ZONE 3N BOOSTER PUMP STATION

Planner II Andrea Marquez presented the staff report and was available to answer questions from the Commission.

Vice Chairperson Hudec inquired how this station would better serve the communities, and how the existing station in Verrado differs from the station being presented.

Applicant Travis Nuttall presented an exhibit to the Commission to explain the need for the new water plant booster station, and stated that it is to provide water service to the northern Verrado Community. Mr. Nuttall also explained that the existing station is a waste water treatment plant, whereas the proposed station is a water booster pump station to provide adequate pressure and flow to the Verrado residents.

Commissioner Marcinko asked if an alternate location closer to a pre-existing station was considered. Mr. Nuttall indicated that the station referred to is owned by another company that supplies service to

Beautiful Arizona Estates (BAE). The location selected and presented was chosen in order to be able access water from the main trunk line. Mr. Marcinko asked about the tank height and the surrounding wall height. Mr. Nuttall informed that the height of the walls was a Homeland Security standard. Mr. Marcinko asked if there were concerns of a possible spill. Mr. Nuttall answered that there are policies and procedures in place to address emergency actions.

Mr. Nuttall submitted a copy of the Central Operations form used by EPCOR for each facility. Mr. Hudec asked what the impact a toxic related evacuation would have on the neighboring communities. EPCOR Production Team District Manager, Joseph Cornejo, explained the safety of the liquid chlorine that will be used at this specific facility. Mr. Cornejo also informed the Commission that the form of liquid chlorine is substantially safer for the surrounding community than if chlorine gas was used.

Chairperson Kempiak invited the public to speak.

Neil and Carmen Harvey submitted a letter to the Commission to be part of the public record. Letter reads – 'We are protesting the current proposed location of the EPCOR pump station to be located north of Beautiful Arizona Estates. Our property, 19602 West Georgia Avenue, will be directly impacted by the pump station proposed. We are concerned about the toxic chemicals used CHL etc., and the possible leak into our environment. The noise level of the pump station is also a very big concern as the proposed location is almost directly behind our property. Why should the pump station, serving the residents of a subdivision west of BAE directly impact the residents of another which does not benefit from it, be located so close as to disrupt the lives of the BAE subdivision residents? We are insisting that the pump station be moved two-thousand feet further north. Reduction in our property value etc., could lead to further action.'

Douglas Andrade submitted a letter to the Commission to be part of the public record. Letter reads – 'As residents of this subdivision we are really concerned about the construction of water pump station almost behind our house. Three reasons why we attend this meeting: environmental hazard issues in the future, aerial pictures currently are showing three new houses and one more in construction process, depreciation of properties particularly on the northwest corner of our subdivision which is Georgia Avenue and 196th Avenue.'

Karen and Tony Sciulli submitted a letter to the Commission to be part of the public record in opposition of this project. Letter reads – 'As follow up to the November 24, 2015 Planning and Zoning (P&Z) Commission meeting, the concerns of the residents of Beautiful Arizona Estates (BAE) have not been addressed as indicated, only brought up in the P & Z Commission's presentation. That presentation was largely based on inaccurate and outdated information and false premises in an intentional effort to skew the substantial impact of EPCOR Water Plant 15. The City of Buckeye should not be relying on information provided by EPCOR without doing its own independent due diligence as to the accuracy of EPCOR's claims and statements. EPCOR has developed a reputation in the State of Arizona for misleading, misinforming, lying, bullying, and intimidating the parties that it comes in contact with until everyone caves in to their way, especially when it comes to projects (such as EPCOR Water Plant 15) and water rates. The residents of BAE are not public speakers. This subdivision is horse property owners who moved out here to get away from this type of political bullying. That doesn't mean our voice of reason (whether one voice or a thousand voices) should be squashed, especially when it is right and just. BAE should not be harmed by the City of Buckeye and EPCOR due to EPCOR's irresponsible planning and poor engineering. BAE tried to resolve the pipeline location issue and water plant location issue with EPCOR since nearly two years ago, well before EPCOR had the site plan proposal prepared. Meaning any current "relocation" cost is solely the fault of EPCOR. Frankly, a relocation cost in the low millions is insulting as that is pocket change to a multi-billion dollar corporation, who is, or should be, committed to doing the right thing and being a good corporate steward/citizen. What isn't pocket change is the substantial amount that EPCOR Water Plant 15 will devalue BAE properties. Ask any realtor about having this monstrosity by you neighborhood and what it does to property values and level of buyer interest. Not to mention the chemicals used are absolutely NOT like household chlorine bleach and are substantially more hazardous in concentration and volume (no different than saying arsenic is safe because it's in our drinking water). As far as the noise, in addition to being an annoyance to humans, it will disable horse properties in BAE as animals hear one hundred to one thousand times greater than humans. Regarding suspect zoning creativity for EPCOR Water Plant 15, it is pre-decisional to presume approval of high density two-story homes up against one-story acre+ horse properties. We leave you with this important fact – that there isn't one person, anywhere (EPCOR, Planning and Zoning Commission, and City Council members included) who would want this in their back yard or who would

desire to buy a home with the atrocity on top of it. EPCOR can try to deceive and "justify" EPCOR Water Plant 15 any way they want in the current proposed location, but that will never make it right. We ask that the City of Buckeye Planning and Zoning Commission do no harm to you neighbors by rejecting the proposed location of EPCOR Water Plant 15.'

Greg Cantor of Beautiful Arizona Estates spoke of his concerns with the devaluation of property with the installation of the proposed water booster pump station.

Norine Long of Beautiful Arizona Estates spoke of her concerns, "Jean Huerta has requested several times that EPCOR and the City of Buckeye come to visit Beautiful Arizona Estates to see how the pump station will affect the residents. The only visit we had was to see what the berm behind the homes on Tuthill looked like. I have marked the house numbers on the attached map to show that there are more than 2 houses on West Georgia Avenue. The current internet Google map and Maricopa County are both from the same source. These maps are about eight to ten years old and not current. Since Beautiful Arizona Estates (BAE) is in Maricopa County, not the City of Buckeye we do not receive EPCOR water or sewage treatment. We do not receive notice from the City of Buckeye, Verrado, EPCOR or Klondike Homes as to current events or status of anything in the surrounding area. Not many people were aware of the November 24th meeting. If not for Jean Huerta we would not have known there was to be a meeting and most residents had made other plans. Jean sent notice out on November 23rd, the day she got the information, to the resident e-mail addresses she has. This meeting was held two days before Thanksgiving so the residents were not notified on a timely basis. We feel we have not been advised on a timely basis of meetings. I feel the residents of BAE are being steam rolled by a giant corporation. The people of West Georgia will be affected by noise, dust and chemical odors and did not have a chance to input information in the beginning of EPCOR work. This should have been done several years ago so you could have our input. Maricopa County has all the names and addresses of property owners recorded. We would like to be a good neighbor but EPCOR and the City of Buckeye has not been the good neighbor we would expect. This letter has been submitted as part of the record."

Ms. Marquez stated that the applicant exceeded requirements to notify neighbors regarding meetings, and all notices for the City of Buckeye are posted on the City website.

Ed Poloniski of Beautiful Arizona Estates spoke of his concerns with the surrounding county properties.

Maria Sachs of Beautiful Arizona Estates spoke of her concerns with the location, chemical use, property devaluation, emergency notification to the surrounding areas and generator noise pollution.

Bob Stone of Beautiful Arizona Estates spoke of his concerns, "The homeowners in Beautiful Arizona Estates made a decision to purchase a home, away from the city, that has beautiful views, and clean, fresh air to breath. The proposed location of EPCOR's water booster station jeopardizes two of these key principles. They are trying to drop a two-hundred thousand gallon tank that measures roughly twenty foot high by approximately fifty feet in diameter along with a fifteen foot high pump house that will dose the water with chlorine a mere four hundred sixty-five feet from our incredible neighborhood. It appears that this is being done because EPCOR did not properly plan the routes of their water pipelines to supply water to the underdeveloped neighborhoods of Verrado, Victory and other proposed development even further north. As we are concerned about our property values, visual pollution, and other statutory nuisances, we request that another venue be selected for this chlorine pumping plant. As stated at the previous meeting on November 24th, their pipelines originate somewhere around Cactus and Perryville, and travel south to Indian School, passing Beautiful Arizona Estates by more than a mile, before turning west towards Verrado. Because they have overshot these undeveloped northern neighborhoods, they wish to tap into that westward pipeline then run back north, and install their Band-Aid fix, just to the north of our homes. I am certainly not privy to all of the logistics involved here, but can't help but to wonder why they won't tap into the main pipeline that runs north and south at the Bethany Home level, then run west without the need for a water pumping/chlorination station. This could cover north Verrado, Victory and even allow for northern growth. Should they still need a boost in pressure, they can then add pumps as needed, uncontested as there are no existing homes there. It seems reasonable to request that as EPCOR is servicing Verrado, Victory and others, that the plant be relocated further into these neighborhoods, or even better, on the opposite side of the property owned by these developments. Currently it is slated for the southeast corner of their property, the distance of just over a football field from our homes. Most definitely the northeast corner or even better, northwest corner of these developments would be a far more logical location. As this would be the initial construction in these areas, it would allow people to choose whether they wish to live next to this plant

or not. Obviously, sacrificing the two aforementioned items that are important to us for a lower cost home next to a fifty foot diameter, twenty foot high tank, with the glorious aroma of chlorine in the air. At the risk of being facetious, EPCOR's proposal to build this almost literally in our back yards, would be the similar of my building an ugly, unsightly chicken coop at the end of my one acre parcel, closest to my neighbor's house. Then filling it with noisy, stinky chickens for him to enjoy, but of course, I would keep all of the eggs for myself. The bottom line is: We do not want this monolithic water tank and chlorine injecting plant in our back yards where our children play, and I ask the members of the council, would any of you? Again, I thank you for your time. I would like to submit a written copy of my statement to the committee record."

Anna Whiting of Beautiful Arizona Estates spoke of her concerns with the depreciation in value of their properties. She stated, "that this booster station is an external obsolescence which is defined as an element of depreciation, a defect, usually incurable caused by negative influences outside the sight, and generally incurable on the part of the owner, landlord or tenant". Ms. Whiting submitted her letter to the Commission.

Cindy Stedman of Beautiful Arizona Estates spoke of her concern with access from Jackrabbit Trail to the sight in case of an emergency.

Chair Kempkiak inquired if the water stations along Miller Road are similar to the station presented.

City Engineer Scott Zipprich indicated that there are a few stations along Miller Road, each delivering different water services. Mr. Zipprich addressed the earlier concern about the access of Jackrabbit Trail. He stated that when the Jackrabbit Trail roadwork was completed, the end of Jackrabbit Trail was barricaded. Mr. Zipprich stated that if this site plan moves forward, EPCOR would have to coordinate with Maricopa County Department of Transportation to have the right of way dedicated to move beyond the barricades to extend the road or extend a driveway north past the barricade, and install additional barricades to keep trespassing at a minimum. Mr. Zipprich informed the Commission that the concern with Caterpillar dyke is there is not an acceptable plan in place to preserve the structural integrity and purpose of the dyke if the waterline was to breach through said berm until the future drainage is installed by DMB. Mr. Zipprich addressed concerns of the backup generator and stated that the City of Buckeye has commented on the site plan that fifty decibel noise range at the property line of the site, which is not quite as loud as an individual speaking. Mr. Zipprich addressed the concerns with the chlorine that would be used at this booster station, and informed the Commission that it would be almost the same strength of what is used in swimming pools. EPCOR's goal, when installing a booster pump station that involves the use of bleach, is to have full containment to avoid any loss in concentration, and the release of gas into the air.

Mr. Hudec inquired if locating further north would be a consideration. Mr. Zipprich stated that after further review, the City did question the chosen location and was regionally reviewed. It made sense with the amount and expense of the infrastructure that had to be installed. The line that was tapped into from Cotton Lane was sized to serve all of Verrado, and Indian School Road was chosen because there was existing right of way. A more northern location was not selected due to the lack of pressure and flow rate.

Mr. Hudec requested maximum screening of the booster station. Mr. Hudec asked if the Commission could stipulate additional landscaping and screening. Ms. Marquez reminded the Commission that there will be additional review by staff of the landscaping. Planning Manager Terri Hogan informed the Commission that there are several options to screening the tank, depressing the tank being an option.

Mr. Bedoya pointed out that a temporary screening is what is being presented, until future housing is developed. Mr. Hudec asked if depressing the tank is something that can be stipulated. Ms. Hogan stated that a stipulation providing enhanced screening could be discussed.

Mr. Nuttall addressed the option of depressing the tank, and stated that the main concern would be the soil conditions, and the increased material cost of the tank.

Mr. Zipprich stated that there is a number of different ways to screen these types of tanks, and depressing the entire site – not just the tank, is another option.

Mr. Clemmons addressed the applicant and the residents present to let them know that their points have been heard and noted.

A motion was made by Vice Chairperson Hudec and seconded by Commissioner Bedoya to recommend approval as presented with stipulations, adding stipulation (z) as stated – prior to approval of the final landscaping plans, the applicant shall work with city staff to provide enhanced screening which may include depression of the site, berming and additional landscaping.

Motion carried.

6. COMMENTS FROM THE PUBLIC

Bob Stone commented on the distance and location of the water station.

7. REPORT FROM STAFF

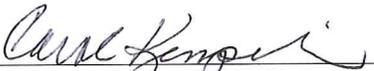
Ms. Hogan informed the Commission that the December 22nd Planning and Zoning Commission regular meeting would be cancelled.

8. COMMENTS FROM THE PLANNING AND ZONING COMMISSION

Vice Chairperson thanked the community for coming out to the meeting.

9. ADJOURNMENT

A motion was made by Commissioner Bedoya and seconded by Commissioner Clemmons to adjourn at 7:54 p.m. Motion carried.



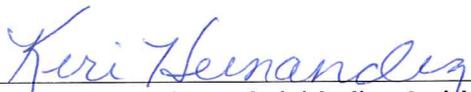
Carol Kempick, Chairperson

ATTEST:



Keri Hernandez, Administrative Assistant

I hereby certify that the foregoing is a true and correct copy of the Planning and Zoning Commission Regular Meeting held on the 8th day of December, 2015. I further certify that a quorum was present.



Keri Hernandez, Administrative Assistant