



MUNICIPAL OFFICE COMPLEX  
8401 W. MONROE STREET  
PEORIA, AZ 85345

**PLANNING & ZONING COMMISSION  
REGULAR MEETING  
NOTICE & AGENDA  
THURSDAY, AUGUST 2, 2012  
6:30 P.M.  
COUNCIL CHAMBER  
8401 W. MONROE ST.**

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**PLANNING & ZONING  
COMMISSION:**

Bill Louis, Chair  
Nancy Golden, Vice Chair  
Leigh Strickman, Secretary  
Greg Loper  
Gene Sweeney  
Leonard Spraker  
Charles J. Marr

Department Liaison  
Chris Jacques

***Accommodations for  
Individuals with Disabilities.***

*Alternative format materials, sign language interpretation, assistive listening devices or interpretation in languages other than English are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Room 150, Peoria, Arizona 85345 (623)773-7340, TDD (623)773-7221, or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request.*

**CONVENE:**

**ROLL CALL:**

**OPENING STATEMENT:**

**CALL TO SUBMIT SPEAKER REQUEST FORMS:**

**CONSENT AGENDA**

**CONSENT AGENDA:** All items listed with "C" are considered to be routine or have been previously reviewed by the Planning and Zoning Commission, and will be enacted by one motion. There will be no separate discussion of these items unless a Commission member so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

**CONSENT – New Business:**

- 1C** **DISPOSITION OF ABSENCE:** Discussion and possible action to approve/excuse the absences of Commissioners Gene Sweeney and Nancy Golden from the July 5, 2012 Meeting.
- 2C** **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held July 5, 2012.
- 3C** **CU12-0006:** Discussion and possible action to recommend approval of a request from Piazza on behalf of Dutch Bros Coffee for a Conditional Use Permit to allow for an outdoor dining patio in conjunction with a future coffee shop. The property is located west of the southwest corner of 83<sup>rd</sup> Avenue & Thunderbird Road.

- 4C** **CU12-0007**: Discussion and possible action to recommend approval of a request from Piazza on behalf of Aprisa Mexican Cuisine for a Conditional Use Permit to allow for an outdoor dining patio in conjunction with a future Mexican restaurant. The property is located west of the southwest corner of 83<sup>rd</sup> Avenue & Thunderbird Road.

## **REGULAR AGENDA**

### **NEW BUSINESS:**

- 5R** **PUBLIC HEARING**: RE: Special Use Permit.

**PUBLIC HEARING – Z11-0007**: Beus Gilbert PLLC is requesting a Special Use Permit to allow an Inert Land Reclamation Facility for a property zoned Planned Area Development. The approximately 127 acre property is located east of the 115<sup>th</sup> Avenue alignment between Olive Avenue and Northern Avenue.

**Staff Report**

**Open Public Hearing**

**Public Comment**

**Close Public Hearing**

**Commission Action**: Discussion and possible action to recommend approval of a request from Beus Gilbert PLLC for a Special Use Permit to allow an Inert Land Reclamation Facility for a property zoned Planned Area Development.

### **CALL TO THE PUBLIC: (Non-Agenda Items)**

Your comments pertaining to the Planning and Zoning Commission business are welcome. However, if you wish to address the Planning and Zoning Commission, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. Boards and Commissions are not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

### **Reports from Staff:**

### **Reports from the Planning and Zoning Commission:**

### **ADJOURNMENT:**

**NOTE:** Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Board/Commission Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

One or more members of the Peoria City Council may be present to observe the Board and/or Commission meeting as noticed on this agenda.

**PLANNING AND ZONING COMMISSION MINUTES  
CITY OF PEORIA, ARIZONA  
COUNCIL CHAMBER  
JULY 5, 2012  
DRAFT**

A **REGULAR Meeting** of the Planning and Zoning Commission of the City of Peoria, Arizona, convened at 8401 W. Monroe St., Peoria, AZ in open and public session at 6:30 p.m.

**Members Present:** Chair Bill Louis, Commissioners Leonard Spraker, Greg Loper, Charles Marr, and Leigh Strickman.

**Members Absent:** Commissioners Nancy Golden and Gene Sweeney.

**Others Present:** Steve Burg – Chief Assistant City Attorney, Adam Pruett – Senior Planner, Melissa Sigmund – Planner, and Bev Parcels – Planning Assistant.

**Opening Statement:** None read.

Call for speaker request forms.

**Audience:** Four.

**Note:** The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

## **CONSENT AGENDA**

All items listed with a “**C**” are considered to be routine by the Planning and Zoning Commission, and were enacted by one motion.

- 1C**    **DISPOSITION OF ABSENCE:** Discussion and possible action to approve/excuse the absence of Commissioners Gene Sweeney and Nancy Golden from the June 21, 2012 Meeting.
  
- 2C**    **MINUTES:** Discussion and possible action to approve the minutes of the Regular Meeting held June 21, 2012.
  
- 3C**    **CU12-0003:** RBF Consulting on behalf of Sun Health Services, LLC requested a Conditional Use Permit to allow the development of a senior living facility for approximately 106 residents on a property zoned RM-1.

**COMMISSION ACTION:** Commissioner Loper moved to approve the Consent Agenda items. The motion was seconded by Commissioner Strickman and upon vote, carried unanimously.

## REGULAR AGENDA

### UNFINISHED BUSINESS:

**4R** **PUBLIC HEARING – CU12-0005:** Ryan's Touchdown Sportswear & Promotions requested a Conditional Use Permit to allow a commercial service establishment for the decoration and sale of imprinted and embroidered sportswear in an existing approximately 4,000 square foot building on a property zoned C-2 (Intermediate Commercial).

**STAFF REPORT:** Presented by Melissa Sigmund, Planner.

**COMMISSION COMMENT:** None

**PUBLIC COMMENT:** None

**COMMISSION ACTION:** Commissioner Strickman moved to recommend approval of a request from Ryan's Touchdown Sportswear & Promotions for a Conditional Use Permit to allow a commercial service establishment for the decoration and sale of imprinted and embroidered sportswear in an existing approximately 4,000 square foot building on a property zoned C-2. The motion was seconded by Commissioner Marr and upon vote, carried 5-0.

**NEW BUSINESS:** None

**CALL TO THE PUBLIC:** (Non-agenda Items): None

**REPORT FROM STAFF:** None

**REPORTS FROM THE PLANNING AND ZONING COMMISSION:** None

**ADJOURNMENT:** There being no further business to come before the Planning and Zoning Commission, the meeting adjourned at 6:35 p.m.

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William Louis, Chair

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Date Signed



# CONDITIONAL USE PERMIT

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** CU 12-0006  
**DATE:** August 2, 2012  
**AGENDA ITEM:** 3C

**Applicant:** Piazza, on behalf of Dutch Brothers Coffee  
**Request:** Obtain a Conditional Use Permit (CUP) to permit an outdoor dining patio.  
**Proposed Development:** Dutch Brothers Coffee  
**Location:** West of the SWC of 83<sup>rd</sup> Avenue and Thunderbird Road  
**Outdoor Dining Area:** 180 square feet  
**Support / Opposition:** As of the date of this printing, Staff has not received any written or verbal support or opposition to this proposal.  
**Recommendation:** **Approve**, with conditions.

### LAND USE CONTEXT

*Table 1: Existing and Future Land Use, Current Zoning (Exhibits B & C)*

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Commercial Shopping Center (Sprouts)	Community Commercial	C-2, Intermediate Commercial
<b>North</b>	Commercial Center (north of Thunderbird Road)	Community Commercial	C-2, Intermediate Commercial
<b>South</b>	Vacant	Low-Density Residential (2-5 du/ac, target 3 du/ac)	PAD, Single-Family Residential
<b>East</b>	Commercial Center	Low-Density Residential (2-5 du/ac, target 3 du/ac)	C-2, Intermediate Commercial
<b>West</b>	Loop-101, New River (west of Loop-101)	Community Commercial; Residential/Medium High (8-15 du/ac, target 12 du/ac)	C-2, Intermediate Commercial; PAD

### PROJECT DESCRIPTION

1. The applicant is requesting issuance of a Conditional Use Permit (CUP) for a new outdoor patio to be used in conjunction with a drive-through and walk-up coffee shop (Dutch Brothers) slated for a vacant pad site at the Sprouts

Shopping Center west of the southwest corner of 83<sup>rd</sup> Avenue and Thunderbird Road. The overall interior size of the business is 426 square feet. The outdoor patio will be 180 square feet which equates to approximately 43% of the interior space.

2. The general improvements to the outdoor patio area will consist of movable tables and chairs to be located east of the building under a ramada. There will be recorded music played in the patio area which will not exceed 65 db as measured at the property lines. The patio area will not be fenced off.
3. The proposed hours of operation for the patio and restaurant are seven days a week between the hours of 5:30 AM to 10:00 PM.

## **FINDINGS AND ANALYSIS**

4. Section 14-39-12.E of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.
5. The applicant has provided staff with a narrative that describes the nature of the business, which appears to be typical for outdoor dining areas associated with coffee shops.
6. According to Section 14-9-5.B.3.c, an outdoor dining patio shall not exceed 25% of the gross floor area of the associated establishment unless the Planning and Zoning Commission waives this requirement based on a finding that sufficient measures have been taken to mitigate potential adverse impacts on adjacent properties. The floor area of the proposed patio would amount to approximately 43% of the total gross floor area of the associated business.

This requirement is intended to minimize the scale of outdoor seating and patio areas--particularly with bars, taverns, and late-night entertainment uses—to keep the outdoor function accessory to the principal building use. Due to the diminutive scale of the principal use, even modestly sized outdoor areas will exceed the limitation. The outdoor patio will be operated in accordance with business hours, is minimal in size, doesn't impact walk areas and is located over 700-feet to the nearest residential zoned property. For these reasons, staff recommends that the Planning and Zoning Commission grant the size waiver for the outdoor patio/dining area.

7. In staff's judgment, the proposed use is an appropriate, ancillary function to the proposed drive-through use. The use is consistent with surrounding land uses and the context of the area in question.
8. Pursuant to Section 14-39-6 of the Peoria Zoning Ordinance, notice was forwarded to all property owners within 600 feet of the proposal and all registered Homeowners Associations within 1 mile of the proposal. As of this writing, no responses in support or opposition have been received.

*Proposition 207*

9. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has agreed to furnish a signed and notarized Proposition 207 Waiver.

## **RECOMMENDATION**

10. Based on the following findings:
  - The proposal is limited in scope and an appropriate, ancillary function for a drive-through use;
  - The outdoor dining area is within a larger existing commercial development;
  - The use will be located and will operate in a manner that protects the neighborhood from nuisances and other disturbances and is consistent with a neighborhood-serving commercial establishment.

It is recommended that the Planning and Zoning Commission take the following action:

### **Approve the request for a Conditional Use Permit under Case CU12-0006, subject to the following condition:**

1. A size waiver is granted to allow an outdoor patio of 180 square feet which is 43% of the principal building area.
2. The use shall substantially conform to the project Site Plan (Exhibit D) and Narrative (Exhibit E) as contained in the staff report to the August 2, 2012 Planning & Zoning Commission, except where modified herein.

## **Attachments:**

Exhibit A	Vicinity Map
Exhibit B	Existing Land Use
Exhibit C	Existing Zoning

Staff Report / CU12-0006

August 2, 2012

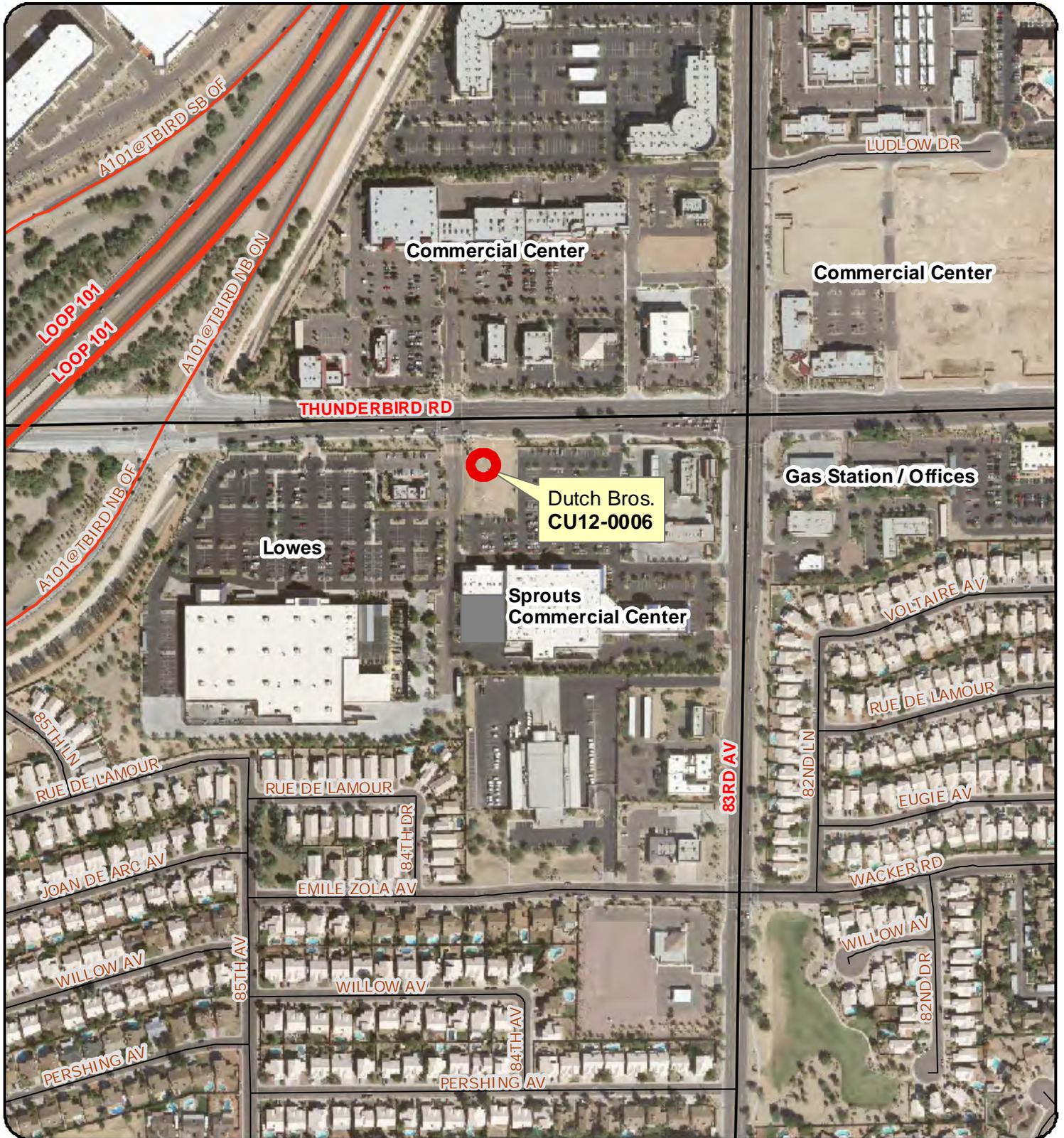
Page 4

Exhibit D	Site Plan
Exhibit E	Narrative

Prepared by:	Ed Boik, AICP, LEED Green Associate Planner
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# Vicinity Map

Exhibit A



## CU12-0006 Dutch Brothers Coffee

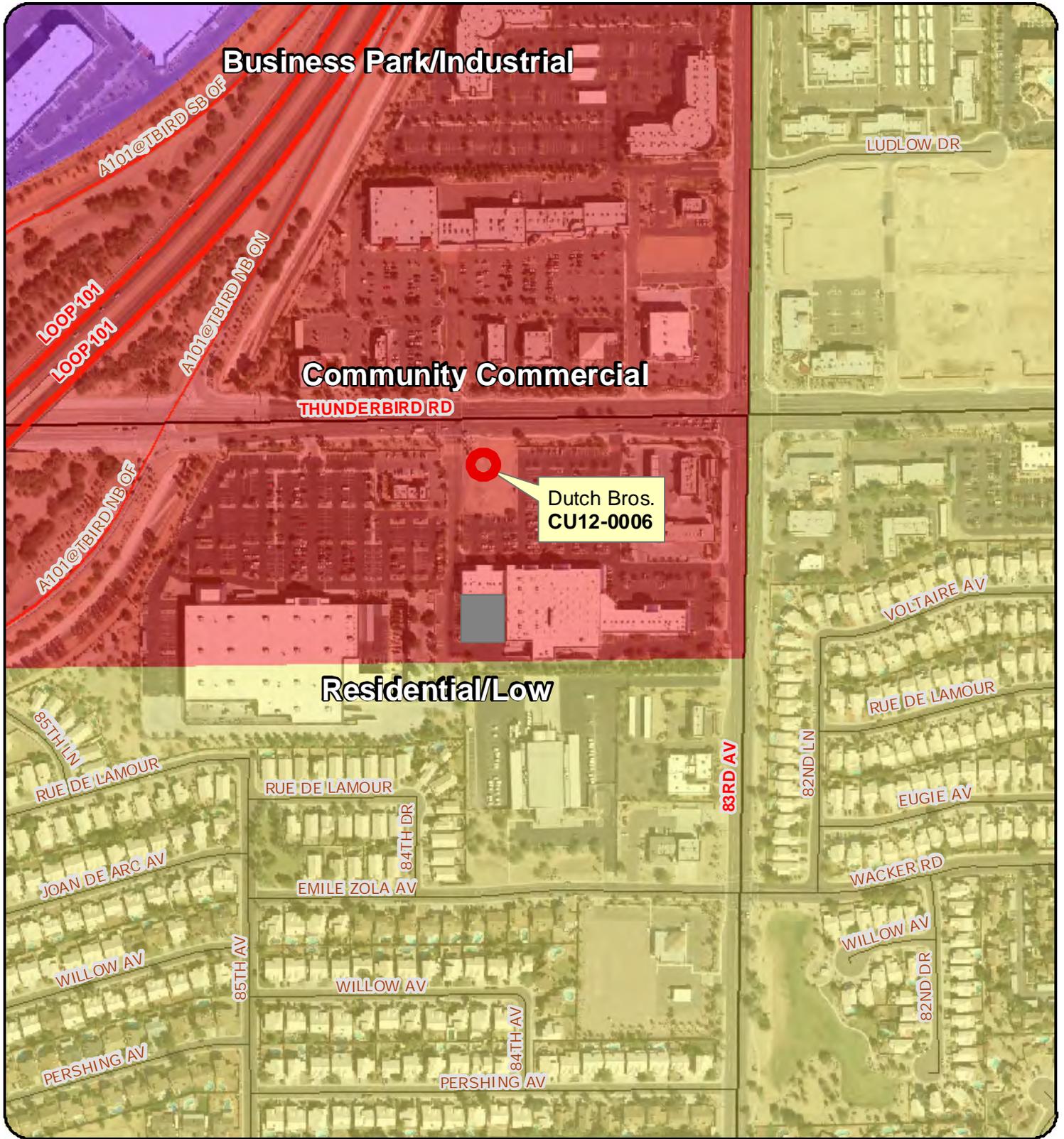
Applicant: Bill Cantieri on behalf of Dutch Brothers

Request: Approve CUP for outdoor seating patio

3



Not to Scale



## CU12-0006 Dutch Brothers Coffee

Applicant: Bill Cantieri on behalf of Dutch Brothers

Request: Approve CUP for outdoor seating patio

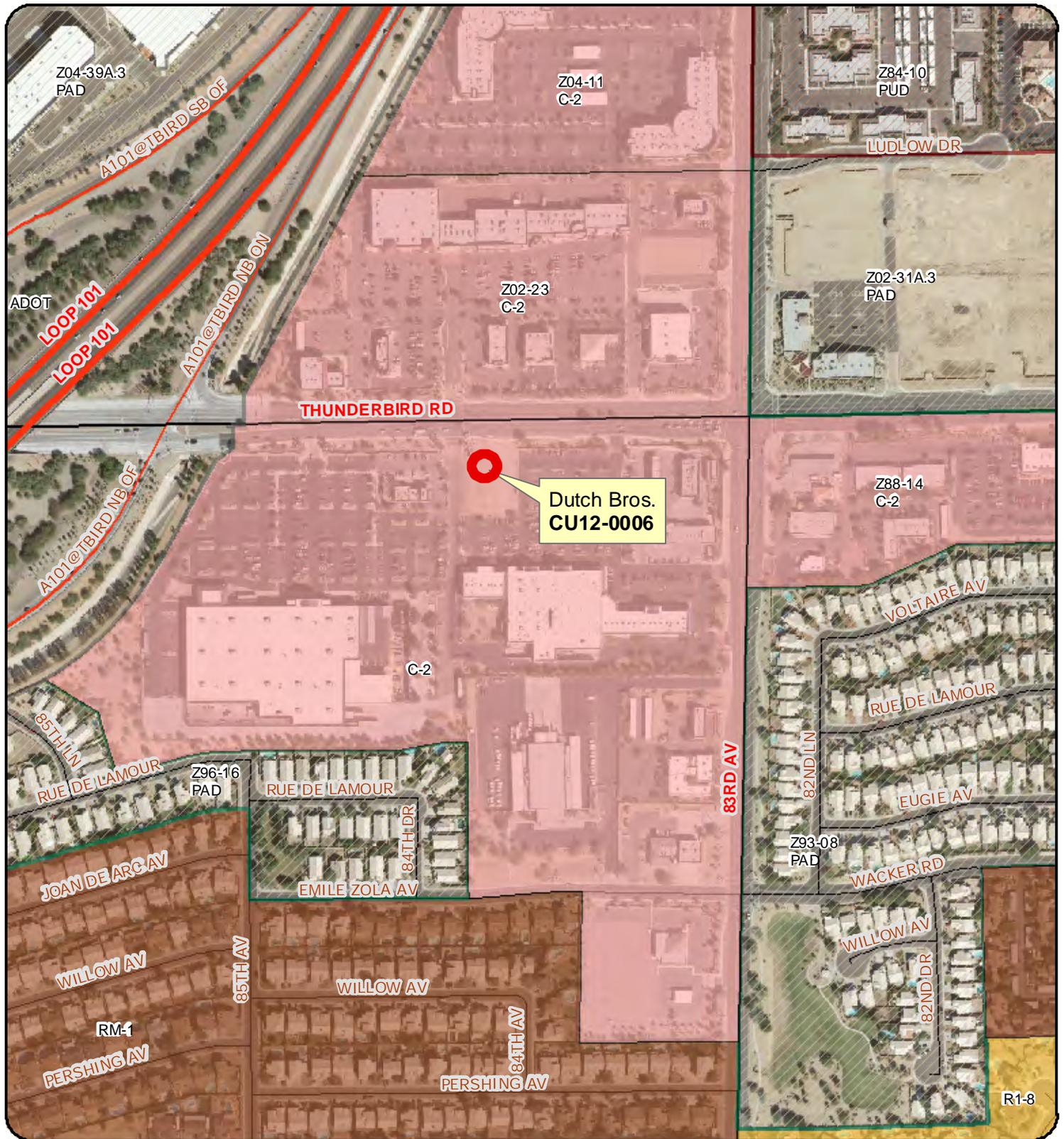
# 3



Not to Scale

# Zoning Map

# Exhibit C



## CU12-0006 Dutch Brothers Coffee

Applicant: Bill Cantieri on behalf of Dutch Brothers

Request: Approve CUP for outdoor seating patio

# 3

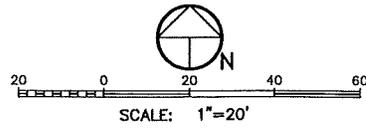


Not to Scale

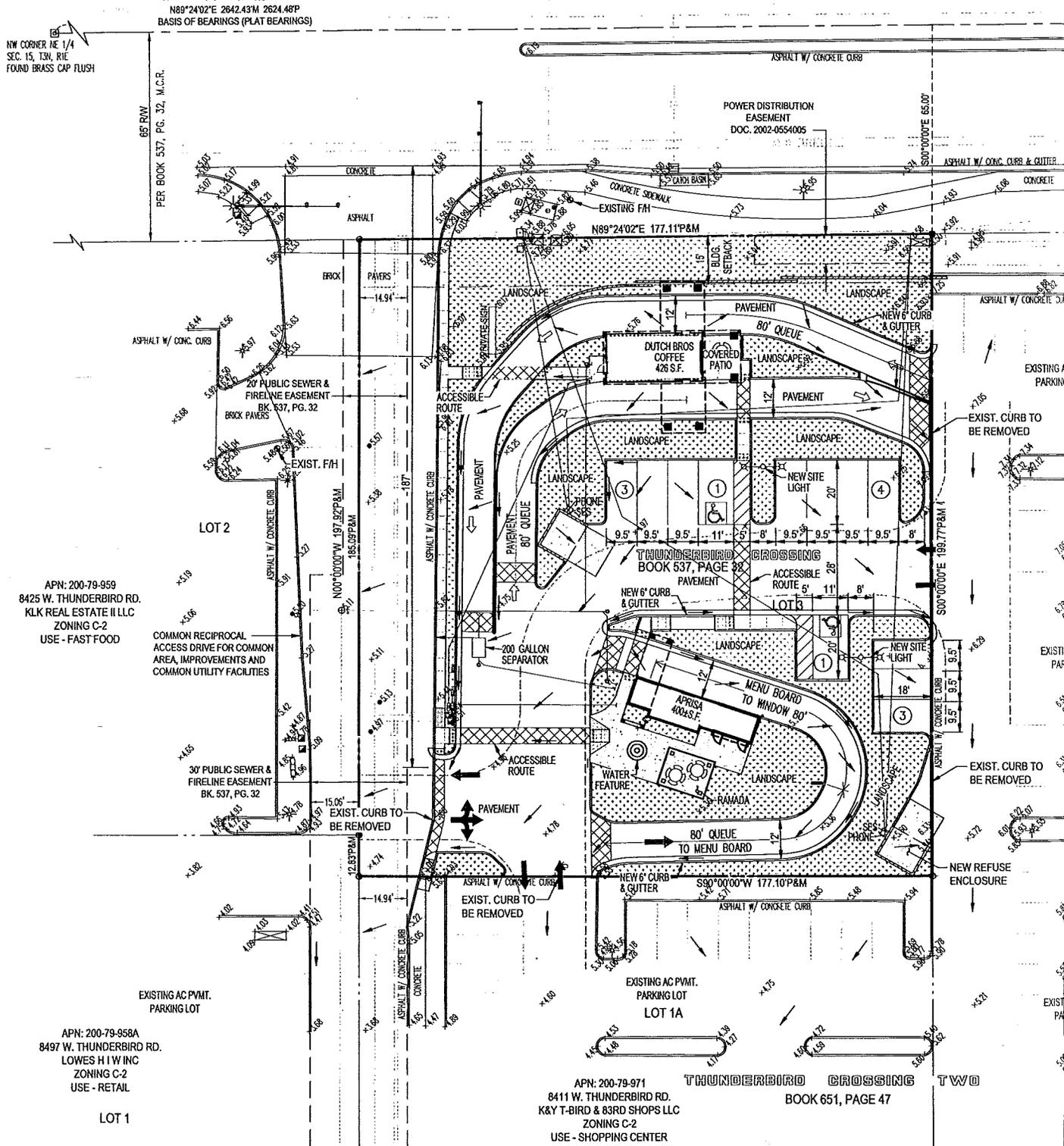
APN: 231-14-368  
 8452 W. THUNDERBIRD RD.  
 ARCHLAND PROPERTY I LLC  
 ZONING C-2  
 USE - FAST FOOD

APN: 231-14-366A  
 8378 W. THUNDERBIRD RD.  
 THUNDERBIRD PEORIA LLC/ETAL  
 ZONING C-2  
 USE - RETAIL

APN: 231-14-369  
 8392 W. THUNDERBIRD RD.  
 THUNDERBIRD BUILDING LLC  
 ZONING C-2  
 USE - OFFICE



THUNDERBIRD ROAD



NW CORNER NE 1/4  
 SEC. 15, T3N, R1E  
 FOUND BRASS CAP FLUSH

PER BOOK 537, PG. 32, M.C.R.  
 65' RW

20' PUBLIC SEWER & FIRELINE EASEMENT  
 BK. 537, PG. 32  
 BRICK PAVERS

COMMON RECIPROCAL  
 ACCESS DRIVE FOR COMMON  
 AREA, IMPROVEMENTS AND  
 COMMON UTILITY FACILITIES

30' PUBLIC SEWER & FIRELINE EASEMENT  
 BK. 537, PG. 32

EXISTING AC PVMT.  
 PARKING LOT

APN: 200-79-959  
 8425 W. THUNDERBIRD RD.  
 KLK REAL ESTATE II LLC  
 ZONING C-2  
 USE - FAST FOOD

APN: 200-79-958A  
 8497 W. THUNDERBIRD RD.  
 LOWES H I W INC  
 ZONING C-2  
 USE - RETAIL

LOT 1

APN: 200-79-971  
 8411 W. THUNDERBIRD RD.  
 K&Y T-BIRD & 83RD SHOPS LLC  
 ZONING C-2  
 USE - SHOPPING CENTER

THUNDERBIRD CROSSING T W O  
 BOOK 651, PAGE 47

EXISTING AC PVMT.  
 PARKING LOT  
 LOT 1A

NEW REFUSE  
 ENCLOSURE

EXIST. CURB TO  
 BE REMOVED

EXIST. CURB TO  
 BE REMOVED

EXIST. CURB TO  
 BE REMOVED

EXISTING  
 PARKING

POWER DISTRIBUTION  
 EASEMENT  
 DOC. 2002-0554005

ASPHALT W/ CONCRETE CURB

ASPHALT W/ CONC. CURB & GUTTER

CONCRETE

EXISTING F/H

CONCRETE SIDEWALK

BLDG. SETBACK

PAVEMENT

LANDSCAPE



DUTCH BROS. *Coffee*

and

**APRISA**™  
Mexican Cuisine

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**PROJECT NARRATIVE for the City of Peoria**  
**Dutch Bros. Coffee and Aprisa Mexican Cuisine**  
**APN 200-79-960**

July 24, 2012

Prepared by: Bill Cantieri  
**PIAZZA** 480-818-9736 mobile  
4358 E. Pearce Road 602-476-7276 fax  
Phoenix, AZ 85044 [bill@piazza-az.com](mailto:bill@piazza-az.com)

Prepared for: **City of Peoria**  
**Development Services**  
9875 N 85<sup>th</sup> Avenue  
Peoria, AZ 85345

## I. Introduction

The purpose of this narrative is to request Design Review Board and Administrative Review approvals for a second **Dutch Bros. Coffee** building in the City of Peoria.

The Property Owner is: Berkey-83<sup>rd</sup>, LLC, 711 Bennet Avenue, Suite 102, Medford, OR 97504

The Tenants are: **Dutch Bros Coffee** and **Aprisa Mexican Cuisine**.

## II. Location and Relationship to Adjacent Properties

The parcel is located at the SEC of Thunderbird and 84<sup>th</sup> Streets in the Thunderbird Crossing 2 development. The APN is 200-79-960. The lot covers 35,040 square feet of land and has been a vacant dirt pad since the adjacent shopping center was constructed.

It is part of the Thunderbird Crossing shopping center with a Lowes to the southwest, Burger King directly to the west, a retail center to the south Anchored by Sprouts and a 99 cents store which also includes a Subway, Liberty Tax, Cricket Phones and several other tenants; to the east is a Circle K/Shell gas station and convenience store and a Discount Tire. The center has few restaurants so the addition of the Dutch Bros and Aprisa are a complementary use to the existing Tenant mix.

### III-A. **Dutch Bros. Coffee** Proposed Use

**Dutch Bros. Coffee** is an espresso beverage franchise based in Grants Pass, OR. Beginning with a single stand in southern Oregon nineteen years ago, Dutch Bros has grown to 170 drive-thru restaurants in seven states. The franchisor is also a coffee roaster and provides beans to all of their franchisees throughout the system. The products served are gourmet coffee, espresso, cappuccino, ice-blended espresso beverages, fruit smoothies, Italian sodas, and pre-packaged baked goods. They use no cooking equipment.

The keys to their success are: providing a consistent high-quality product---via their own coffee beans; fun---they find outgoing people, train them rigorously, and encourage them to play great music---which is always limited to 65 Decibels or less at the property line; and speed of service---the average customer transaction taking less than 90 seconds to complete resulting in reduced traffic congestion on the property.

As a result of these keys, **Dutch Bros. Coffee** has had zero store failures, unlike most restaurant chains.

Their buildings do not use a "call box" or "speaker." Every transaction is face to face at the window and consumers get to watch their espresso beverage being prepared from their vehicle. The added benefit to deleting the call box is that early morning business does not disturb any nearby residential areas.

**Dutch Bros. Coffee** primary customer base is "convenience customers;" consumers who prefer to save time by getting their morning coffee without leaving their vehicle, and parents traveling with children. Their restaurant model is also designed to cater to pedestrian and cyclist traffic with a walk up window at the side of the building a wrap around patio. Their hours of operation are 5:30 AM to 10:00 PM. Their website is [www.dutchbros.com](http://www.dutchbros.com).

### III-B. **Aprisa Mexican Cuisine** Proposed Use

**Aprisa Mexican Cuisine** is a Fast-Casual Mexican Restaurant concept based in Portland, Oregon. The menu and business model is very similar to Chipotle and Qdoba with highly seasoned Mexican food where each menu item is made to order with the customer's choice of meats, beans, salsas, etc. The difference

between Aprisa and their competition is that rather than walking along the “assembly line” as each cook puts the next item on your burrito, taco, or bowl, Aprisa allows their customers to do this in a drive through format.

Orders are placed at the menu board where a two way video camera and monitor system is installed. The customer can see the cashier and vice-versa throughout the ordering process adding a personal touch to the experience. The line cook also has a headset on to listen to the conversation and add each items to the burrito as the customer says it so their items are ready by the time customer pulls up to the Drive Through window reducing the time of each transaction and preventing congestion in the queue. There is also a walk up window on the opposite side of the building and patio seating outside for any customers that wish to park and dine on site. Their hours of operation are 7:00 AM to 8:00 PM and the website is [www.aprisacuisine.com](http://www.aprisacuisine.com)

#### **IV. Zoning Code and General Plan**

The property is Zoned C2 Intermediate Commercial and Community Commercial in the General Plan. The proposed uses as restaurants are allowed in the Restaurant category of the permitted uses under the zoning code.

##### **V-A. Exterior Design and Interior Room Uses: Dutch Bros. Coffee**

**Dutch Bros. Coffee** will be constructed in front of an existing shopping center on Thunderbird Road anchored by Lowes and Sprouts.

The site plan includes a 428 SF building, a covered wrap around patio, a dumpster enclosure, 8 parking spaces, and two drive through lanes. A main drive aisle sized for emergency Fire Department access will split the lot between the Dutch Bros Coffee and Aprisa Mexican restaurants. A fire hydrant will be added south of the Dutch Bros building as well. The remainder of the pad will be covered with desert landscaping.

There are only three zones inside a **Dutch Bros. Coffee** building, the Drink Prep Area, Storage Area, and Restroom. The Drink Prep Area includes hot and cold beverage equipment, a ware-washing area, and walk-in cooler. The dry storage area stores non perishable consumables. The restroom houses the mop sink, cleaning chemicals, and a hot water heater. The HVAC unit and the condenser for the walk in cooler have been sized so they are not visible beyond the parapet wall.

##### **V-B. Exterior Design and Interior Room Uses: Aprisa Mexican Cuisine**

**Aprisa Mexican Cuisine** will be constructed behind the Dutch Bros Coffee building on the same lot.

The site plan includes a 400 SF building, a separate shade Ramada covering the patio, a dumpster enclosure, 5 parking spaces, and a drive through lane. The remainder of the pad will be covered with desert landscaping.

There are four zones inside the **Aprisa Mexican Cuisine** building: the Cookline; Warewashing and Dry Storage; Cashier Station and Restroom. The Cashier station includes the Point of Sale system and Soda Towers. The Cookline includes a Char-grill and refrigerated line. There is a triple sink and storage shelving in the rear of the building and a restroom at the very end. The HVAC unit and the Exhaust Fan have been sized so they are not visible beyond the parapet wall.

### **V-C. Patio Area Size and Use at Dutch Bros. Coffee and Aprisa Mexican Cuisine**

The outdoor patios for both the Dutch Bros Coffee and Aprisa buildings measure roughly 180 SF, about the size of the patio on a small house, so they only have room for two to three tables. This does exceed the 25% maximum imposed by code but we are requesting an exception to this rule because of the diminutive size of the parent structures and because of the way these will be utilized. Since neither concept has any interior seating these patio covers are shade Ramadas intended to protect our patrons for ten to fifteen minutes while they enjoy a coffee or burrito. Alcohol is not served at either location and there is neither a “party atmosphere” nor excessive noise from these areas as is the case with many bars and night clubs.

### **VI. Environmental**

As the Dutch Bros building is only 428 SF, they are able to dedicate a significant portion of their lot to landscape area with decomposed granite. We will use a white roof material on the flat roof portion of the building to minimize heat gain in the building. Canopies will be constructed over the drive through window, walk up window, and patio to provide additional shade.

All plantings shown on the landscape plan are from the low water use plant list to further conserve water.

Environmental awareness is a core value of Aprisa’s founder and the Aprisa Mexican restaurant is a “Green Building.” It is manufactured from a recycled shipping container and the interior finishes are installed at the manufacturing facility. It will also have a white foam roof to minimize heat gain and use recycled metal as part of the Ramada roof structure. Photos of the construction can be found on their website.

### **VII. Drainage**

This parcel is part of a shared drainage plan for the shopping center the sheet drains into a large wash at the west end of the shopping center.

### **VIII. Conclusion**

**Aprisa Mexican** fills the void in this marked area for Gourmet Burritos and their target demographic lives and works in this community. They are actively looking for expansion opportunities and have funding for an additional six units over the next four years.

This will be the first **Dutch Bros. Coffee** building in Peoria; there are eight locations open and operating throughout the Valley and three others are in the Planning & Permitting stage. They are an active member in the community giving back a minimum of 1% of their annual sales to charity, plus additional fund raising campaigns for special events such as the Phoenix Food Bank, Lou Gehrig’s disease, and Breast Cancer Awareness Month.

Both uses are compatible with current and future development according to the General Plan and we believe they will be a long-term member of the neighborhood and Peoria Community.



# CONDITIONAL USE PERMIT

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** CU 12-0007  
**DATE:** August 2, 2012  
**AGENDA ITEM:** 4C

**Applicant:** Piazza, on behalf of Aprisa Mexican Cuisine  
**Request:** Obtain a Conditional Use Permit (CUP) to permit an outdoor dining patio.  
**Proposed Development:** Aprisa Mexican Cuisine  
**Location:** West of the SWC of 83<sup>rd</sup> Avenue and Thunderbird Road  
**Outdoor Dining Area:** 180 square feet  
**Support / Opposition:** As of the date of this printing, Staff has not received any written or verbal support or opposition to this proposal.  
**Recommendation:** **Approve**, with conditions.

### LAND USE CONTEXT

*Table 1: Existing and Future Land Use, Current Zoning (Exhibits B & C)*

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Commercial Shopping Center (Sprouts)	Community Commercial	C-2, Intermediate Commercial
<b>North</b>	Commercial Center (north of Thunderbird Road)	Community Commercial	C-2, Intermediate Commercial
<b>South</b>	Vacant	Low-Density Residential (2-5 du/ac, target 3 du/ac)	PAD, Single-Family Residential
<b>East</b>	Commercial Center	Low-Density Residential (2-5 du/ac, target 3 du/ac)	C-2, Intermediate Commercial
<b>West</b>	Loop-101, New River (west of Loop-101)	Community Commercial; Residential/Medium High (8-15 du/ac, target 12 du/ac)	C-2, Intermediate Commercial; PAD

### PROJECT DESCRIPTION

1. The applicant is requesting issuance of a Conditional Use Permit (CUP) for a new outdoor patio to be used in conjunction with a drive-through and walk-up restaurant (Aprisa Mexican Cuisine) slated for a vacant pad site at the Sprouts

Shopping Center west of the southwest corner of 83<sup>rd</sup> Avenue and Thunderbird Road. The overall interior size of the business is 400 square feet. The outdoor patio will be 180 square feet which equates to approximately 45% of the interior space.

2. The general improvements to the outdoor patio area will consist of movable tables and chairs to be located south of the building under a ramada. There will be recorded music played in the patio area which will not exceed 65 db as measured at the property lines. The patio area will not be fenced off.
3. The proposed hours of operation for the restaurant and patio are seven days a week between the hours of 7:00 AM to 8:00 PM.

## **FINDINGS AND ANALYSIS**

4. Section 14-39-12.E of the Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits (CUP). In general, the purpose of a CUP is to mitigate any identified negative impacts on the surrounding neighborhood that may result from a specific use and provide controls to ensure maximum compatibility between nearby land uses.
5. The applicant has provided staff with a narrative that describes the nature of the business, which appears to be typical for outdoor dining areas associated with restaurants.
6. According to Section 14-39-5.B.2.c, an outdoor dining patio shall not exceed 25% of the gross floor area of the associated establishment unless the Planning and Zoning Commission waives this requirement based on a finding that sufficient measures have been taken to mitigate potential adverse impacts on adjacent properties. The floor area of the proposed patio would amount to approximately 45% of the total gross floor area of the associated business.

This requirement is intended to minimize the scale of outdoor seating and patio areas--particularly with bars, taverns, and late-night entertainment uses—to keep the outdoor function accessory to the principal building use. Due to the diminutive scale of the principal use, even modestly sized outdoor areas will exceed the limitation. The outdoor patio will be operated in accordance with business hours, is minimal in size, doesn't impact sidewalk areas and is located over 700-feet to the nearest residential zoned property. For these reasons, staff recommends that the Planning and Zoning Commission grant the size waiver for the outdoor patio/dining area.

7. In staff's judgment, the proposed use is an appropriate, ancillary function to the proposed drive-through use. The use is consistent with surrounding land uses and the context of the area in question.
8. Pursuant to Section 14-39-6 of the Peoria Zoning Ordinance, notice was forwarded to all property owners within 600 feet of the proposal and all registered Homeowners Associations within 1 mile of the proposal. As of this writing, no responses in support or opposition have been received.

*Proposition 207*

9. The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has agreed to furnish a signed and notarized Proposition 207 Waiver.

## **RECOMMENDATION**

10. Based on the following findings:
  - The proposal is limited in scope and an appropriate, ancillary function for a drive-through use;
  - The outdoor dining area is within a larger existing commercial development;
  - The use will be located and will operate in a manner that protects the neighborhood from nuisances and other disturbances and is consistent with a neighborhood-serving commercial establishment.

It is recommended that the Planning and Zoning Commission take the following action:

### **Approve the request for a Conditional Use Permit under Case CU12-0007, subject to the following condition:**

1. A size waiver is granted to allow an outdoor patio of 180 square feet which is 45% of the principal building area.
2. The use shall substantially conform to the project Site Plan (Exhibit D) and Narrative (Exhibit E) as contained in the staff report to the August 2, 2012 Planning & Zoning Commission, except where modified herein.

## **Attachments:**

Exhibit A	Vicinity Map
Exhibit B	Existing Land Use
Exhibit C	Existing Zoning

Staff Report / CU12-0007

August 2, 2012

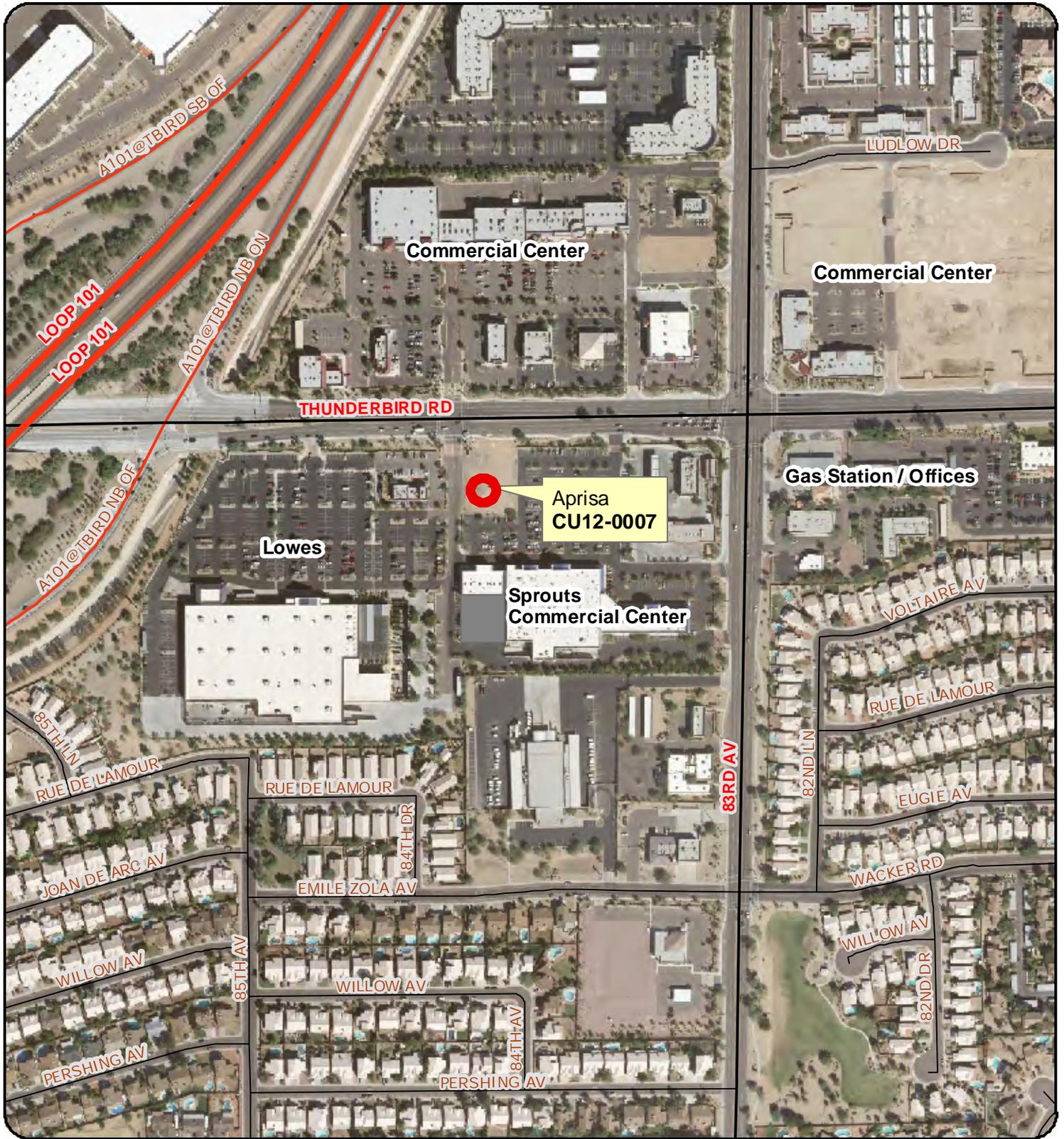
Page 4

Exhibit D	Site Plan
Exhibit E	Narrative

Prepared by:	Ed Boik, AICP, LEED Green Associate Planner
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# Vicinity Map

Exhibit A



## CU12-0007 Aprisa Mexican Cuisine

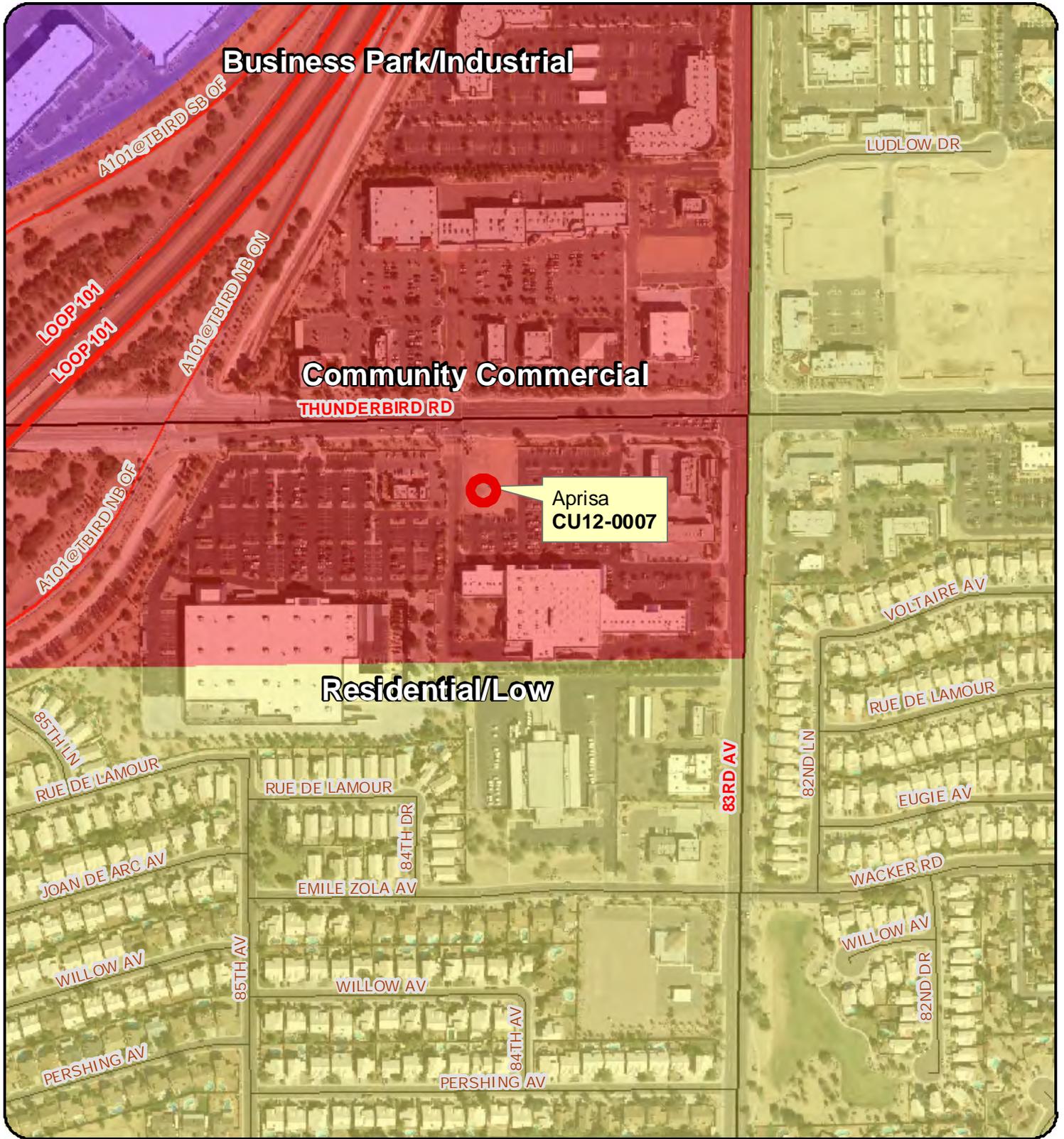
Applicant: Bill Cantieri on behalf of Aprisa Mexican Cuisine

Request: Approve CUP for outdoor seating patio

3



Not to Scale



## CU12-0007 Aprisa Mexican Cuisine

Applicant: Bill Cantieri on behalf of Aprisa Mexican Cuisine

Request: Approve CUP for outdoor seating patio

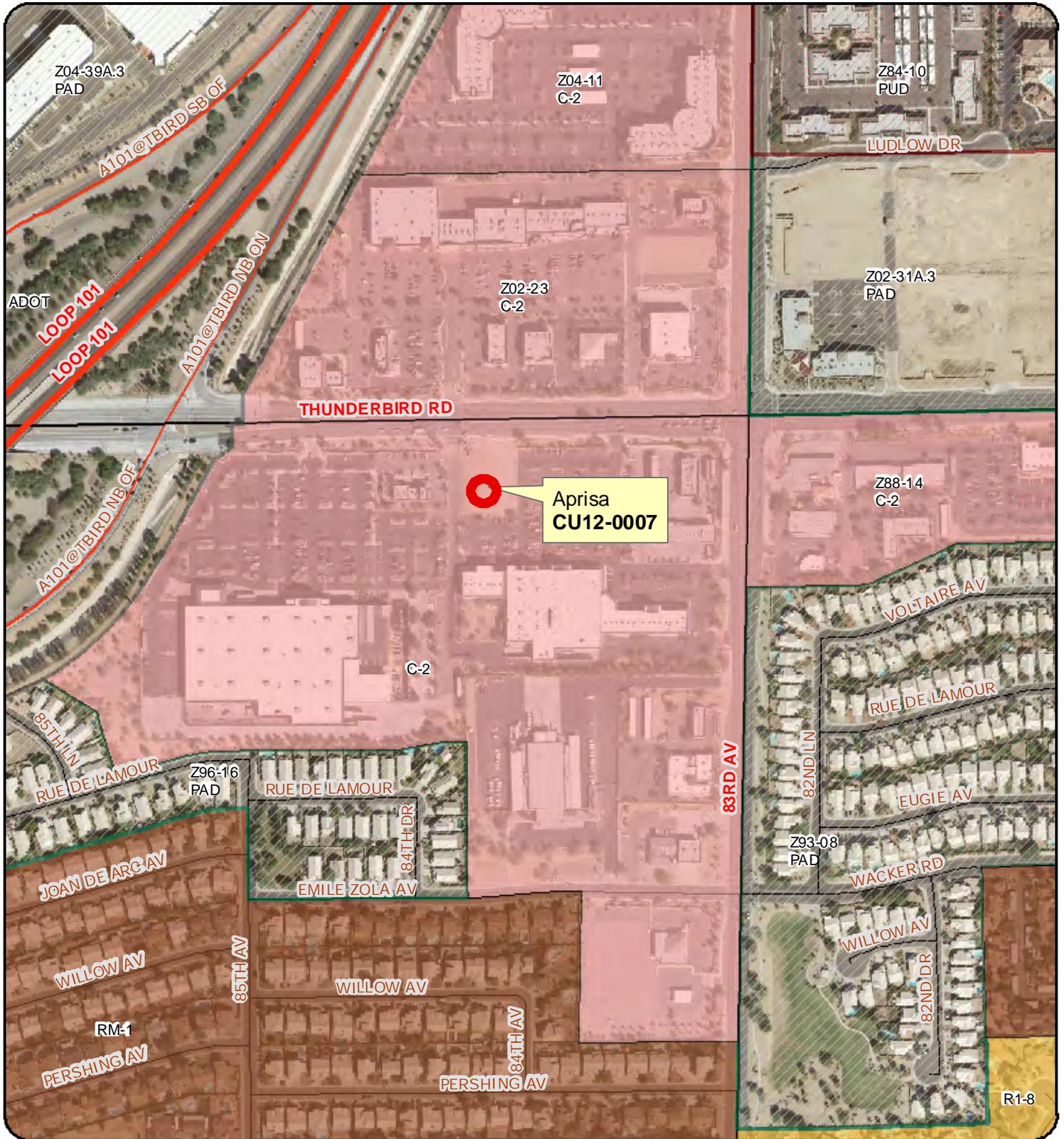
# 3



Not to Scale

# Zoning Map

# Exhibit C



## CU12-0007 Aprisa Mexican Cuisine

Applicant: Bill Cantieri on behalf of Aprisa Mexican Cuisine

Request: Approve CUP for outdoor seating patio

# 3



Not to Scale





**DUTCH BROS.** *Coffee*

and

**APRISA**™  
**Mexican Cuisine**

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**PROJECT NARRATIVE for the City of Peoria**  
**Dutch Bros. Coffee and Aprisa Mexican Cuisine**  
**APN 200-79-960**

**July 24, 2012**

Prepared by:

Bill Cantieri

**PIAZZA**

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Prepared for:

**City of Peoria**

**Development Services**

9875 N 85<sup>th</sup> Avenue

Peoria, AZ 85345

## I. Introduction

The purpose of this narrative is to request Design Review Board and Administrative Review approvals for a second **Dutch Bros. Coffee** building in the City of Peoria.

The Property Owner is: Berkey-83<sup>rd</sup>, LLC, 711 Bennet Avenue, Suite 102, Medford, OR 97504

The Tenants are: **Dutch Bros Coffee** and **Aprisa Mexican Cuisine**.

## II. Location and Relationship to Adjacent Properties

The parcel is located at the SEC of Thunderbird and 84<sup>th</sup> Streets in the Thunderbird Crossing 2 development. The APN is 200-79-960. The lot covers 35,040 square feet of land and has been a vacant dirt pad since the adjacent shopping center was constructed.

It is part of the Thunderbird Crossing shopping center with a Lowes to the southwest, Burger King directly to the west, a retail center to the south Anchored by Sprouts and a 99 cents store which also includes a Subway, Liberty Tax, Cricket Phones and several other tenants; to the east is a Circle K/Shell gas station and convenience store and a Discount Tire. The center has few restaurants so the addition of the Dutch Bros and Aprisa are a complementary use to the existing Tenant mix.

### III-A. **Dutch Bros. Coffee** Proposed Use

**Dutch Bros. Coffee** is an espresso beverage franchise based in Grants Pass, OR. Beginning with a single stand in southern Oregon nineteen years ago, Dutch Bros has grown to 170 drive-thru restaurants in seven states. The franchisor is also a coffee roaster and provides beans to all of their franchisees throughout the system. The products served are gourmet coffee, espresso, cappuccino, ice-blended espresso beverages, fruit smoothies, Italian sodas, and pre-packaged baked goods. They use no cooking equipment.

The keys to their success are: providing a consistent high-quality product---via their own coffee beans; fun---they find outgoing people, train them rigorously, and encourage them to play great music---which is always limited to 65 Decibels or less at the property line; and speed of service---the average customer transaction taking less than 90 seconds to complete resulting in reduced traffic congestion on the property.

As a result of these keys, **Dutch Bros. Coffee** has had zero store failures, unlike most restaurant chains.

Their buildings do not use a "call box" or "speaker." Every transaction is face to face at the window and consumers get to watch their espresso beverage being prepared from their vehicle. The added benefit to deleting the call box is that early morning business does not disturb any nearby residential areas.

**Dutch Bros. Coffee** primary customer base is "convenience customers;" consumers who prefer to save time by getting their morning coffee without leaving their vehicle, and parents traveling with children. Their restaurant model is also designed to cater to pedestrian and cyclist traffic with a walk up window at the side of the building a wrap around patio. Their hours of operation are 5:30 AM to 10:00 PM. Their website is [www.dutchbros.com](http://www.dutchbros.com).

### III-B. **Aprisa Mexican Cuisine** Proposed Use

**Aprisa Mexican Cuisine** is a Fast-Casual Mexican Restaurant concept based in Portland, Oregon. The menu and business model is very similar to Chipotle and Qdoba with highly seasoned Mexican food where each menu item is made to order with the customer's choice of meats, beans, salsas, etc. The difference

between Aprisa and their competition is that rather than walking along the “assembly line” as each cook puts the next item on your burrito, taco, or bowl, Aprisa allows their customers to do this in a drive through format.

Orders are placed at the menu board where a two way video camera and monitor system is installed. The customer can see the cashier and vice-versa throughout the ordering process adding a personal touch to the experience. The line cook also has a headset on to listen to the conversation and add each items to the burrito as the customer says it so their items are ready by the time customer pulls up to the Drive Through window reducing the time of each transaction and preventing congestion in the queue. There is also a walk up window on the opposite side of the building and patio seating outside for any customers that wish to park and dine on site. Their hours of operation are 7:00 AM to 8:00 PM and the website is [www.aprisacuisine.com](http://www.aprisacuisine.com)

#### **IV. Zoning Code and General Plan**

The property is Zoned C2 Intermediate Commercial and Community Commercial in the General Plan. The proposed uses as restaurants are allowed in the Restaurant category of the permitted uses under the zoning code.

##### **V-A. Exterior Design and Interior Room Uses: Dutch Bros. Coffee**

**Dutch Bros. Coffee** will be constructed in front of an existing shopping center on Thunderbird Road anchored by Lowes and Sprouts.

The site plan includes a 428 SF building, a covered wrap around patio, a dumpster enclosure, 8 parking spaces, and two drive through lanes. A main drive aisle sized for emergency Fire Department access will split the lot between the Dutch Bros Coffee and Aprisa Mexican restaurants. A fire hydrant will be added south of the Dutch Bros building as well. The remainder of the pad will be covered with desert landscaping.

There are only three zones inside a **Dutch Bros. Coffee** building, the Drink Prep Area, Storage Area, and Restroom. The Drink Prep Area includes hot and cold beverage equipment, a ware-washing area, and walk-in cooler. The dry storage area stores non perishable consumables. The restroom houses the mop sink, cleaning chemicals, and a hot water heater. The HVAC unit and the condenser for the walk in cooler have been sized so they are not visible beyond the parapet wall.

##### **V-B. Exterior Design and Interior Room Uses: Aprisa Mexican Cuisine**

**Aprisa Mexican Cuisine** will be constructed behind the Dutch Bros Coffee building on the same lot.

The site plan includes a 400 SF building, a separate shade Ramada covering the patio, a dumpster enclosure, 5 parking spaces, and a drive through lane. The remainder of the pad will be covered with desert landscaping.

There are four zones inside the **Aprisa Mexican Cuisine** building: the Cookline; Warewashing and Dry Storage; Cashier Station and Restroom. The Cashier station includes the Point of Sale system and Soda Towers. The Cookline includes a Char-grill and refrigerated line. There is a triple sink and storage shelving in the rear of the building and a restroom at the very end. The HVAC unit and the Exhaust Fan have been sized so they are not visible beyond the parapet wall.

### **V-C. Patio Area Size and Use at Dutch Bros. Coffee and Aprisa Mexican Cuisine**

The outdoor patios for both the Dutch Bros Coffee and Aprisa buildings measure roughly 180 SF, about the size of the patio on a small house, so they only have room for two to three tables. This does exceed the 25% maximum imposed by code but we are requesting an exception to this rule because of the diminutive size of the parent structures and because of the way these will be utilized. Since neither concept has any interior seating these patio covers are shade Ramadas intended to protect our patrons for ten to fifteen minutes while they enjoy a coffee or burrito. Alcohol is not served at either location and there is neither a “party atmosphere” nor excessive noise from these areas as is the case with many bars and night clubs.

### **VI. Environmental**

As the Dutch Bros building is only 428 SF, they are able to dedicate a significant portion of their lot to landscape area with decomposed granite. We will use a white roof material on the flat roof portion of the building to minimize heat gain in the building. Canopies will be constructed over the drive through window, walk up window, and patio to provide additional shade.

All plantings shown on the landscape plan are from the low water use plant list to further conserve water.

Environmental awareness is a core value of Aprisa’s founder and the Aprisa Mexican restaurant is a “Green Building.” It is manufactured from a recycled shipping container and the interior finishes are installed at the manufacturing facility. It will also have a white foam roof to minimize heat gain and use recycled metal as part of the Ramada roof structure. Photos of the construction can be found on their website.

### **VII. Drainage**

This parcel is part of a shared drainage plan for the shopping center the sheet drains into a large wash at the west end of the shopping center.

### **VIII. Conclusion**

**Aprisa Mexican** fills the void in this marked area for Gourmet Burritos and their target demographic lives and works in this community. They are actively looking for expansion opportunities and have funding for an additional six units over the next four years.

This will be the first **Dutch Bros. Coffee** building in Peoria; there are eight locations open and operating throughout the Valley and three others are in the Planning & Permitting stage. They are an active member in the community giving back a minimum of 1% of their annual sales to charity, plus additional fund raising campaigns for special events such as the Phoenix Food Bank, Lou Gehrig’s disease, and Breast Cancer Awareness Month.

Both uses are compatible with current and future development according to the General Plan and we believe they will be a long-term member of the neighborhood and Peoria Community.



# REZONING

## REPORT TO THE PLANNING AND ZONING COMMISSION

**CASE NUMBER:** Z 11-0007  
**DATE:** August 2, 2012  
**AGENDA ITEM:** 5R

**Applicant:** Andy Jochums, Beus Gilbert PLLC, on behalf of Dirt 101 Investors LLC

**Request:** Obtain a Special Use Permit for approximately 127 acres currently zoned PAD, Z88-51 to permit an inert landfill and reclaim the mined land.

**Proposed Development:** Inert Landfill, limited sand & gravel mining

**Location:** The site is located east of the 115<sup>th</sup> Avenue alignment north of Northern Avenue, south of Olive Avenue and west of Suncliff Subdivision. (APNs 142-71-005A and 142-74-006A)

**Site Acreage:** ±127 acres

**Support / Opposition:** As of the date of this printing, Staff has received 12 emails/letters and 46 phone calls inquiring of the project.

**Recommendation:** **Approve**, with conditions.

### AREA CONTEXT

*Table 1: Existing Land Use, General Plan Designation, Current Zoning. (Exhibits A-C)*

	LAND USE	GENERAL PLAN	ZONING
<b>Subject Property</b>	<b>Gravel Mine, Landscaping Materials Sales, open pits</b>	<b>Residential Medium (5-8 du/ac, target 6 du/ac)</b>	PAD(Z88-51)
North	Suncliff Subdivision	Residential Medium (5-8 du/ac, target 6 du/ac)	Multi-Family Residential (RM-1)
South	City of Glendale Landfill	City of Glendale Public Facility	City of Glendale Agricultural (A-1)
East	Suncliff Subdivision	Residential Medium (5-8 du/ac, target 6 du/ac)	Single-Family Residential (R1-6), Multi-Family Residential (RM-1)
West	Gravel Mine, open pits	Maricopa County Land Use	Maricopa County IND-1

### *Annexation and Case History*

1. The property in question was annexed into the City in December of 1977. In 1988, the parcel was rezoned to Planned Area Development (PAD) [Ord. 88-46] to support 455 single-family residential dwelling units on 91.2 acres, 29.8 acres of light industrial uses, and 13.7 acres of open space.
2. In 2007, the mining use was classified as legal non-conforming and the use has remained active to the present.

## **PROJECT DESCRIPTION**

### *Site and Project Details*

3. The Special Use Permit (SUP) allows for uses which would otherwise be prohibited in the conventional zoning districts. The special uses usually do not conform to traditional use groupings, and because of their unique characteristics, and nature of operation, require specific safeguards or design constraints to be in place prior to their development. In addition, a special use shall be permitted only when adequate mitigation measures have been provided to eliminate or reduce any potential negative impacts the use may have on surrounding properties. A SUP is intended to provide a zoning overlay on conventional zoning districts for specific uses (Section 14-41-1).
4. The applicant is proposing to obtain a SUP for the 127 acre project site. The SUP will allow for inert fill activities on the property for the next 30 years. Inert materials include asphalt, concrete, gravel, soil, sand, and other non-biodegradable materials which can be crushed and compacted to provide a suitable ground composition for redevelopment. Hazardous waste, household waste, glass, metal, construction debris and biodegradable waste will not be permitted on the premises. Existing on-site mining activities will continue during the filling activities and cease as filling progresses.
5. The site has been mined extensively for more than 30 years leaving open pits 30-feet to 40-feet deep throughout the entire site except for the southeast corner which houses a landscaping materials business (Pioneer Materials). A pipe rail fence borders Northern Avenue on the south and an approximately 6-ft chain link fence is on the eastern property line adjacent to Suncliff subdivision, which sits at a grade 5-feet to 11-feet higher than the subject parcel. The triangular project site has frontage on Butler Drive and Northern Avenue. Sole access to the site is provided via Northern Avenue.
6. No vertical construction is proposed with this request; however the phased filling activities will make the property suitable for vertical redevelopment in the future. Redevelopment of the property is not part of the Special Use request.

## **DISCUSSION AND ANALYSIS**

### *Conformance with the General Plan*

7. The underlying land use designation for the property is Medium Density Residential (5-8 du/ac, target 6 du/ac) which denotes areas suitable for residential development. Uniquely, Special Uses can be permitted in any land use designation. While special uses enjoy flexibility with respect to the General Plan, they are highly regulated uses which can include significant operational limitations, comprehensive development standards and permit time limits.
  
8. The site is zoned PAD (Z88-51) which allows for 29.8-acres of light industrial in the southwest corner of the site and single-family residential throughout the remainder of the site with a minimum lot size of 5,000 square feet and density of 4.8 du/ac. These standards are very similar to the adjacent Suncliff Subdivision. Upon completion of filling activities, the site is expected to be suitable for development pursuant to the PAD (Exhibit G).

### *Land Use Compatibility*

9. All special uses have the potential to negatively impact adjacent land uses and an inert landfill is no exception. To properly mitigate these impacts, uses such as inert landfills are subject to a number of performance and operational standards.

### *Proposed Improvements*

10. The site will be modestly improved to accommodate the proposed use. A 10'x30' modular office building will be located on the southern portion of the site. Two access points--one entry, one exit—will be located on Northern Avenue. A crusher will be located on the westernmost portion of the property behind a 25-foot tall berm. Various earth-moving equipment will be stored and operated within the pits. Minimal dark-sky compliant security lighting will be installed around the office building.

### *Operations Plan and Mitigation Measures*

11. Section 14-41-2.1 of the Zoning Ordinance specifies the standards for Sand and Gravel, Rock Quarrying, and similar mining operations. Typically, a closure plan is submitted with the mining permit request. Because the subject mine has been in operation prior to closure plan requirements and is a grandfathered use, no reclamation/closure plan is on file with the City of Peoria. To accommodate the requested inert fill, the standards of this Section are applied to the request. Concurrent with this review, a companion closure plan is in review with the state mining inspector. That plan will be provided to the City upon its approval. The state mining inspector's review is not expected to be completed for six to nine months following the review of this request.

12. Phasing: The site will be filled in 10-20 acre phases starting on the south portion of the site and working north. The last phase to be filled is a western portion of the site which houses the crusher. The intent is to keep the noise generating equipment as far from the residential properties as possible for the duration of the use. It is expected that entire project will be complete within 30 years; each phase taking 5 years to fill and properly grade. If there is an increase in market demand, the project could be completed in an accelerated time frame.
13. Materials: The proposed fill will be composed of solely inert materials. Inert Materials are defined by ARS §49-701(15) as materials that are not flammable, will not decompose, and will not leach substances that exceed aquifer water quality standards. Typically, this includes concrete, asphaltic pavement, brick, rock, gravel, sand soil, and metal within concrete (i.e. rebar). Glass, metal, sanitary waste, chemicals, landscaping materials, bio-waste and other materials are not allowed to be used as fill.

To ensure only inert materials are on site, access will be restricted to a single entry point on Northern Avenue and an initial inspection will take place upon entry. A delivery log will be kept to record the material provider, source of material, quantity of material, and notation of any inappropriate material being found after the material was dumped. If inappropriate material is found, it will be separated from the compliant materials, placed in a dumpster and transported to the Glendale Landfill or other appropriate facilities. The log will be available for inspection by the City and other regulatory authorities and a log will be provided to the City annually for review and inclusion in the case file.

Should there be reasonable suspicion of aquifer contamination originating from this site, the site may be required to construct monitoring wells and conduct quarterly water sampling.

14. Traffic: All access to the site will be restricted to Northern Avenue. The entry will be just west of Pioneer Materials and the Exit will be on the 115<sup>th</sup> Avenue alignment. Both access points are over 1,000 feet away from the nearest residential property. Access will be gated to prevent unauthorized after-hours dumping. Truck traffic will be restricted to Northern Avenue and designated truck routes. The operator will inform customers of appropriate truck routing and the prohibition of truck traffic from nearby 111<sup>th</sup> Avenue.
15. Dust: Maricopa County Air Quality Department regulates fugitive dust and will conduct regular inspections. The site will be regularly watered to reduce dust and the site access will have truck track-out control devices and be treated with milled asphalt to promote a dustless surface.
16. Noise and Hours of Operation: Noise will be mitigated by earthen berms at strategic locations; one just east of the crusher (25-feet in height) and one just

east of the entry access point west of Pioneer Materials (4-feet in height). Noise sources are generally located over 1,000 feet from the nearest residential properties. The equipment will be required to comply with City noise regulations which limit loudness as measured 50-feet from the property line where the noise is generated to 65 dbA during the daytime and 55 dbA at night.

The inert landfill will operate Monday through Saturday and will be closed on Sundays. The hours of operation will be restricted to 6AM to 3PM during May through September and 7AM to 4PM the remainder of the year to prevent nighttime disturbances.

Landscaping: Mining and inert fill uses are not subject to standard landscape requirements. Rather, specific landscaping standards can be developed to address the peculiarities of the context and scope of the use. The landscaping should provide a visual “break” or buffer between the landfill operation and the residential properties. It should also provide visual transition at the street edge of the property.

The applicant proposes 156 trees along the eastern property line—essentially one tree every 30-feet. As shown on Exhibit E, 56 15-gallon trees are proposed to be installed from Butler Drive south to Pioneer Materials along the eastern property line. North of Butler, the remaining 100 trees will be installed. These trees will be 5-gallon trees. The smaller size are economical and will give the trees time to properly establish and mature. As filling activities move northward, the trees will have grown significantly and provide sufficient transition between the residential uses and the subject site. Some neighbors expressed concern that additional trees will impede their view of the White Tank Mountains. As shown on Exhibit F, the homes in the Suncliff development are elevated above the subject site. The trees along the buffer will be at a lower grade to minimize visual disturbance of the White Tanks while maximizing the screening of the landfill. In addition, the applicant will be consulting with affected homeowners to cluster and arrange the trees to preserve the view for those who desire it and enhance screening for the other homeowners.

Additional trees, shrubs, and groundcover are proposed along the Northern Avenue frontage (Exhibit D). This will bring the site into better alignment with the intent of the landscaping code, control dust and visually improve the frontage.

All landscaping will be properly irrigated, staked, and maintained to ensure vigorous and healthy growth.

17. Grading/Compaction: Fill materials will be crushed and compacted to a compaction level of 85%. This compaction level is suitable for parks, outdoor storage, parking surfaces and other non vertical construction. Through natural compression, it is expected that the compaction level will become high enough to

support vertical construction and full redevelopment. If in the event bore tests show that insufficient compaction has occurred, removal and replacement of fill will be required prior to vertical construction. Through review, staff and the applicant agree that this compaction level is sufficient and will not adversely affect filling operations and will not result in unstable or unsuitable soil conditions.

The final grade of the project site will be consistent with the pre-mining grade of the property. Suncliff subdivision will remain 5-feet to 11-feet higher than the subject property. This will preserve the view of the White Tank Mountains.

When a phase is nearing completion, the top 2-feet of each phase will be "capped" with a soil and sand mixture that is visually and compositionally similar to the pre-mined condition. This will enable native and low-water vegetation to easily establish and provide natural erosion and dust control.

18. Water/Utilities: Because there will be no permanent structures on site, no sewer or water connections are proposed. A portable toilet will be allowed in lieu of a sewer connection. The applicant proposes to obtain dust-suppression water from an exempt on-site well. An exempt well produces less than 35 gallons of water per minute. City staff is opposed to the exempt well and suggests that nearby fire hydrants and reclaimed water sources are viable water solutions for the property. A condition is included which asserts the objection to the exempt well.
19. Existing Mining Operation: The current grandfathered mining operation is not subject to any noise or hours of operation standards. With this permit, the existing mining operation will be subject to the same operational standards as the filling activity.

#### *Citizen Participation Plan - Neighborhood Meeting*

20. Section 14-39-8.E of the Peoria Zoning Ordinance requires the applicant of a rezoning request to hold at least one neighborhood meeting. Accordingly, the applicant notified property owners within one quarter mile (805 notification letters mailed) of the subject site and HOAs within 1 mile of the site of their intent to hold such a meeting. On December 8, 2011, the applicant held a neighborhood meeting at Country Meadows School, which is located just east from the property under consideration. Twenty-two neighboring property owners attended. A number of concerns were noted including traffic, safety, noise, hours of operation, contamination of water supply, blowing trash and illegal dumping.

Through staff review and consideration of the neighbor's comments, the applicant made changes to the application and refined the request. A second neighborhood meeting was held at Peoria Pines Golf Course located approximately ½ mile east of the subject site on June 14, 2012. Fifteen neighbors signed in at the meeting. The applicant discussed the new restrictions on traffic, hours of operation, accepted materials, screening, and other use limitations. The

neighbors appeared cautious with regard to the application and did not seem to offer full support or objection to the proposal.

Additionally, the applicant canvassed the neighborhood to introduce the project to property owners who happened to be home. A variety of comments were recorded including support for and concern/opposition of the project.

#### *Public Comment*

21. As of the date of printing, approximately 50 phone calls have been received regarding the proposal. The vast majority of callers requested additional information about the project, but did not object or support it. Twelve emails and letters were received. Of those, five were against and one was for the request. The remainder were inquiries of the project.

#### *Engineering Requirements*

22. The Engineering Department had had a number of concerns regarding drainage, grading, and utility connections. Those items have been discussed in the above analysis. Coupled with proposed conditions of approval, Engineering has no concerns of the project.

#### *Fire Requirements*

23. The Fire Department had no specific conditions of approval relative to this special use request.

#### *Public Notice*

24. Public notice was provided in the manner prescribed under Section 14-39-6. Additionally, the site was posted at least 15 days prior to the Public Hearing with a sign meeting the content and size requirements prescribed by the Planning Division. The applicant has provided a photo exhibit and signed affidavit attesting to the posting.

#### *Peoria Unified School District*

25. Peoria Unified School district issued concerns regarding traffic routing, Northern Parkway, and compaction rate (Exhibit I). As discussed in above, Traffic will be managed via customer education and reinforcement of existing truck routes. Northern Parkway is not at final design. The school districts concerns will be considered as part of that design process and present and future land use will influence the routing of Butler Drive and the intersection of 115<sup>th</sup> Avenue and Northern Avenue. Lastly, staff believes that the 85% compaction rate is an acceptable rate of compaction that will, through hydrological and natural compaction, bring the site to a developable threshold prior to the completion of the filling activities.

*Proposition 207*

26. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

*Summary*

27. Staff finds that the above land use standards are sufficient to maintain and improve compatibility between industrial and residential land uses. The annual reporting provides a mechanism for the City, other agencies and the public to verify proper filling activities and uncontaminated aquifers. The permit expiration date promotes diligent progress and an eventual transition of the site to employment uses and proximate, quality housing. Importantly, approval of the request brings a non-conforming use into closer compliance with the Zoning Ordinances and facilitates a gradual elimination of the mining and filling uses.

## **FINDINGS AND RECOMMENDATION**

28. Based on the following findings:

- The proposed special use will have sufficient performance and operational standards to prevent adverse impacts to adjacent residential properties; and
- The grandfathered mining use will be brought up into current standards via the closure plan and landscape buffering which will promote compatibility between adjacent land uses; and
- The proposed special use will facilitate the reuse of the subject property in accordance with the General Plan and adopted PAD for the subject site; and
- The proposal will advance the City's goals and objectives by facilitating the eventual development of employment uses that would increase the jobs-to-housing ratio and expand the City's industrial base;
- The proposal will advance the City's goals and objectives by facilitating the eventual infill development of an underutilized site.

It is recommended that the Planning and Zoning Commission take the following action:

### **Recommend approval to the City Council of Case Z 11-0007, subject to the following conditions:**

1. The development shall substantially conform to the approved Project Narrative dated 07/05/2012.
2. SUP shall expire 30 years from the date of City Council approval. If an extension is necessary, a modification to the conditions of approval may be pursued prior to the expiration of the SUP.

3. Operations/Activity on the subject site shall be limited to 6am to 3pm May through September and 7am to 4pm the remainder of the year. Operations/Activity on the subject site is prohibited on Sundays.
4. Property owner to voluntarily restrict ongoing pre-existing legal non-conforming aggregate mining activity to the hours of operation and noise, light, dust and traffic operational standards of the inert fill activity as specified in the narrative. This condition recognizes the ongoing grandfathered use and provides compatibility standards as the use moves towards resolution. This does not grant specific City approval of the mining use nor classifies it as a legal conforming use.
5. Only inert materials as defined in ARS §49-701(15) are permitted. Construction debris, landscaping waste, sanitary materials and all other materials are prohibited. Out-of-state materials, contaminated materials and materials which have undefined sources shall not be permitted.
6. An incoming materials log shall be maintained by the operator on premises identifying the materials provider, source of the materials, and quantity of materials as well as notation of any inappropriate fill materials that made it onto the property and were disposed of accordingly. Materials log shall be provided annually no later than January 31 to the Planning Division for review.
7. Truck traffic shall be restricted to Northern Avenue and designated truck routes. Every reasonable effort shall be made to inform prospective customers of the appropriate truck routing. Truck traffic is expressly prohibited along 111th Avenue.
8. Throughout the duration of the project access shall be maintained and solely provided from Northern Avenue.
9. All onsite and building mounted lighting shall be dark sky compliant, down-facing, full cut-off and flat-lensed.
10. A Final Drainage Report must be submitted with the improvement plans.
  - Note that the City of Peoria has adopted the Maricopa County Uniform Drainage Design Standards, Policies and Procedures and Drainage Design Manual for Maricopa County for drainage criteria. Retention must be provided for the 100-year, 2-hour storm.
  - Provide a drainage report addressing onsite & offsite flows. The drainage report shall take into effect the adjacent drainage ways.
  - If utilized, all Drywells must be registered with the Arizona Department of Environmental Quality and drilling logs shall be provided to the City. The percolation rate shall be tested and the results provided to the City before the drywell is accepted.
  - On-site basins shall be provided to retain/detain 100% of the 100-year, 2-hour storm event for the sub-basin it serves. The volume shall be

calculated based on the gross square footage of the site (including half-street areas). A drainage easement shall be recorded over each retention/detention area within the project for both "public" and "private" basins.

11. A CLOMR shall not be required, provided the fill operations only bring up the elevations to that consistent with the conditions of the property that were represented to establish the floodplain as depicted on the 1995 FIRM Panel #04013C1620F.
12. Add the Limit of FEMA AE elevation per 1995-FEMA Flood Study to the profile of sheet 7 of 7 and label accordingly.
13. Fill shall be at least 85% compacted at installation. Compaction report shall be provided to the planning division for the review by the city engineer on an annual basis no later than January 31, and at the completion of each phase indicating compliance with this requirement. It will be the responsibility of the owner and their engineer to demonstrate minimum compaction requirements above 85% for the type of redevelopment that may be proposed to be built on the site from a geotechnical perspective.
14. At the completion of each phase, a finishing layer 2 feet of soil and sand materials (not to exceed pre-mining elevation) which is visually and compositionally similar to a pre-mined condition and supports vigorous growth of desert vegetation and low-water use plants shall be provided.
15. The City will not issue a waiver for an exempt well. The use of an exempt well, whether metered or not, is not in the best interest of the City. The City has a robust water distribution system based on renewable water supplies and cannot encourage groundwater mining that would occur with an exempt well.
16. At such time down-gradient groundwater analyses conducted by the City or others in an AZ State certified lab demonstrates potential contamination proven to have originated from the subject property, the applicant may be required to design and construct a City-approved monitoring well and commence quarterly sampling and reporting to Public Works / Utilities Department; reduced monitoring of constituents and/or frequency may be requested and granted once 4 consecutive sampling events have been conducted and results submitted to the City.
17. 65-feet of ROW on Northern Ave must be dedicated prior to beginning of landfill operations. At this time, the ultimate ROW for the Northern Parkway is 180' from the section line. The design and operation of the site must account for this.
18. A Phase 1 Environmental Clearance will be required for all right-of-way to be dedicated to the City.

19. A detailed Traffic Impact Analysis (TIA) for the site is required prior to any redevelopment. Contact Traffic Engineering for additional information, (623) 773-7652.
20. The developer will be required to construct half street improvements on Northern Avenue with the first phase of redevelopment. Half-street requirements are triggered when the property is subdivided or buildings over 2,000 sq. ft. are built. Improvements to Northern Avenue can be waived, as determined by the Peoria City Engineer, if the mobilization or construction of the Northern Parkway improvements are underway or imminent.
21. The developer will be required to provide a final plat for the entire site with the first phase of redevelopment.
22. The applicant will be permitted to use a portable toilet during the initial landfill portion of this process. As soon as the first phase of redevelopment occurs, the site will be required to connect to the City sewer system.
23. Approved Final Grading and Drainage plans will be required prior to the issuance of a permit to commence filling operations.
24. An easement shall be required prior to locating landscaping within the City owned tract.
25. A copy of the reclamation plan from the State Mining Inspector shall be provided to the City upon its approval.

Attachments:

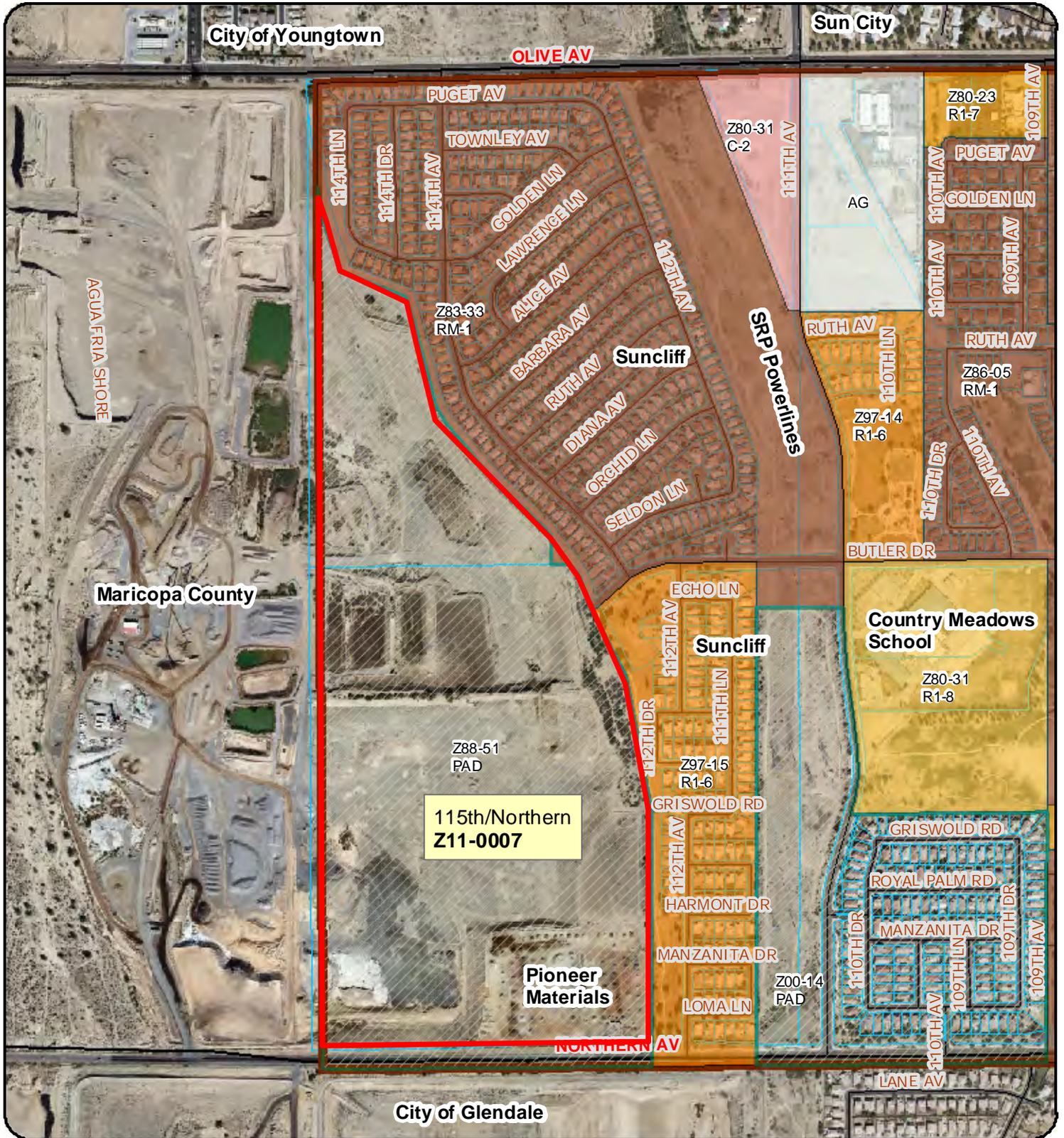
Exhibit A	Vicinity Map
Exhibit B	Zoning Map
Exhibit C	General Plan Land Use Map
Exhibit D	Site Plan (Northern Avenue Frontage)
Exhibit E	Site Landscape Plan
Exhibit F	Landscape Buffer/Elevation
Exhibit G	Conceptual Land Use
Exhibit H	Narrative
Exhibit I	Peoria Unified School District Comments (July 23, 2012)
Exhibit J	Citizen Participation Plan
Exhibit K.1-K.9	Public Comments

Prepared by: Ed Boik, AICP, LEED Green Associate  
Planner



# Zoning Map

# Exhibit B



## Z11-0007 115th/Northern Inert Reclamation

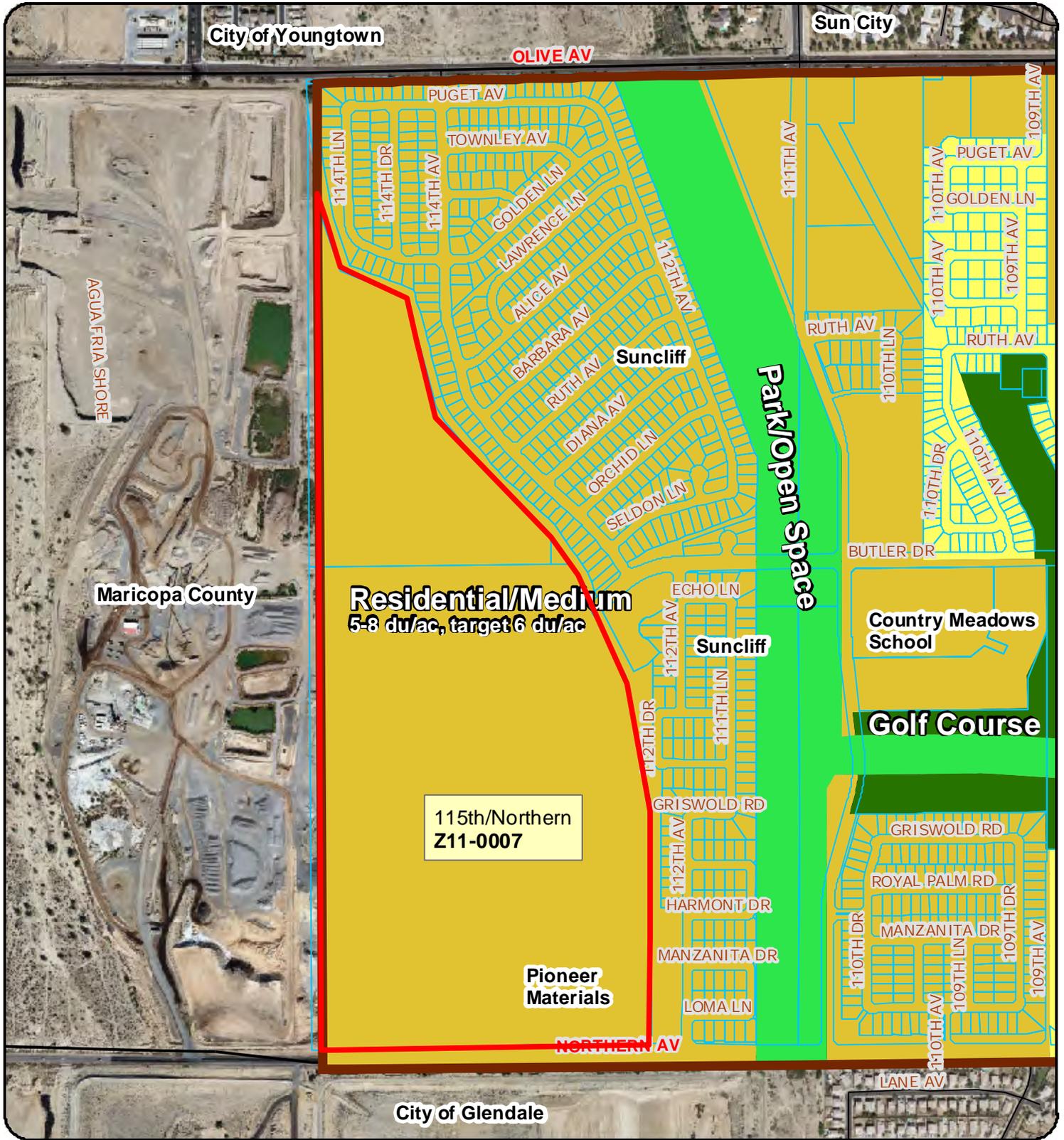
Applicant: Andy Jochums, Beus Gilbert on behalf of Dirt 101

Request: Approve Special Use Permit for an inert landfill

# 3



Not to Scale



## Z11-0007 115th/Northern Inert Reclamation

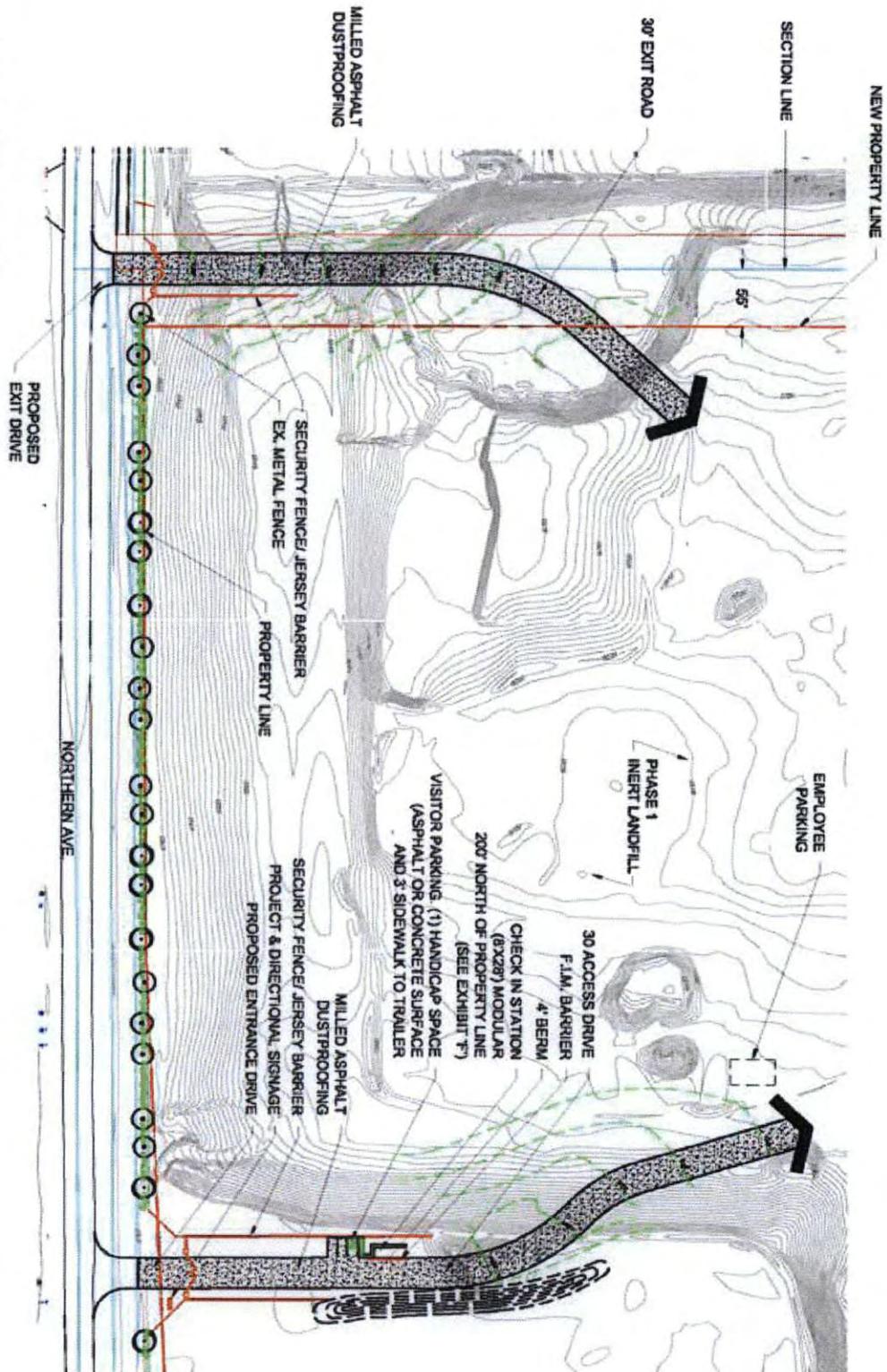
Applicant: Andy Jochums, Beus Gilbert on behalf of Dirt 101

Request: Approve Special Use Permit for an inert landfill

# 3



Not to Scale



**115TH & NORTHERN  
RECLAMATION**

PEORIA, AZ  
PREPARED FOR: LUKE LAND REALTY

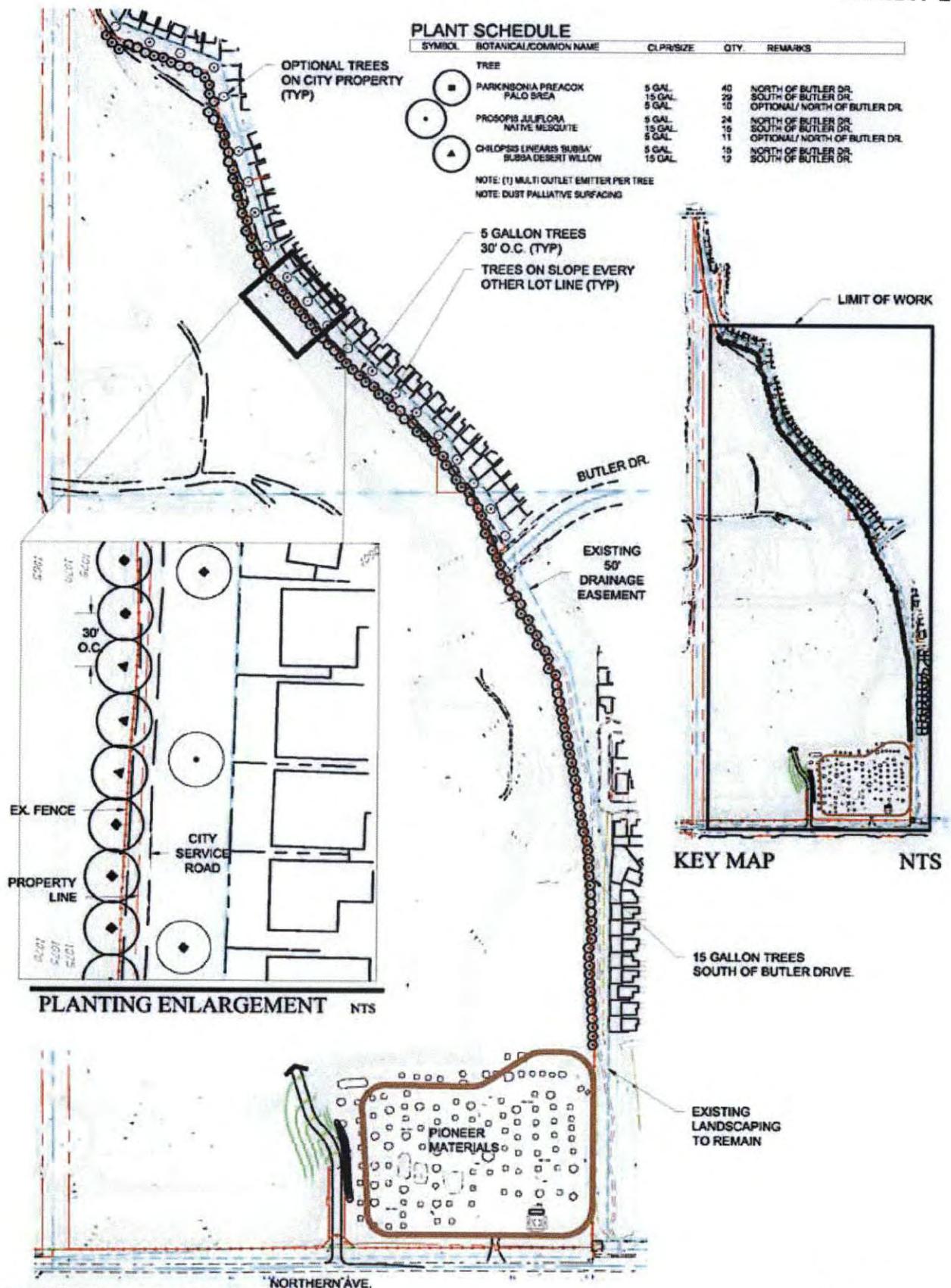
**PHASE 1 SITE IMPROVEMENTS - DETAIL**

SCALE: 1" = 100'  
BY DATE PLOTTED



**GILMORE PARSONS**

LAND DESIGN GROUP  
2211 N. 7th Street, Phoenix, AZ 85016  
T: 602.262.5222 F: 602.262.5277  
www.gilmoreparsons.com



**115TH & NORTHERN  
RECLAMATION**

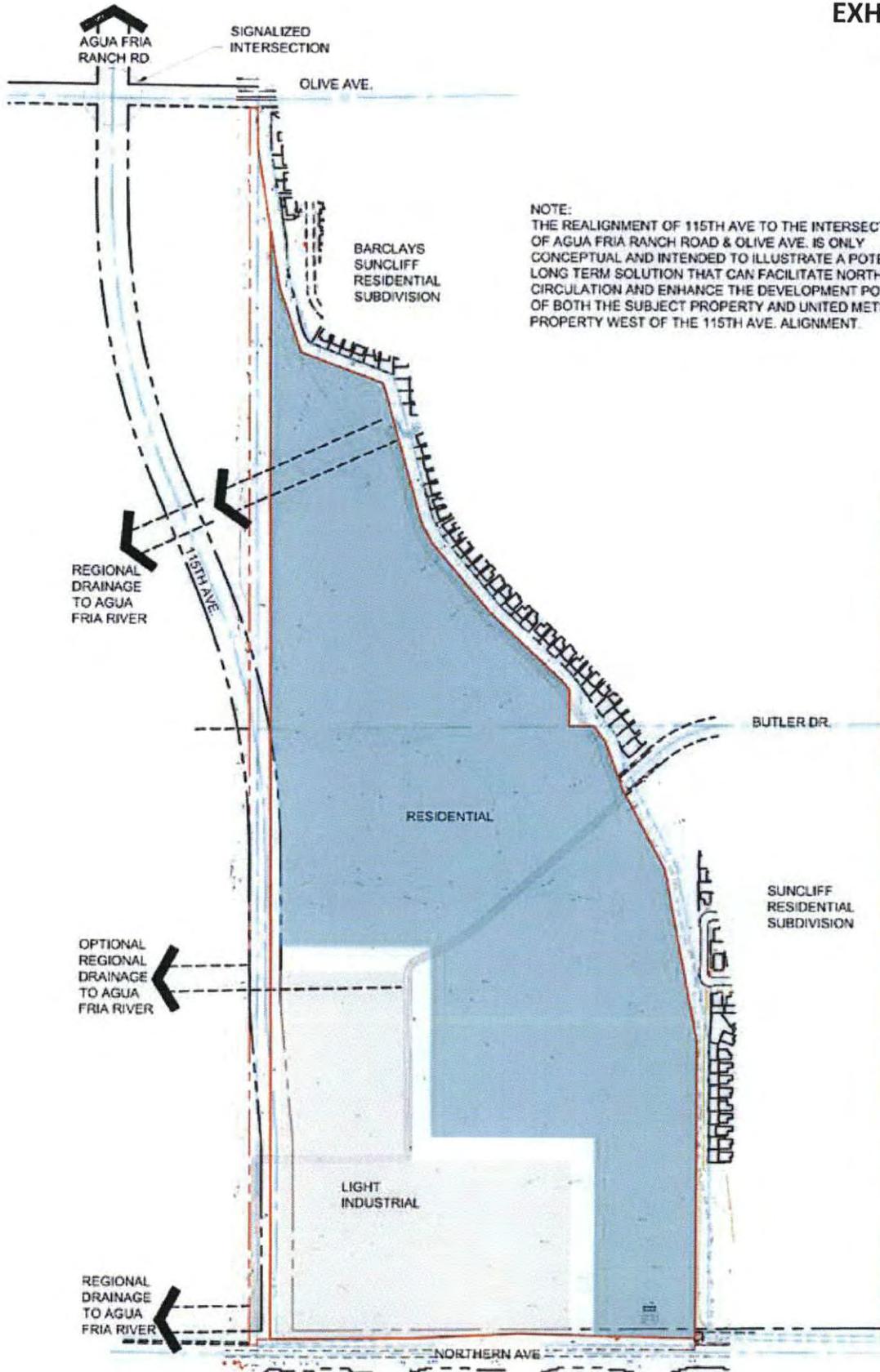
PEORIA, AZ  
PREPARED FOR: LUKE LAND REALTY

**EXHIBIT 'H'  
LANDSCAPE BUFFER PLAN**



**GILMORE PARSONS**  
LAND DESIGN GROUP  
2211 N. 7th Street, Phoenix, AZ 85006  
T 602.266.5022 F 602.266.5707  
www.gilgopar.com





NOTE:  
 THE REALIGNMENT OF 115TH AVE TO THE INTERSECTION OF AGUA FRIA RANCH ROAD & OLIVE AVE. IS ONLY CONCEPTUAL AND INTENDED TO ILLUSTRATE A POTENTIAL LONG TERM SOLUTION THAT CAN FACILITATE NORTH-SOUTH CIRCULATION AND ENHANCE THE DEVELOPMENT POTENTIAL OF BOTH THE SUBJECT PROPERTY AND UNITED METRO'S PROPERTY WEST OF THE 115TH AVE. ALIGNMENT.

115TH & NORTHERN  
 RECLAMATION

EXHIBIT 'K'  
 CONCEPTUAL LAND USE PLAN

PEORIA, AZ  
 PREPARED FOR: LUKE LAND REALTY

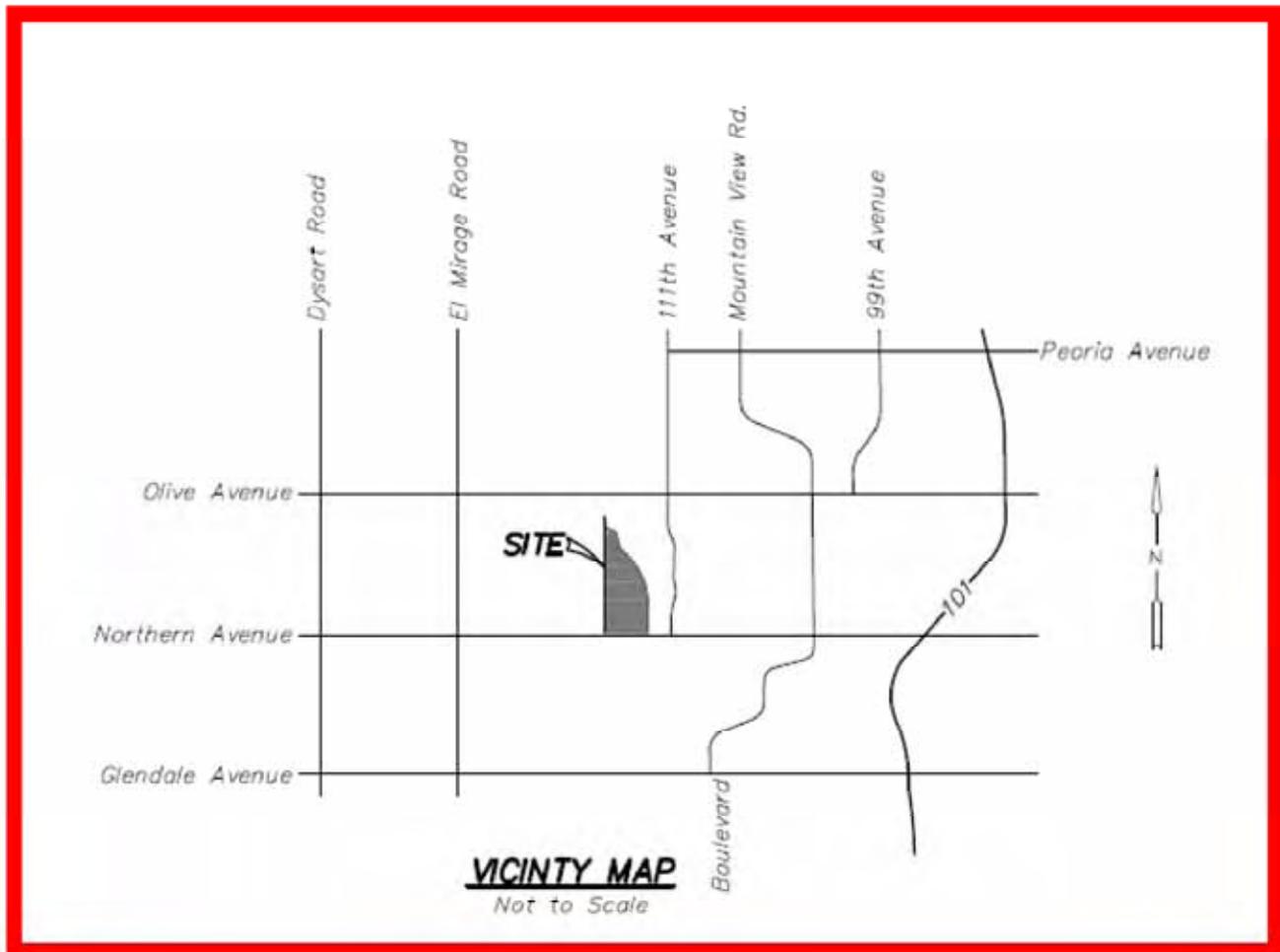


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# 115<sup>th</sup> & Northern Reclamation

*Northeast Corner of 115th Avenue Alignment and Northern Avenue.*

## Special Use Permit Z11-0007 Fourth Submittal



**Prepared by:**

Beus Gilbert PLLC  
4800 N. Scottsdale Rd., #6000  
Scottsdale, AZ 85251

Revised July 5, 2012

**Applicant:**

Dirt 101 Investors LLC  
7801 N. Black Canyon Hwy  
Phoenix, AZ 85021

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**EXHIBITS**

- Exhibit A: Aerial Photo/Context Plan
- Exhibit B: Existing Topography
- Exhibit C: Existing City Zoning
- Exhibit D: Phase One Site Improvements
- Exhibit E: Phase One Site Improvements – Detail
- Exhibit F: Modular Office Building
- Exhibit G: Phasing Plan
- Exhibit H: Landscape Buffer Plan
- Exhibit I: Landscape Buffer Cross-Sections
- Exhibit J: Frontage Landscape Plan
- Exhibit K: Future Conceptual Land Use Plan
- Exhibit L: Finished Grading Plan

**DEVELOPMENT TEAM**

<b><u>Applicant:</u></b>  Dirt 101 Investors LLC 7801 N. Black Canyon Hwy Phoenix, AZ 85021 Contact: Luke Lewis (602) 995-7575	
<b><u>Property Owner:</u></b>  Agua Fria Lowlands LLC c/o Beus Gilbert PLLC 4800 N Scottsdale Road #6000 Scottsdale, AZ 85251	<b><u>Land Planner:</u></b>  Gilmore Parsons Land Design Group 2211 N. 7th Street Phoenix, AZ 85006 Contact: Jack Gilmore 602-266-5622
<b><u>Traffic Engineer:</u></b>  Kimley-Horn and Associates, Inc. 7878 N. 16th Street, Ste. 300 Phoenix, AZ 85020 Contact: Chuck Wright (602) 944-5500	<b><u>Engineer:</u></b>  Keogh Engineering 14150 W. McDowell Road Goodyear, AZ 85395 Contact: Dennis Keogh 623-535-7260
<b><u>Prepared by:</u></b>  Beus Gilbert PLLC 4800 N. Scottsdale Rd. #6000 Scottsdale, AZ 85251 Contact: Andy Jochums 480-429-3063 480-429-3100 FAX <a href="mailto:ajochums@beusgilbert.com">ajochums@beusgilbert.com</a>	

## **INTRODUCTION**

### **Request**

On behalf of the property owner, Agua Fria Lowlands LLC, and the proposed purchaser, Dirt 101 Investors LLC, Beus Gilbert PLLC is proposing this Special Use Permit in order to allow continuation of an existing aggregate mining operation with the addition of a land reclamation operation on the subject 127+/- acre property to be known as 115th and Northern Reclamation. The land reclamation will be limited to the acceptance of inert material which will be utilized as fill to reclaim the property to a condition similar to that of pre-mining in order for redevelopment of the land and permanent closure of the mining operation. Such reclamation and preparation of the property for a post-mining land use is required of all mining pursuant to Arizona Revised Statutes.

This report is intended to provide the City of Peoria with the necessary information to review and approve the requested Special Use Permit (SUP) for the 115th and Northern Reclamation facility.

### **Project Location**

A vicinity map is located on the cover sheet of this narrative and an aerial photo/context plan is included as Exhibit "A". The property is generally bounded on the south by Northern Avenue, the west by the 115<sup>th</sup> Avenue alignment, and the east by the existing residential development of Suncliff. More specifically, the request concerns Assessor Parcel Numbers 142-71-005A and 142-74-006A.

## **CURRENT CONDITIONS**

### **Site**

The subject property is generally situated about a half mile east of the Agua Fria River, and within a regional corridor that has historically been mined for aggregate including sand and gravel. The major portion of this subject property has been mined to an average depth of 30-35 feet. There is an approximate 20 acre area at the southeast corner that has not yet been mined. Within this area is Pioneer Landscape Materials, an existing tenant that leases property for the sale of aggregate and other landscaping material. This lease will continue until at least such time that the property is ready to be re-developed with a higher and better use.

The property has a triangular shape with approximately 1,800 linear feet of frontage on Northern Avenue and the northernmost tip of the property falls about 550' south of Olive Avenue. The mining begins at a point that is approximately 750' south of Olive Avenue. The east and west boundaries of this narrow portion are defined by graded slopes that rise approximately 15' at gradients that exceed a 1:1 slope (refer to Exhibit "B" existing Topography Map). Continuing south from this narrow north end, the property expands to a width of approximately 1,500' at the Butler Drive alignment and ultimately 1,800' along the Northern Avenue frontage. Between the northernmost point of the property and Northern

Avenue on the south, there is a relative drop in elevation of approximately 50' for an average of 1%. The relative elevation of the adjacent residential development along the entire east property line is situated from 10-20' above the subject property.

As described earlier, there is an existing tenant, Pioneer Landscape Materials, who leases the southeast corner of the subject property, which includes approximately 900' of frontage along Northern Avenue.

**Surrounding Development**

The subject property is within the City of Peoria, but shares jurisdictional boundaries with the Town of Youngtown to the north, the City of Glendale to the south, and Maricopa County to the west.

North:	Residential (Suncliff)
East:	Residential (Suncliff)
South:	City of Glendale Landfill
West:	Aggregate Mining and Batch Plant

**Accessibility**

The project site is currently accessible from one driveway entrance off Northern Avenue, which is the current access for Pioneer Materials.

**Existing Area Rights-of-Way**

**Northern Avenue:** 61-82' north-half varies. The entire ROW for Northern Avenue is within the City of Peoria's jurisdiction. Northern Avenue is a section line arterial, but Maricopa County and the Cities of Peoria, El Mirage, and Glendale are jointly working on the Northern Parkway, an urban freeway that will extend between Grand Avenue (US 60) and the Loop 303. Expansion of the right-of-way is expected.

**Olive Avenue:** 33' south half. This ROW is within Maricopa County's jurisdiction.

**Butler Drive:** 80' is typical for a mid-section arterial.

**Street Improvements**

**Northern Avenue** is currently improved with two lanes of traffic; one lane in each direction. There are no existing curb, gutter, or sidewalk. Future improvements associated with the 115th and Northern Reclamation facility will include two additional driveways. No other improvements are anticipated until the property is redeveloped with a use that has traffic counts warranting improvements or the Northern Parkway improvements are installed by others. Discussions with the City of Peoria, indicate that Requests-For-Proposals will be issued early in 2012 for the interim Phase 2 extension of the Northern Parkway between Dysart Road and 111<sup>th</sup> Ave. The Design Concept Report indicates that the Phase 2 improvements will include only the south four lanes with a turning lane proposed for

driveways on the north side of the road. An integral part of the Phase 2 design will be to determine the final ROW dimension and the locations of additional access points.

It is understood at this time, the expected Northern Parkway ROW will be 180' in width from the section line. The typical cross-section for this portion of the final Parkway improvements calls for a paved north half of 75' from centerline to face of curb. This includes three lanes of traffic and an auxiliary lane and two paved shoulders.

**Olive Avenue** is currently improved with five lanes of traffic, two each way with a common left turn lane. The subject property does not have any direct access to Olive Avenue. There is potential for access to Olive through easements across either public and private property that is directly adjacent; however, during the life of the operation, 115th and Northern Reclamation will not use Olive Avenue for access.

**115<sup>th</sup> Avenue** is a section line boundary and typically designated as an arterial road. While the property containing the 115th Avenue alignment is not a part of this application, how 115<sup>th</sup> Avenue evolves in the future will be directly dependent on the redevelopment plan for this property and the surrounding area, along with the later improvements associated with the Northern Parkway. Pursuant to the Parkway Design Concept Report, there are two solutions that will influence both circulation and land use. Option 1 indicates a street intersection with right-in and right-out access in the general area of 115th Avenue. Option 2 indicates a diamond interchange specifically at the 115th Avenue alignment serving as a connection point to a roadway connecting to the north. While both options call for access to the subject property, Option 2 is capable of attracting much higher traffic counts and therefore higher intensities of land use.

### **Zoning**

The subject property is zoned PAD, approved under application Z88-51. The PAD allows approximately 30 acres of Light Industrial at the southwestern portion of the property and Single Family Residential on the remainder with a minimum lot size of 5,000 sq ft and average of 6,000 sq. ft. Projected density of the residential is 4.8 du/ac. Exhibit "C" shows the City zoning for the subject parcel and surrounding area.

The subject property has received registration as a Non-Conforming Sand and Gravel Operation by the City of Peoria in 2007 under application NC07-01. Sand and Gravel Extraction/Aggregate Mining continues on the property to this date and will continue in the future. As a part of the registration as a non-conforming operation, a list of the existing mining activities was included. This list included all activities associated with aggregate mining, but did not specifically list any type of reclamation operation. Pursuant to ARS §27-1222 reclamation of all aggregate mining operations is required by the State.

### **Land Use Designation**

The property is designated as *Residential Medium* within the City of Peoria General Plan. That category allows for residential at a gross density of 5 to 8 dwelling units per acre with a target of 6 dwelling units per acre.

Pursuant to Article 14-41-2(I) of the Peoria Zoning Ordinance, a sand and gravel operation or similar mining use, or in our case the continuation of an existing aggregate mining operation and the addition of a reclamation operation, is allowed only by Special Use Permit approved by the Council. A Special Use Permit is allowed within any zoning district, including Residential. As such, approval of the Special Use Permit for an aggregate mining operation along with a reclamation operation does not require an amendment to the City of Peoria General Plan land use designation of *Residential Medium*.

## **DESCRIPTION OF PROPOSAL**

The property owner wishes to perform the required reclamation of the mined property and redevelop it with future uses. In order to build the property back up to a usable level, following the removal of material for aggregate mining, we wish to utilize the property on an interim basis as a reclamation facility for inert materials.

As discussed in the *Current Conditions* section, the subject property has previously been mined for aggregate. Pursuant to ARS §27-1222 reclamation of all aggregate mining operations is required by the State in order to stabilize and secure the land following the completion of the mining and prepare for post-mining land uses. It is presumed within ARS §27-1275 that open pits, such as that found on the subject property, will be reclaimed through backfilling or returning material to the open pits.

The subject request is a Special Use Permit in order to allow the operation that will reclaim the property pursuant to Arizona Revised Statutes. The Special Use Permit is requested under Article 14-41-2(I) of the Peoria Zoning Ordinance, which in order allows for a “*Sand and Gravel, Rock Quarrying, and similar mining use*”. Within our request, we are seeking permission to allow the reclamation operation, which would only be permitted to accept inert material as fill for the open pits. By allowing only inert material the requested 115th and Northern Reclamation operation is essentially the required process by which the existing mining operation is closed over time and the property transitioned to a beneficial and productive post-mining use.

We believe that an operation like 115th Avenue and Northern Reclamation is the next logical step in the lifecycle of the subject property. Its current blighted conditions are the result of the mining operations that were not reclaimed properly and in order for the property to be cleaned up to once again benefit the City of Peoria and its residents, it needs to be redeveloped. Until the mining pits are filled in though, and the property level brought back up to its pre-mining condition, this redevelopment cannot and will not occur. The Maricopa County Flood Control District has also expressed support for the reclamation and redevelopment of mines within floodplains by way of utilizing inert material as fill, such as the subject request.

In order to address the requirements of a Special Use Permit application contained within Article 14-41-2(I) of the Zoning Ordinance for a “*Sand and Gravel, Rock Quarrying, and similar mining use*”, we offer an Operations Plan, Re-Use Plan, and Closure Plan beginning on the following page.

## **OPERATIONS PLAN**

This Operations Plan for 115th and Northern Reclamation reflects the same general elements that Dirt 101 Investors has successfully adopted for their soon to be completed 35 acre facility located at the northwest corner of Glendale Avenue and the 117th Avenue alignment. This facility was originally permitted within unincorporated Maricopa County and subsequently annexed in the City of Glendale and regulated by that jurisdiction. This Operations Plan will detail the limitations placed on the acceptance of material, how that material will be inspected and regulated, and how operations and layout of the reclamation facility will address any potential real or perceived impacts.

### **Accepted Material**

115th and Northern Reclamation will be limited to the acceptance of inert materials, which is defined by Arizona Revised Statutes §49-701(15) as follows:

*"Inert material":*

*(a) Means material that satisfies all of the following conditions:*

*(i) Is not flammable.*

*(ii) Will not decompose.*

*(iii) Will not leach substances in concentrations that exceed applicable aquifer water quality standards prescribed by section 49-201, paragraph 20 when subjected to a water leach test that is designed to approximate natural infiltrating waters.*

*(b) Includes concrete, asphaltic pavement, brick, rock, gravel, sand, soil and metal, if used as reinforcement in concrete, but does not include special waste, hazardous waste, glass or other metal.*

As you can see by the definition above, inert material cannot be flammable, will not decompose, and will not leach. In the list of specific materials, the State also indicates specific excluded materials. Special waste is not allowed and would include any inert material that is contaminated, such as soil from around a failed underground storage tank.

Inert material is the most restrictive material allowed as fill and due to its nature and limitations, inert material is specifically excluded from the definition of "Solid Waste" by ARS §49-701.01(B)(17). By excluding inert material as solid waste, its placement and disposition is not regulated by the Arizona Department of Environmental Quality (ADEQ) as part of a solid waste landfill.

The limited specific items that can be classified as inert material are substances that had at one time been previously mined or removed from the earth, making the reclamation operation analogous to mining which is already allowed on the subject property.

**Regulatory Permits and Compliance with Applicable Laws**

Listed below is a summary of the expected regulatory procedures expected for approval and operation of a land reclamation facility on the subject parcel. This summary may not contain all the applicable permits and applicable laws; however, the applicant agrees that 115th and Northern Reclamation will be approved by all applicable entities before commencement and operated in accordance with all known regulations and laws.

*City of Peoria*

As required under Article 14-41-2(I) of the Peoria Zoning Ordinance, a Special Use Permit (SUP) application is required for approval of the reclamation operation on the subject property. If approved, 115th and Northern Reclamation will be operated in accordance with the provisions included within this narrative, as well as the plans and exhibits including in the SUP application subject to any conditions required by the City Council at the time of the SUP's approval. Applicant will apply for all applicable City permits for the associated site improvements.

*Maricopa County*

The reclamation operation will be subject to regulation by the Maricopa County Air Quality Department related to fugitive dust from any unstable or disturbed dirt surfaces. A Dust Control Permit will be required.

*State (ADEQ)*

As noted previously, pursuant to State Law, a land reclamation operation that only accepts Inert Material as fill is not defined as a Solid Waste Facility and is therefore not regulated by ADEQ. It is expected however, that while the 115th and Northern Reclamation operation will not require a permit from ADEQ, they will be inspecting the property if complaints are received about improper materials being accepted.

*Federal*

A portion of the subject property is currently included within the FEMA flood zone for the Agua Fria River. Following the reclamation of the property by way of the inert material, or prior to any development within the floodplain, the property owner will apply to FEMA, through the City of Peoria, for a map revision to remove the property from the flood zone if necessary for redevelopment.

**Quality Control**

In order to maintain the integrity of the reclamation of the subject property for future use and to insure that the material being delivered meets the criteria of Inert Material, we have prepared a quality control plan to provide brief but concise procedures for maintaining clean fill material. The long term benefit and motivation for 115th and Northern Reclamation is to reclaim the property for future development; therefore, quality control of the materials used as stable and compacted fill is very important to Dirt 101 Investors LLC.

We have adopted the following measures to manage the inflow of fill material.

1. Access to the property is controlled and secured off of Northern Avenue. Fencing has been installed around the property to restrict any off-site access and the fencing will be maintained.
2. Prior to entering the property, all deliveries must stop for an inspection at a guard house/office. The reclamation operator stationed at the guard gate preforms a visual inspection of the fill materials. If there is unqualified materials, the delivery is rejected and forwarded onto the City of Glendale Municipal Landfill or another solid waste facility.
3. Approved deliveries are recorded in the delivery log and the drivers are instructed on where to dump their loads and then directed into the property and down into down into the pit.
4. Depending on the volume contained within the delivery, a dozer will be used to push-off and sort material. If unqualified material is discovered, the dozer operator will separate that material and place it into a commercial dumpster located within the pit. When there is an adequate collection of unqualified material, the dumpster will be trucked to the City of Glendale Municipal Landfill.
5. We understand that ADEQ as well as the City of Peoria may inspect the property and operations at any time and encourage their observations.
6. Given our existing reclamation operation located on Glendale Avenue, we have developed a very compatible relationship with the City of Glendale Municipal Landfill's staff. If the City receives a load of Inert Material, which is not necessarily desirable in the Municipal Landfill, they will be encouraged to come to our facility. As previously stated, unqualified loads and materials at our facility will be directed to the Municipal Landfill.

The delivery log of all incoming material will be maintained daily, kept at the check-in office, and available for inspection at any time as requested by the City of Peoria or any other regulating authority. The log will identify the material provider, source of the material, quantity of the material, and a notation of any inappropriate fill material found and disposed of after the material was dumped.

### **Traffic**

As Pioneer Landscape Materials is expected to remain as a long term tenant, their existing driveway will remain and be limited to their use. 115th and Northern Reclamation is requesting access to the property by way of two new driveways directly off of Northern Avenue. The first driveway will be located on the west side of the Pioneer Materials lease boundary where the native grade is still even with Northern Avenue, generally located in the center of the site's frontage, over 1000' from the nearest residential. This driveway is planned to be used for ingress only. Directional signage as well as gated access will control both access and on-site circulation. The second driveway for 115th and Northern Reclamation will be located along the west property line at the 115th Avenue alignment through adjacent property (owned by the same property owner) and is planned to be used for egress. It is expected that this off-site access will be secured by easements prior to the initiation of the reclamation operation.

Truck traffic will be restricted to Northern Avenue and designated truck routes. Every reasonable effort will be made to inform prospective customers of the appropriate truck routes and that trucks are expressly prohibited on 111th Avenue between Olive Avenue and Northern Avenue.

### **Phasing**

In order for adequate phasing of 115th and Northern Reclamation, the overall property will be broken up into smaller regions or cells that will make up the various phases of the reclamation operation. Phasing is expected to generally head from the southern portions of the property closest to Northern Avenue and work north. Although completely dependent on market demand, it is expected that approximately five acres will be filled per year. Attached as Exhibits “D” and “E”, are site plans showing phase one improvements which include the following:

- Two new driveway entrances off Northern Avenue. Both of these entrances will be incorporated into the existing pipe rail fence and gated to restrict after hour access.
- Project signage and directional signage will be placed on-site at both of these driveway locations.
- Access roads will be graded into the existing side slopes for both the entrance and exit roads. The entrance roadway will lead directly into the property while the exit roadway will connect to Northern Avenue by way of an adjacent parcel along the 115th Avenue alignment.
- The check-in station, a 10’ x 30’ modular building, will be placed approximately 150’ to 200’ north of the Northern Avenue ROW.
- The entrance road will be paved with milled asphalt from Northern Avenue north to the check-in station. Fencing will be installed on both sides to restrict errant traffic into Pioneer Materials and to restrict traffic from the existing pit drop-off.
- The exit roadway will be paved with milled asphalt leading out of the pit.
- The landscape buffer as illustrated on the attached landscape buffer plan (Exhibit H) will be installed along the designated portion of the east boundary.
- With these improvements completed, 115th and Northern Reclamation will then begin the operation.

Attached as Exhibit “G” is a conceptual phasing plan showing how we expect the order the site will be filled for reclamation. You will see the timeline generally works south to north with the exception of phase 6, the final phase, which is located in the center of the property along the western edge. This phase is last as it will house the various noise generating operations, such as a crusher, in order to keep these operations located as far away from the existing homes as possible at all times.

### **Mitigation Measures**

With the exception of quality control in the acceptance of material, mitigation of actual and perceived impacts is the most important aspect of this Operations Plan. As noted previously, the actual filling operations will not encompass the entire 133 acre site all at once.

Operations will be phased into smaller regions or cells thereby condensing the area for potential impacts.

*Visual Blight*

The subject property has been mined for aggregate since the 1970's with most of the heavy mining occurring in the last 20 years. As such, the property has been left in a blighted condition with a majority of the property left at 30 to 35 feet below natural grade. The purpose of the requested reclamation facility is to reclaim the land and bring it back up to natural grade for redevelopment of the property.

As a part of 115th and Northern Reclamation, we plan on providing a landscape buffer and separation from the existing residential homes within the existing subdivision to the east. This landscape buffer will provided separation between the reclamation and the homes as well as provide trees to visually screen some operations. The selected buffering trees species are included in the Arizona Department of Water Resources low water use plant list for the Phoenix Active Management Area (Phoenix AMA) and carefully chosen for their rapid growth and year round branch coverage.

Details on the proposed landscaping and buffer can be found in the "landscaping" section.

*Dust*

The reclamation operation is subject to regulation by the Maricopa County Air Quality Department related to fugitive dust from any unstable or disturbed dirt surfaces. A Dust Control Permit will be required to be submitted and approved prior to any work, and the County will conduct regular inspections. Based upon experience with our other reclamation facility, the ground and material will be watered quite regularly to limit airborne particulate matter/fugitive dust. Trucks leaving the property will be required to pass over a trackout control device so as to restrict mud from being tracked out on to the paved roadways.

*Noise*

As with the existing aggregate mining on the subject property and in the immediate area, limiting noise will be an important day-to-day requirement of 115th and Northern Reclamation. In order to limit noise impacts to a minimal amount, the reclamation operation will be buffered and separated from the existing residential as much as possible. Material entering the property to be used as fill may need to be crushed in order to aid in compaction; however, as depicted on the submitted site plan, the crusher has been located in the most remote location possible on the property and buffered by an earthen berm. The crusher will comply with all applicable City of Peoria noise regulations. All the earthmoving or compacting equipment that 115th and Northern Reclamation will utilize is modern construction equipment with all required mufflers for sound attenuation. While back-up alarms for the equipment are required by OSHA, they will be set on the lowest setting allowed to limit unnecessary noise.

Normal hours of operation will be limited to 6am to 3pm in the summer months of May through September, and 7am to 4pm the remainder of the year so as to limit any noise impacts in the evenings and nighttime. There will also be no operations of any kind on Sundays.

*Odor*

As the proposed reclamation operation will only be accepting a limited scope of inert materials, there will be no odor associated with the facility.

*Lighting*

Reclamation operations will not occur before sunrise or after sunset, therefore site lighting other than simple security and building lighting is not required. All security lighting and lighting attached to the check-in building will be down-facing, flat-lensed, and full cut-off to minimize glare and light trespass onto adjacent property.

*Security*

As noted previously, there is existing fencing along the entire north, east and south property lines. These existing fences will remain in place for the duration of the reclamation phases unless there is a decision to initiate site redevelopment. Due to the historic use of the subject property and the existing sand and gravel operations on the adjoining property to the west as part of a larger mining district, there is no fence along the west property line. 115th and Northern Reclamation will install a temporary 6' chain link fence along this west side during the filling of adjacent phases so as to restrict access and retain all reclamation activity to the subject parcels.

As part of the rezoning and site plan approval processes for redevelopment, the phased separation and type of perimeter screening of the development parcels will be determined at that time.

*Aquifer Protection*

As there are existing private and municipal wells in the surrounding area and given the proximity to the Agua Fria River, concern over protection of those wells and the aquifer has been expressed. As indicated previously, 115th and Northern Reclamation is requesting a Special Use Permit to allow reclamation of the mining property by way of only inert materials, which by its definition "*Will not leach substances in concentrations that exceed applicable aquifer water quality standards prescribed by section 49-201, paragraph 20 when subjected to a water leach test that is designed to approximate natural infiltrating waters*" As such, inert material is not considered solid waste and not regulated by ADEQ as aquifer protection is not necessary.

*Other Potential Nuisances*

Both during the review of this Special Use Permit and following approval during operation 115th and Northern Reclamation will work with the City of Peoria and area residents to address any additional real or perceived nuisances that may be expressed.

**Hours of Operation**

As noted in the Mitigation Measures section, the normal hours of operation will be limited to 6am to 3pm in the summer months and 7am to 4pm the remainder of the year. There will also be no operations of any kind on Sundays.

**Site improvements**

Pursuant to Article 14-41-2(I) of the Peoria Zoning Ordinance “Sand and Gravel, Rock Quarrying, and similar mining uses are exempt from design review and landscaping requirements in the site plan approval process...”. As a part of the proposed reclamation operation there will be no lasting improvements made to the property other than the reclamation accorded by the fill itself. Some temporary improvements will be placed on the property during the reclamation operations.

*Modular Office/Guard House*

In order to effectuate and operate, 115th and Northern Reclamation will place a modular building at the access roadway which will serve as a check-in station for trucks and office for the employees. This modular building will either be relocated from the existing operation in the City of Glendale or a new modular building, and placed following the receipt of all applicable permits with the City of Peoria. Exhibit “F” includes photos of an example modular building. Pursuant to Article 14-41-2(I) of the Peoria Zoning Ordinance, mining uses are exempt from design review, but given that the building will be located a minimum of 150 feet from Northern Avenue, aesthetics will not be an issue regardless.

Alongside of the modular office/guard house there will be visitor parking including an ADA handicap accessible space.

*Driveways and Roadways*

All internal roadways and driveways leading into or out of the pits will be surfaced with milled asphalt to limit dust. As required by the Maricopa County Air Quality Department, trackout control devices will be appropriately placed to restrict mud from being tracked out on to the paved roadways.

*Crusher*

In order to crush larger material for the best possible compaction, a crusher will be included on the property. As noted under the noise mitigation section, the crusher will be located in the most remote locations possible on the property and will be screened by an earthen berm. The crusher will be operated in accordance with applicable City of Peoria noise standards by not exceeding 65dBA when measured at any point 50 feet from the adjacent residential properties. Pursuant to Article 14-41-2(I) of the Zoning Ordinance, in the absence of any mitigation measures, any mining equipment must be located a minimum of 300’ from adjacent residential. 115th and Northern Reclamation is providing noise and visual mitigation in the form of a

landscape buffer, earthen berm, and will be locating the crusher no closer than 1000' to adjacent residential.

*Signage*

Project signage will be limited to the frontage along Northern Avenue. Proposed signage will consist of one permanent project identification monument sign for 115th and Northern Reclamation and will be placed at the main entrance driveway. Directional signs will be placed at the applicable driveway to indicate the property entrance and exit. Signage will require a separate City of Peoria permit application.

Details of these site improvement are shown on Exhibits “D” and “F”.

During the lifespan of the reclamation operation, other temporary structures may be needed and all applicable permits with the City of Peoria will be acquired.

**Landscaping**

Pursuant to Article 14-41-2(I) of the Peoria Zoning Ordinance “Sand and Gravel, Rock Quarrying, and similar mining uses are exempt from design review and landscaping requirements in the site plan approval process...”. Even with this exemption, as a part of our Special Use Permit request, in order to mitigate potential impacts, we have committed to provide a landscape buffer to screen and limit the views from the established neighborhoods along the east property line.

The presence of the mined area is a given condition that the residents have dealt with, but the purpose of the buffer is to mitigate the views of the operations involved with the reclamation of the property in order to be a good neighbor. Fortunately, the single family residential lots that are north of Butler Drive and are in the closest proximity to the operations, are also elevated approximately 20' above the perimeter of the mined pit. This orientation will permit the installation of screening trees that can effectively block views of the reclamation operations yet preserve some distant panoramic views of the White Tanks Mountains to the west.

In order to provide the best location for these screening trees, the applicant is working with the City of Peoria to optionally place some of the trees in a 50 foot wide strip between the 115th and Northern Reclamation operation and the existing residents, that is owned by the City. It is expected that all applicable easements will be secured from the City of Peoria before installation of any landscaping or improvements within the City's property.

South of Butler Drive is an extended common area open space that varies from a minimum width of 50' to 150' which is owned and maintained by the Suncliff III and IV Home Owners Association. The elevation of the homes backing onto this existing buffer varies from 5-10' above the adjacent subject property. Along this property line section, landscape trees will be placed solely on 115th and Northern Reclamation property.

The design and development of this landscape buffer is an essential feature in establishing a positive long term relationship with the adjacent neighborhoods. While this buffer will

initially serve to screen the reclamation operations over the next 25-30 years, it can remain in-place as later redevelopment occurs, as a mature landscape buffer. For the purpose of developing an effective long term landscape buffer, three species will be used: Sonoran Palo Brea (*Parkinsonia praecox*), Mesquite (*Prosopis* species), and Flowering Desert Willow (*Chilopsis linearis*). The Sonoran Palo Brea and the Mesquite trees will both easily grow to 25' in height and develop a full diameter spread of 30-40'. The Desert Willow will be incorporated randomly into the grouping for additional color. Refer to the buffer landscape plans included in this report as Exhibits "H" and "I".

Since the fill operations will be phased from the south to the north, the installation of the landscape buffer will reflect a similar pattern. The south half of the buffer located from Pioneer Landscape Materials to Butler Drive, will be installed with 15 gallon sized trees at an average spacing 30' on-center. From Butler Drive north, these same trees will be installed in the same pattern and spacing, but as 5 gallon trees. All these trees will be planted with phase one of 115th and Northern Reclamation and it is the nature of these species to grow very quickly. Typically they can grow from a 5 gallon container to a 24" box container size in one season. By the time the reclamation operations reach adjacent to the 15 gallon trees they will have grown a few years and by the time operations reach adjacent to the 5 gallon trees they will have grown for a number of years and both sections will be afforded a significant buffer. As the purpose of this landscaping is purely as a visual buffer, no shrubs will be utilized at this time and a dust palliative will be used in lieu of groundcover to suppress any fugitive dust.

The Northern Avenue frontage will be partially landscaped as a part of 115th and Northern Reclamation. Since the Northern Parkway has not yet progressed past the Design Concept Report (DCR) stage, there is currently no set dimension for the north right-of-way boundary; however, it is expected to be around 180' from the section line. The existing mining pit begins immediately north of the current ROW which varies from 61-82' north of the Northern Avenue section line. Assuming a ROW of 180' for the parkway, the new ROW boundary would be within the pit making frontage landscaping impossible at this time. Also given the fact that in the future there will be substantial modifications to Northern Avenue for its development into the Northern Parkway, permanent frontage landscaping within the existing ROW does not appear warranted as it will soon need to be removed. The final permanent frontage landscape along Northern Avenue should be completed as a part of the Parkway improvements by the City, or with the redevelopment of the reclaimed property, whichever occurs first. In the meantime however, in order to provide an attractive frontage along Northern Avenue, 115th Avenue and Northern Reclamation is proposing some temporary landscape improvements within the City of Peoria ROW. This frontage landscape is detailed on the landscape plans included in this report as Exhibit "J".

When the property is redeveloped at a later date, the City can determine where additional trees, shrubs, and groundcover should be installed within the buffer and Northern Parkway frontage to satisfy site development criteria for the specific new use.

#### Utilities

115th and Northern Reclamation is a temporary operation and there will be limited connections to the existing City of Peoria public utilities for the reclamation operation. As a

part of the future re-development, the owner will present master plans for both water and wastewater which will address connections and impacts on the City of Peoria's utility infrastructure.

*Water*

Given the nature of the operation, the main requirement of water will be for dust suppression, which does not need to be treated drinking water from a public source. Water for the dust suppression will be provided by a temporary private well drilled on the property. This well will be limited to production of less than 35 gallons per minute classifying it as an Exempt Well pursuant to ADWR regulations and will be abandoned upon closure of the reclamation operations. Unless proven to be cost prohibitive, in addition to the proposed limited well, 115th and Northern Reclamation will also explore other options for dust suppression water by way of filling their water truck from an alternate private source or with Peoria on use of City water through an off-site fire hydrant or an off-site reclaimed water source.

Water for the landscaping will be accomplished by way of a meter, or meters, connected to the existing City of Peoria water lines in Suncliff as these connections will be permanent and remain following the closure of the reclamation operation. Drinking water for within the modular office building will be by way of bottled water.

*Wastewater*

The demand for restroom facilities for the reclamation operation will be quite limited. An ADA compliant port-a-potty will be used and placed adjacent to the modular office building. The port-a-potty will be pumped and serviced on a regular basis.

**Continued Aggregate Mining**

As discussed previously, the subject property has received registration as a Non-Conforming Sand and Gravel Operation by the City in 2007 under application NC07-01 and Sand and Gravel Extraction/Aggregate Mining continues on the property to this date. As a part of the 115th and Northern Reclamation operation, there may be a need to extract additional aggregate material from the property. All continued aggregate mining will be in accordance with the approval granted in NC07-01, which limits the operations to those as defined within ARS § 27-441.

## **RE-USE PLAN**

The paramount reason for the requested Special Use Permit is reclamation of the mined property for re-use. Following the mining, which is expected to continue in a limited fashion, a majority of the property has been left in a blighted condition with elevations at 30 to 35 feet below natural grade and the need to fill in 11 million tons of material. The requested land reclamation is essentially the re-use plan for that mining and will reclaim the land and bring it back up to natural grade for redevelopment and re-use of the property.

### **Future Land Use Plan**

The Future Land Use Plan included here as Exhibit “L”, illustrates the currently planned redevelopment of the property. This plan mirrors the existing PAD zoning of the property as approved by the City in case Z88-51. This PAD allows approximately 30 acres of Light Industrial at the southwest of the property and Single Family Residential on the remainder of the property with a minimum lot size of 5,000 sq. ft. and an average of 6,000 sq. ft. This current PAD zoning is in compliance with the Peoria General Plan.

### **Feasibility of Future Land Use Plan**

Given that the existing PAD zoning was approved over 20 years ago and before the property was completely mined, the market demand for the property may have shifted. Following commencement of the reclamation, and as property becomes available for redevelopment, Dirt 101 Investors will work with the City on a revised land use plan showing feasible land uses, and apply for a rezoning if necessary.

## **CLOSURE PLAN**

As each operations phase of 115th and Northern Reclamation is completed, that phase will be closed and prepared for redevelopment if the market conditions support the redevelopment. Upon cessation of the land reclamation operations for each phase, the applicable area will receive a final grading to support drainage and retention if necessary. Upon cessation of the 115th and Northern Reclamation operations as a whole, all equipment and structures associated with the reclamation will be removed from the property and the well utilized for dust control water will be capped appropriately.

A site plan/design review application will be submitted for review and approval by the City of Peoria before any development following the closure.

### **Arizona State Mine Inspector Reclamation Plan**

Pursuant to ARS §27-1222 the owner or operator of an aggregate mining operation is required to submit a reclamation plan to the State Mine Inspector. The purpose of this plan is to discuss the closure of the operation and the reclamation measures that will be undertaken to achieve the post-aggregate mining land use and the measures that will be taken to restrict access to the property and control erosion.

Review of the Mine Inspector's records did not reveal a reclamation plan for the subject property. It is not apparent whether this was an oversight in implementation of the statutes by the Mine Inspector or if a plan was submitted but misplaced. In coordination with the property owner, Dirt 101 Investors has submitted a reclamation plan to the State Mine Inspector. This plan indicates that the reclamation of the formerly mined property will be accomplished by the filling of the existing open pits with inert material. According to the Mine Inspector's office and in accordance with ARS §27-1275, the re-filling of open pits is the most preferred form of reclamation.

Also pursuant to State statutes, as a part of the reclamation plan, Dirt 101 Investors will be required to provide financial assurance for the estimated costs for completion of the requested reclamation.

### **Grading**

The final grading of the property, following the placement of the fill materials, will be in accordance with the plans prepared by Keogh Engineering included as Exhibit "L" and submitted separately as a part of this Special Use Permit request. The eastern edge of the fill will be determined by the natural grade of the land as it rises in elevation to the property line to match the property's grades before it was mined. The western edge of the fill will be along the western property line shared with the adjacent property currently being mined for aggregate. The grading of this edge will be dependent upon the topography of that property at the time of closure; however, the final grading plan attached shows the grading along the western edge based upon the current topography of that adjacent property, which may change. The western edge of the fill will be right up to the property line when the elevation

of the adjacent property is the same as the finished elevation. If the elevations are different with the finished elevation of the 115th and Northern Reclamation property being either above or below that of the adjacent property, a two-to-one slope will be preserved on the subject property from the shared property line.

Also in accordance with the plans prepared by Keogh Engineering, both temporary and permanent retention basins, and swales will be created to address both on-site and off-site drainage flows.

**Timeline**

The actual time period to complete 115th and Northern Reclamation will be highly influenced by the development industry which is expected to be the largest source of material. It took 20 plus years of aggregate removal for the property to be mined into its current condition therefore we are requesting a commensurate time limit on the requested Special Use Permit. Based on our estimates, the existing pits will hold 11 million tons of material and based on our experience at a similar reclamation facility for inert material, the subject property could average around 375,000 tons of fill per year; therefore, it is anticipated that the facility will be in operation for a total of about 30 years. If there is an overabundance of material available, the reclamation will conclude earlier, but it is expected that the closure of the first phases along Northern Avenue for re-development could come as early as within a few years of initiation of 115th and Northern Reclamation.

**Exhibit A**  
**Aerial Photo/Context Plan**



# 115TH & NORTHERN RECLAMATION

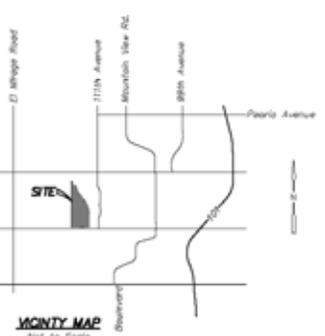
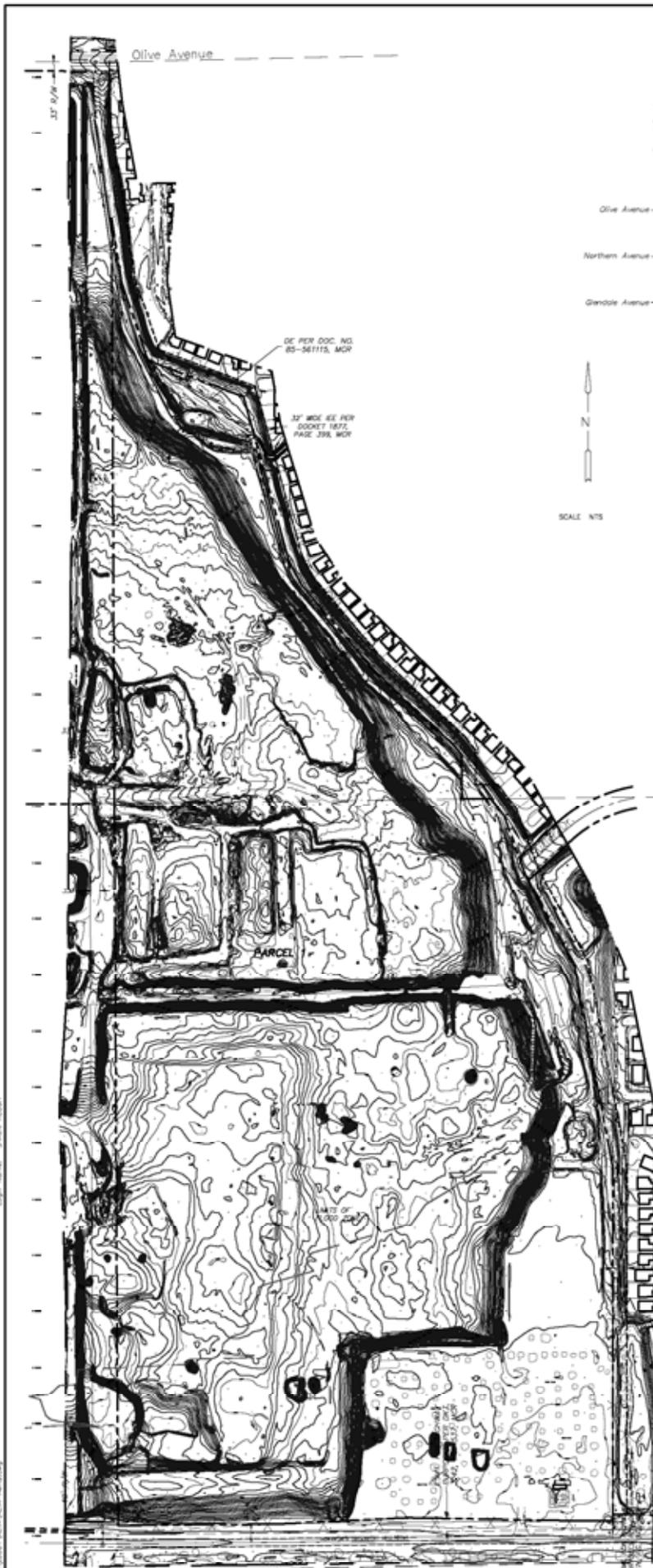
PEORIA, AZ  
PREPARED FOR: LUKE LAND REALTY

## EXHIBIT 'A' CONTEXT PLAN



**GILMORE PARSONS**  
LAND DESIGN GROUP  
2211 N. 7th Street, Phoenix, AZ 85006  
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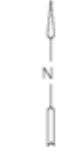
**Exhibit B**  
**Existing Topography**



**PARCEL AREA**  
**PARCEL 1**  
 5,802.338 S.F. =  
 133.203 Acres (NET)

**BENCHMARK**  
 MARICOPA COUNTY HIGHWAY DEPARTMENT  
 BRASS CAP IN HANDS OF AT SOUTHWEST  
 CORNER OF SECTION 31, T. 3N, R. 1E, GASPRAN

CLV = 1055.00  
 (NAD83 DATUM)



SCALE NTS

Plot Date / Time: 09/15/11 02:55pm  
 File Path: E:\2009\ALV\ALV-04\Map.dwg  
 Layout Name: Sheet 1  
 Author: [Name]  
 Date: 08/15/11  
 Scale: 1:10000

# EXHIBIT 'B' TOPOGRAPHY PLAN

SHEET 1 OF 1

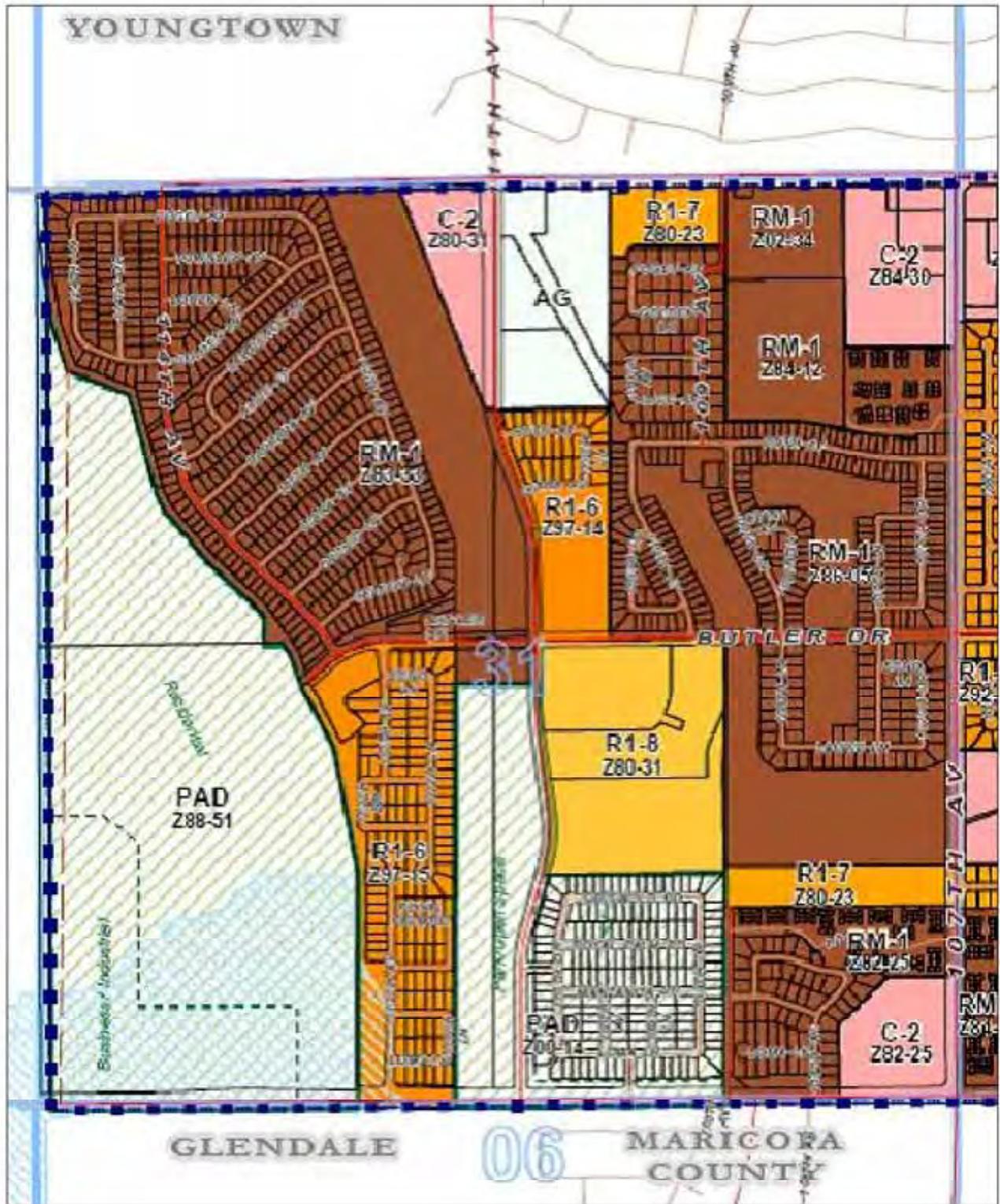


PREPARED FOR  
 Luke Land

**TOPOGRAPHICAL SURVEY**  
 OF  
 A PORTION OF SECTION 31, TOWNSHIP 3 NORTH,  
 RANGE 7 EAST, AND A PORTION OF THE EAST HALF  
 OF SECTION 33, T. 3N, R. 1E, GILA AND SALT RIVER  
 BASIN AND MOUNTAIN MARICOPA COUNTY, ARIZONA

Keogh Engineering, Inc.  
 10000 W. WILLOW BLVD. SUITE 200  
 GILBERT, AZ 85234  
 TEL: 480-833-8888  
 FAX: 480-833-8889  
 WWW.KEOGENEERING.COM

**Exhibit C**  
**Existing City Zoning**



# 115TH & NORTHERN RECLAMATION

PEORIA, AZ  
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## EXHIBIT 'C' EXISTING ZONING PLAN

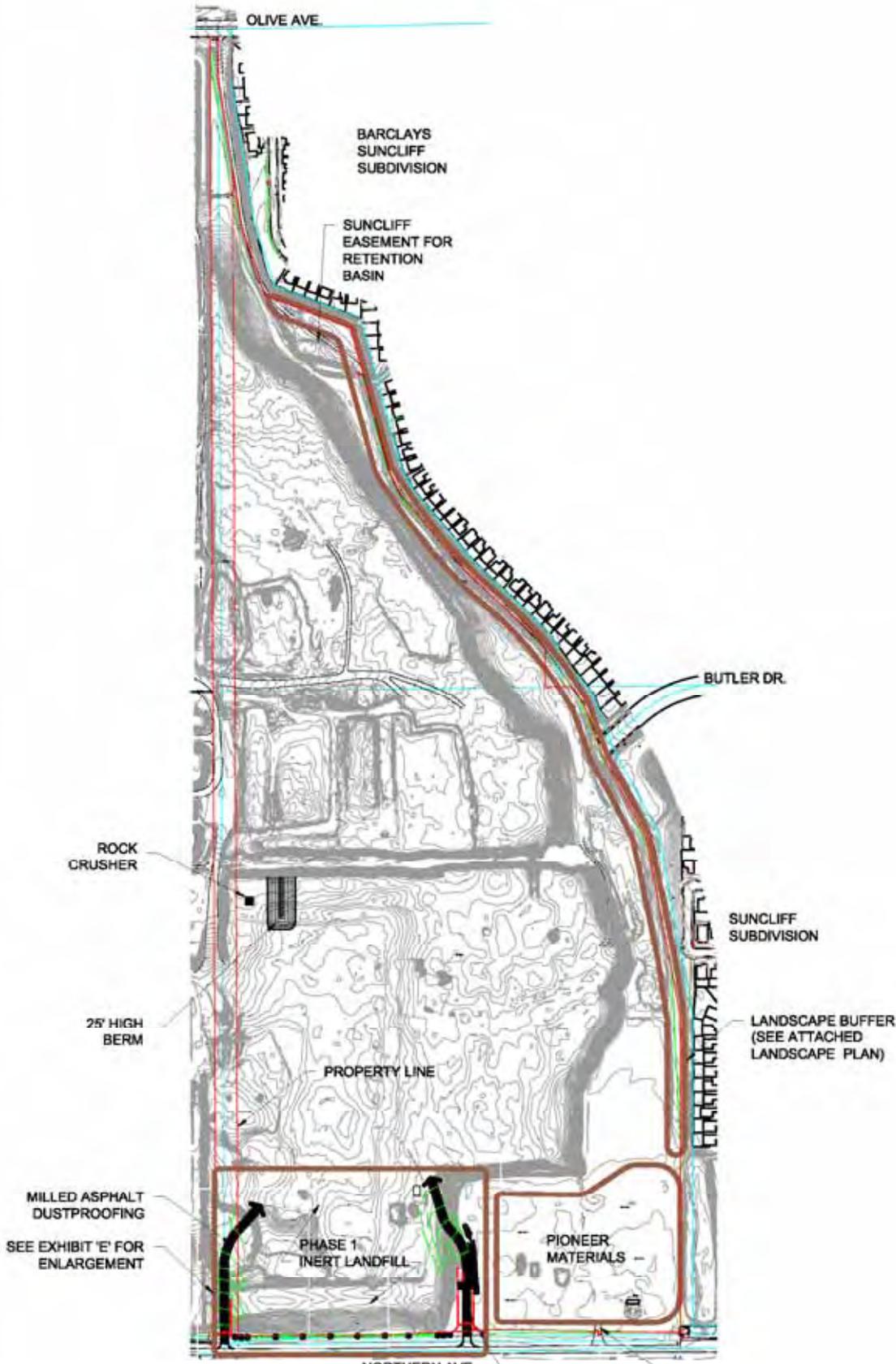
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DATE: 5/14/12  
GP ADM 1150



GILMORE PARSONS

LAND DESIGN GROUP  
2311 N. 78th Street, Phoenix, AZ 85006  
T: 602.266.9023 F: 602.266.5707  
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**Exhibit D**  
**Phase One Site Improvements**



# 115TH & NORTHERN RECLAMATION

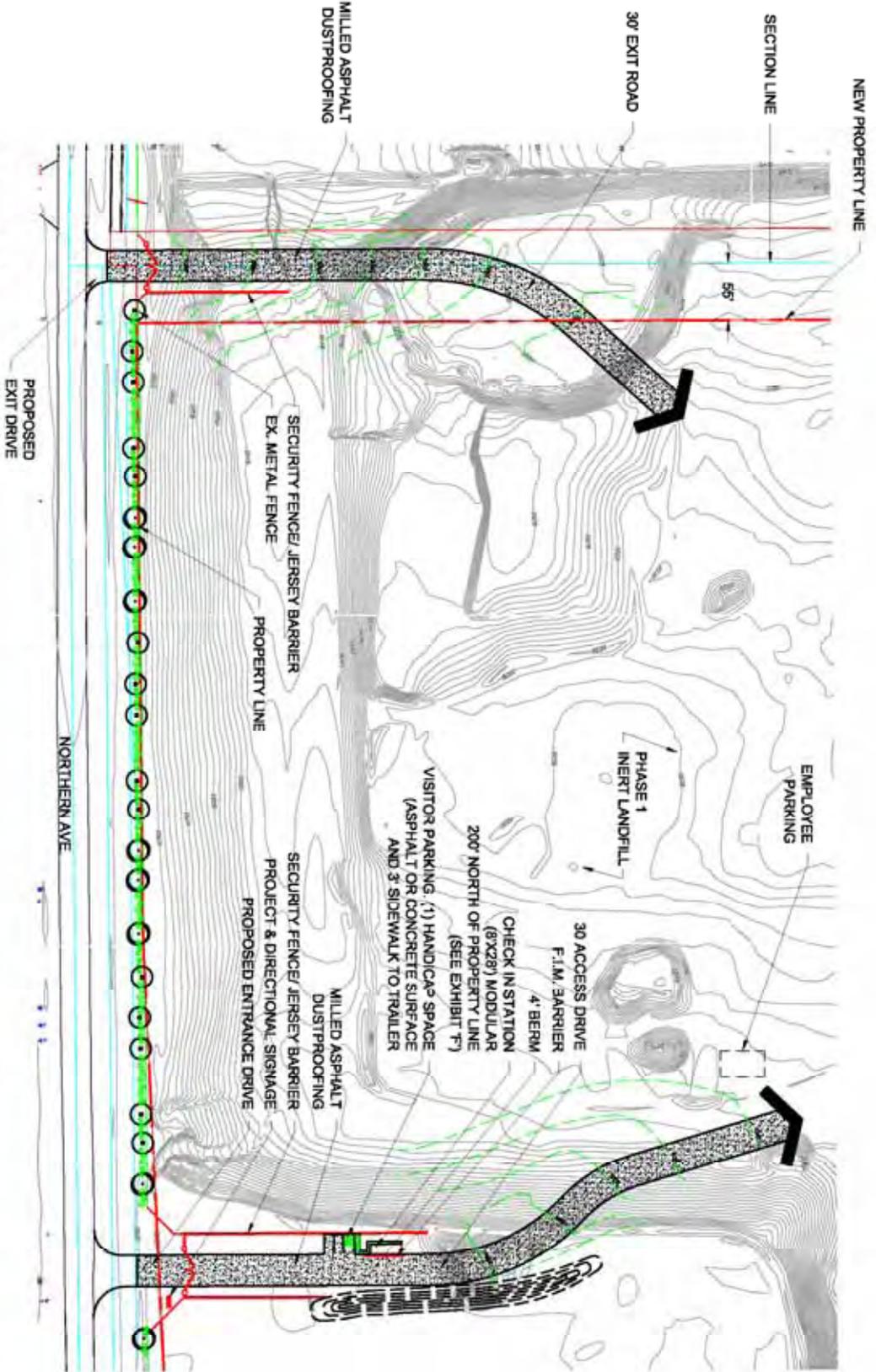
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## EXHIBIT 'D' PHASE 1 IMPROVEMENT PLAN



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 www.gilgpar.com

**Exhibit E**  
**Phase One Site Improvements – Detail**



# 115TH & NORTHERN RECLAMATION

PEORIA, AZ  
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## PHASE 1 SITE IMPROVEMENTS - DETAIL EXHIBIT 'E'

SCALE: 1" = 100'  
 DATE: 5/20/18  
 BY: JMB/1808



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 LAND DESIGN GROUP  
 2111 N. 73rd Street, Peoria, AZ 85086  
 T: 602.266.6222 F: 602.266.6707  
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**Exhibit F**  
**Modular Office Building**



- 8X28' MODULAR OFFICE
- SECURITY LIGHTS, ONE EACH FRONT AND BACK, WALL MOUNTED

**LITTONIA LIGHTING**  
 ILLUMINATION  
 TECHNICAL SPECIFICATION

Model: WSTM  
 Material: Aluminum  
 Finish: Powder Coat  
 Dimensions: 12" x 12" x 12"

Light Output: 1000 Lumens  
 Beam Spread: 120°  
 Mounting: Wall Mount

Notes:  
 1. All dimensions are in inches unless otherwise specified.  
 2. Mounting hardware is sold separately.  
 3. See drawing for mounting details.

WSTM (Wall Mount) Light Fixture (shown with Mount)

# 115TH & NORTHERN RECLAMATION

PEORIA, AZ  
 PREPARED FOR: LUKE LAND REALTY

## EXHIBIT 'F' MODULAR OFFICE BUILDING/ SECURITY LIGHTS

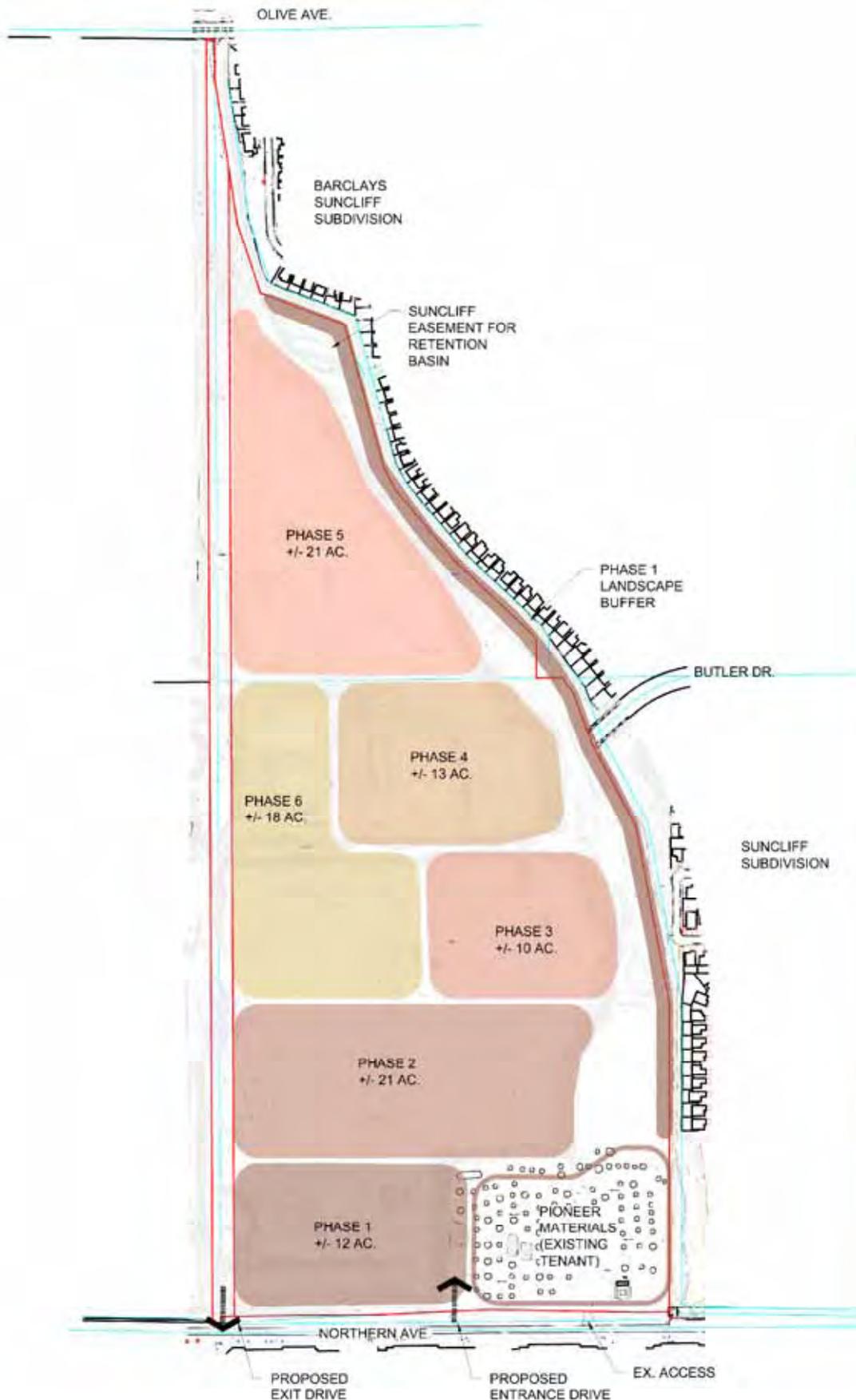
SCALE: 1" = 400'  
 OR AS SHOWN



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**Exhibit G**  
**Phasing Plan**



# 115TH & NORTHERN RECLAMATION

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## EXHIBIT 'G' PHASING PLAN



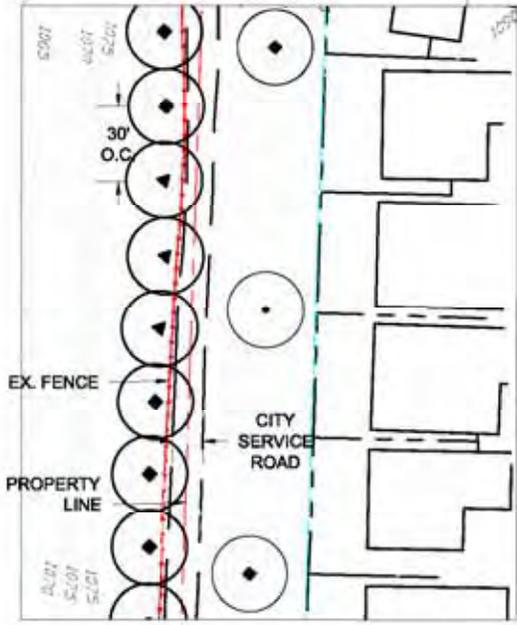
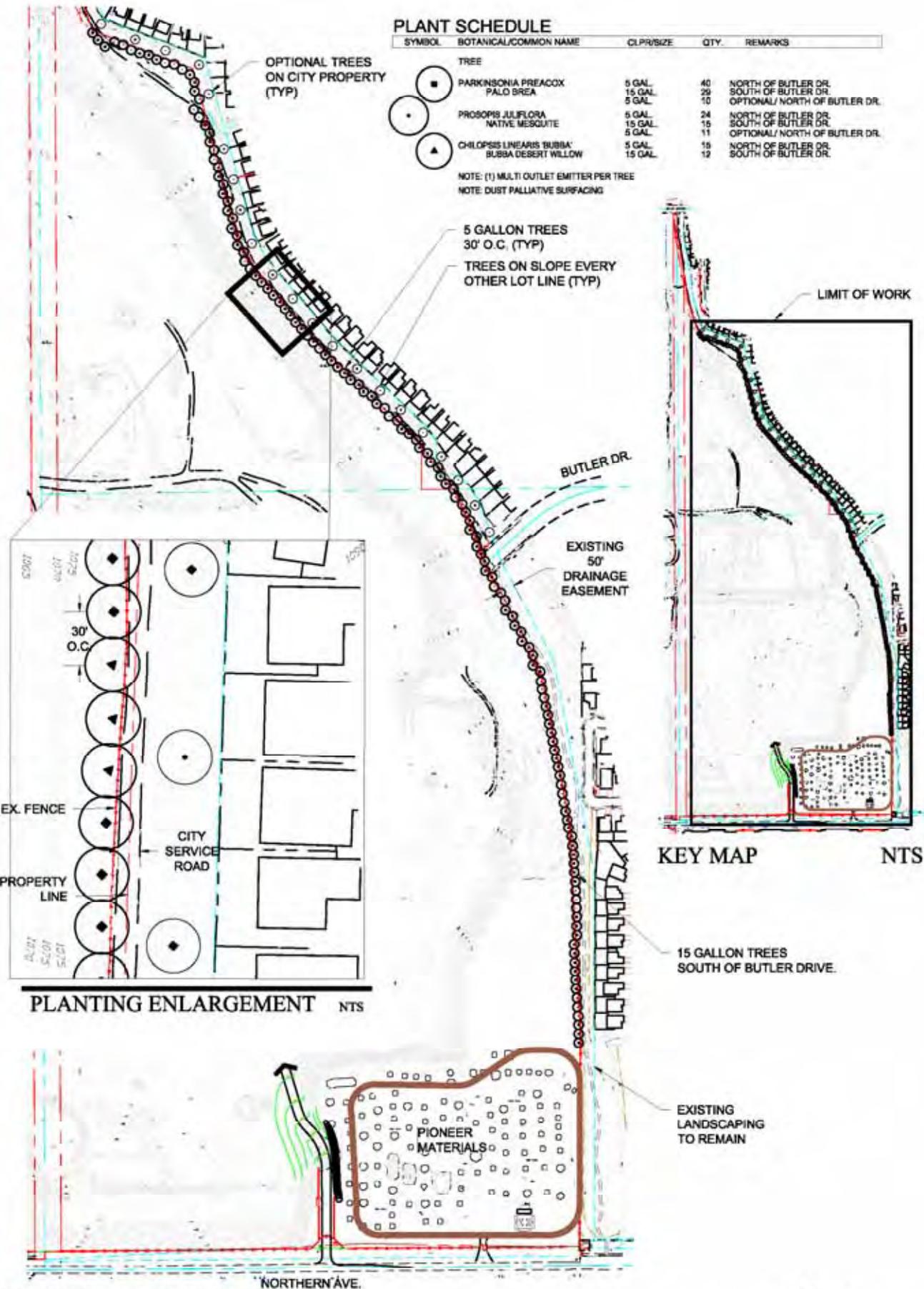
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**Exhibit H**  
**Landscape Buffer Plan**

**PLANT SCHEDULE**

SYMBOL	BOTANICAL/COMMON NAME	CL/PR/SIZE	QTY.	REMARKS
TREE				
◻	PARKINSONIA PREACOX PALO BREA	5 GAL. 15 GAL. 5 GAL.	40 29 10	NORTH OF BUTLER DR. SOUTH OF BUTLER DR. OPTIONAL/ NORTH OF BUTLER DR.
◉	PROSOPIS JULIFLORA NATIVE MESQUITE	5 GAL. 15 GAL. 5 GAL.	24 15 11	NORTH OF BUTLER DR. SOUTH OF BUTLER DR. OPTIONAL/ NORTH OF BUTLER DR.
◐	CHLOPSIS LINEARIS 'BUBBA' BUBBA DESERT WILLOW	5 GAL. 15 GAL.	18 12	NORTH OF BUTLER DR. SOUTH OF BUTLER DR.

NOTE: (1) MULTI OUTLET EMITTER PER TREE  
NOTE: DUST PALLIATIVE SURFACING



**PLANTING ENLARGEMENT** NTS



**KEY MAP** NTS

**115TH & NORTHERN RECLAMATION**

**EXHIBIT 'H' LANDSCAPE BUFFER PLAN**



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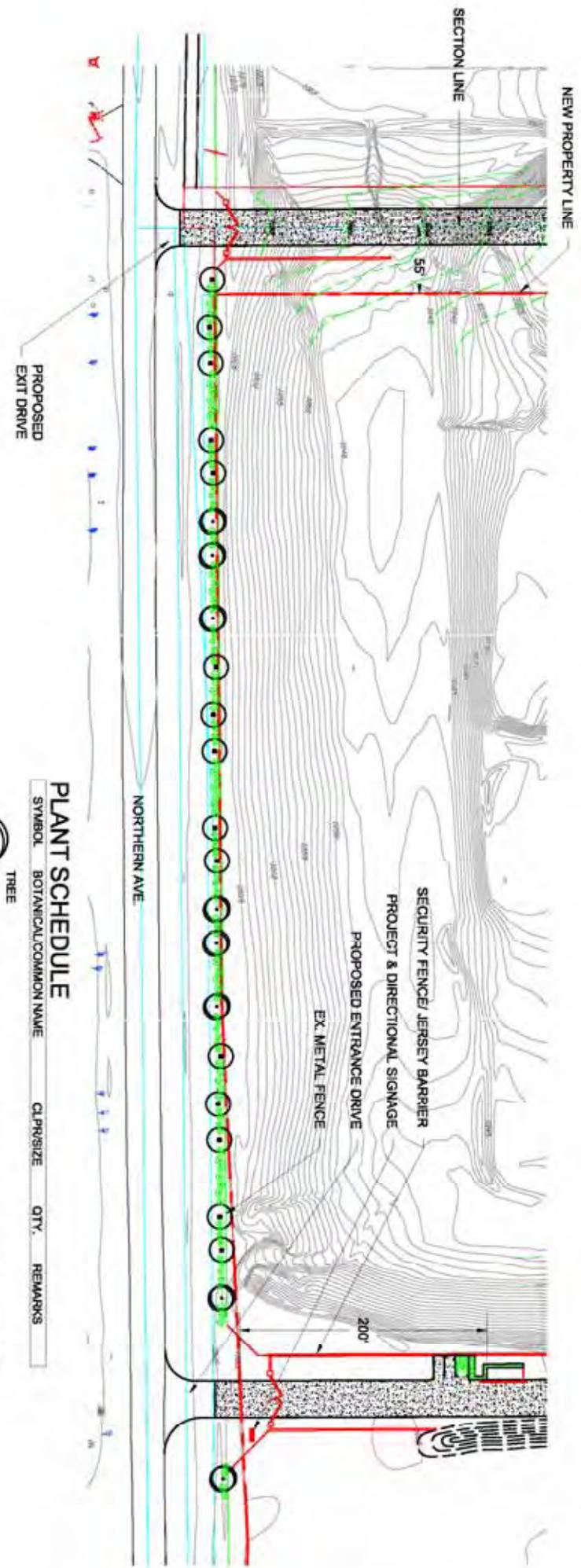
PEORIA, AZ  
PREPARED FOR: LUKE LAND REALTY



**Exhibit I**  
**Landscape Buffer Cross-Sections**



**Exhibit J**  
**Frontage Landscape Plan**



### PLANT SCHEDULE

SYMBOL	BOTANICAL/COMMON NAME	CL./PR./SIZE	QTY.	REMARKS
<b>TREE</b>				
	ACACIA SMALLII	15 GAL.	8	STAKE AS REQUIRED
	SWEET ACACIA	15 GAL.	15	1 MULTI EMITTER
	PARKINSONIA PREACOX	15 GAL.	15	1 MULTI EMITTER
	PALO BREA	15 GAL.	15	1 MULTI EMITTER
<b>SHRUBS</b>				
	CAESALPINIA MEXICANA	5 GAL.	33	1 GPH EMITTER
	MEXICAN BIRD OF PARADISE	5 GAL.	26	1 GPH EMITTER
	CASSIA NEMOPHILA	5 GAL.	26	1 GPH EMITTER
	DESERT CASSIA	5 GAL.	26	1 GPH EMITTER
	LEIODERMIS LANIATA	5 GAL.	53	1 GPH EMITTER
	RIO BRAVO SAGE	5 GAL.	53	1 GPH EMITTER

NOTE: (1) MULTI OUTLET EMITTER PER TREE  
 NOTE: (1) SINGLE OUTLET EMITTER PER SHRUB  
 NOTE: 8" WIDE DECOMPOSED GRANITE DUST CONTROL TO BE PROVIDED SOUTH OF EX. FENCE

# 115TH & NORTHERN RECLAMATION

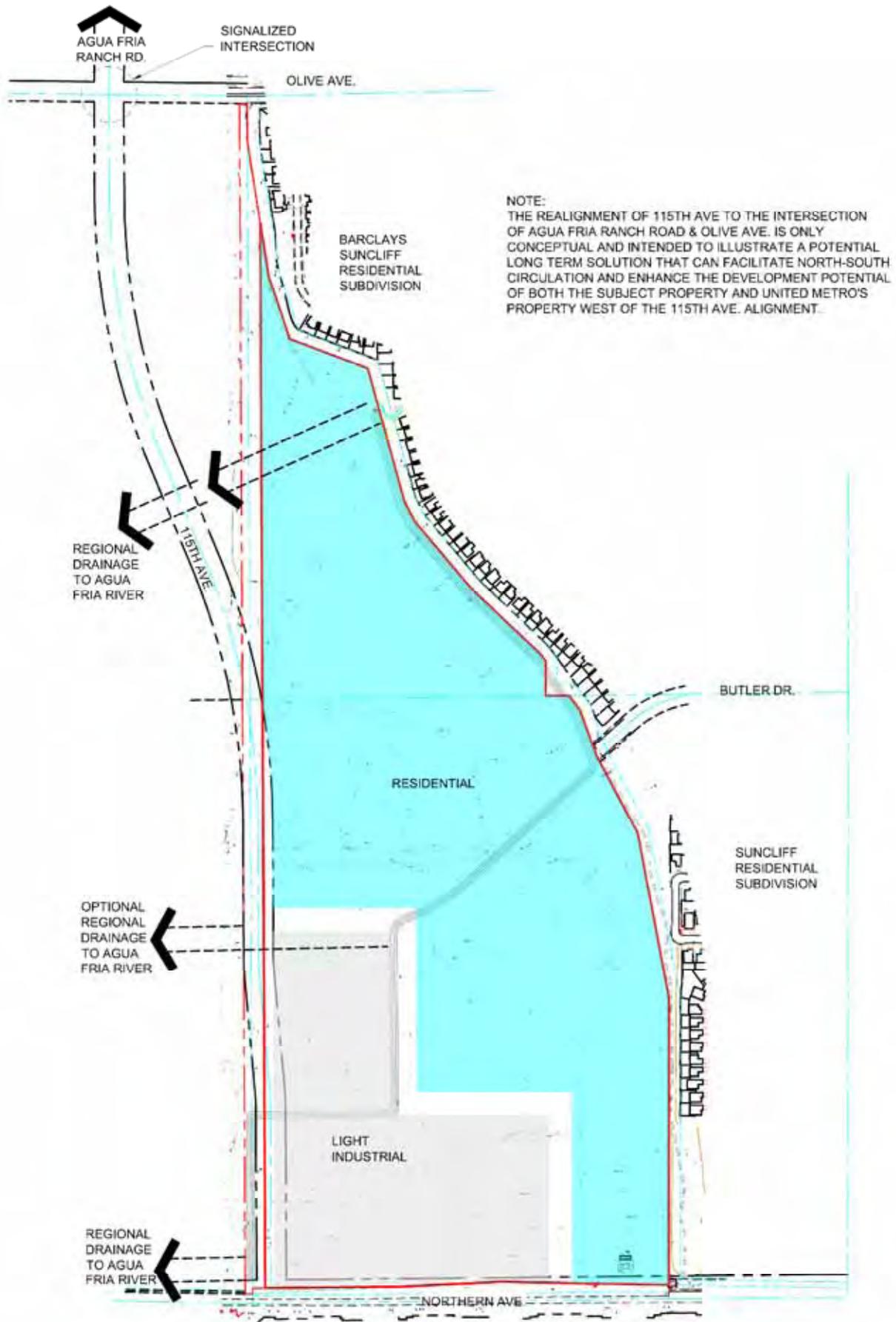
PEORIA, AZ  
 PREPARED FOR: LUKE LAND REALTY

## FRONTAGE LANDSCAPE PLAN EXHIBIT 'J'



**GILMORE PARSONS**  
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**Exhibit K**  
**Future Conceptual Land Use Plan**



# 115TH & NORTHERN RECLAMATION

PEORIA, AZ

PREPARED FOR: LUKE LAND REALTY

## EXHIBIT 'K' CONCEPTUAL LAND USE PLAN

SCALE: 1" = 400'



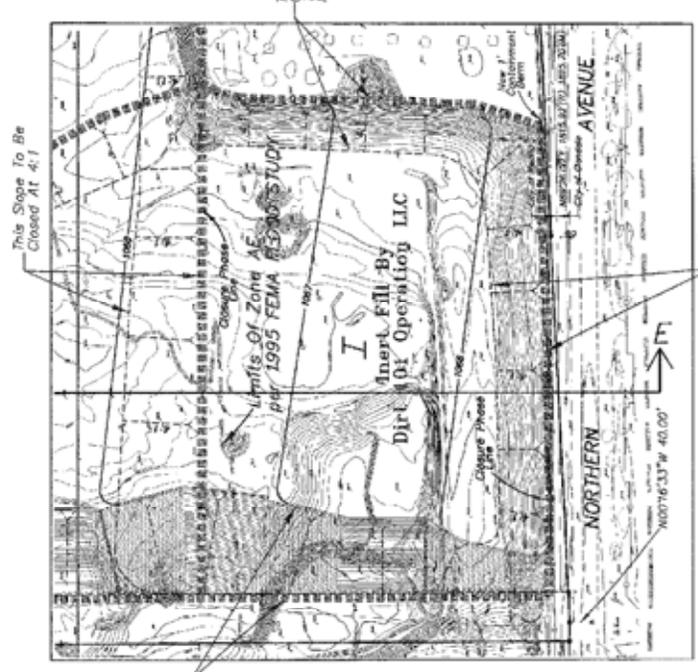
GILMORE PARSONS

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2311 N. 7th Street, Phoenix, AZ 85006  
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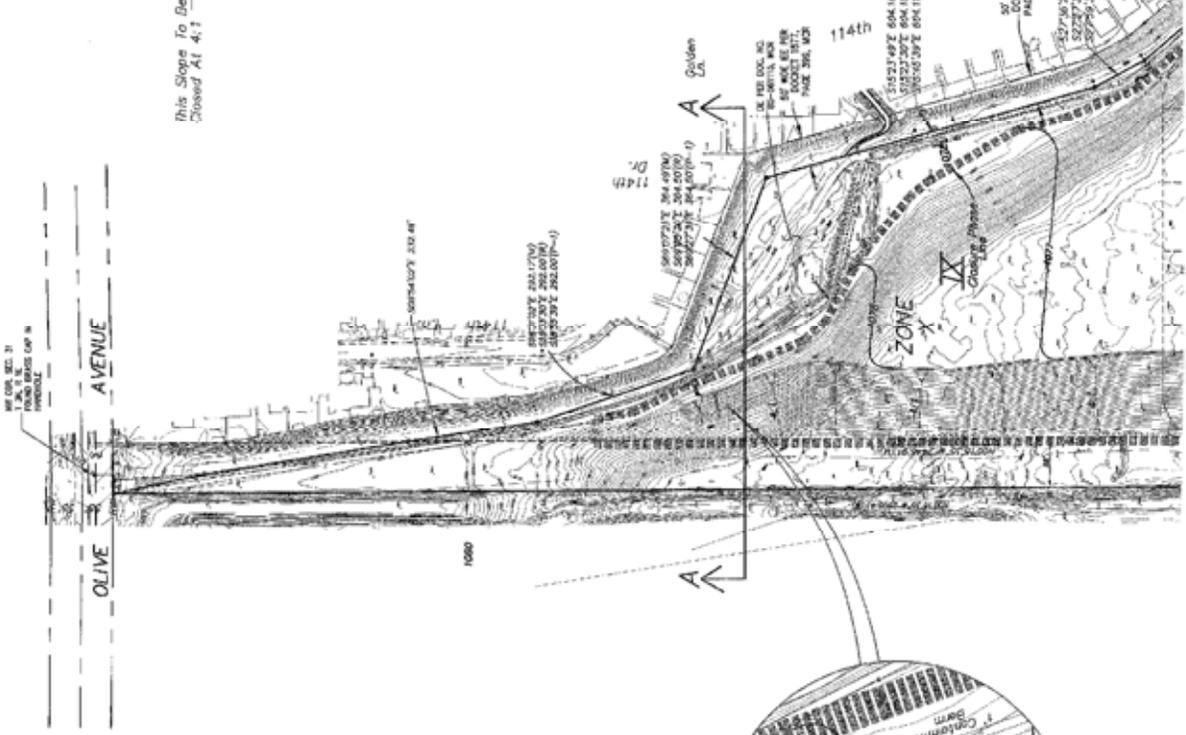
**Exhibit L**  
**Finished Grading Plan**



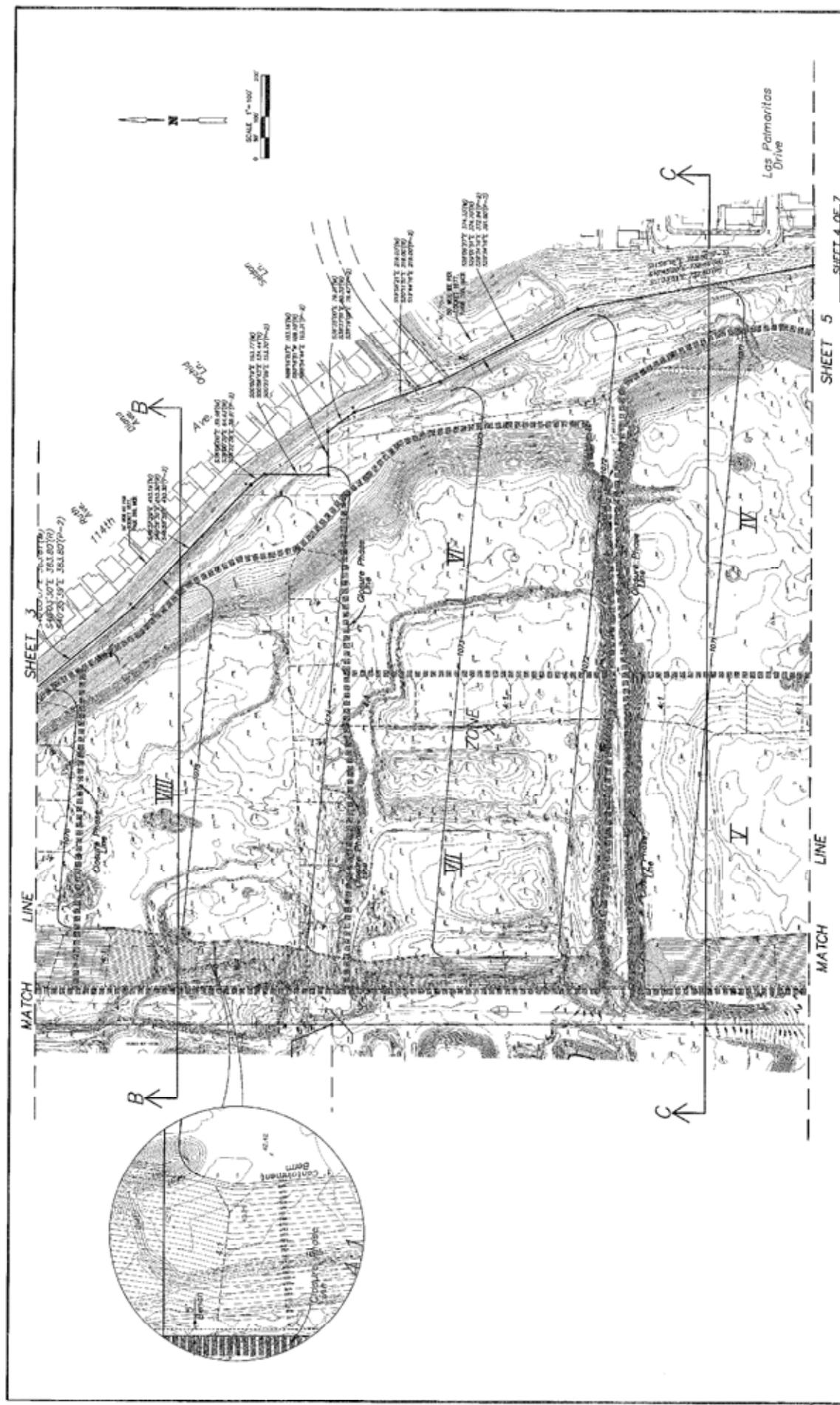




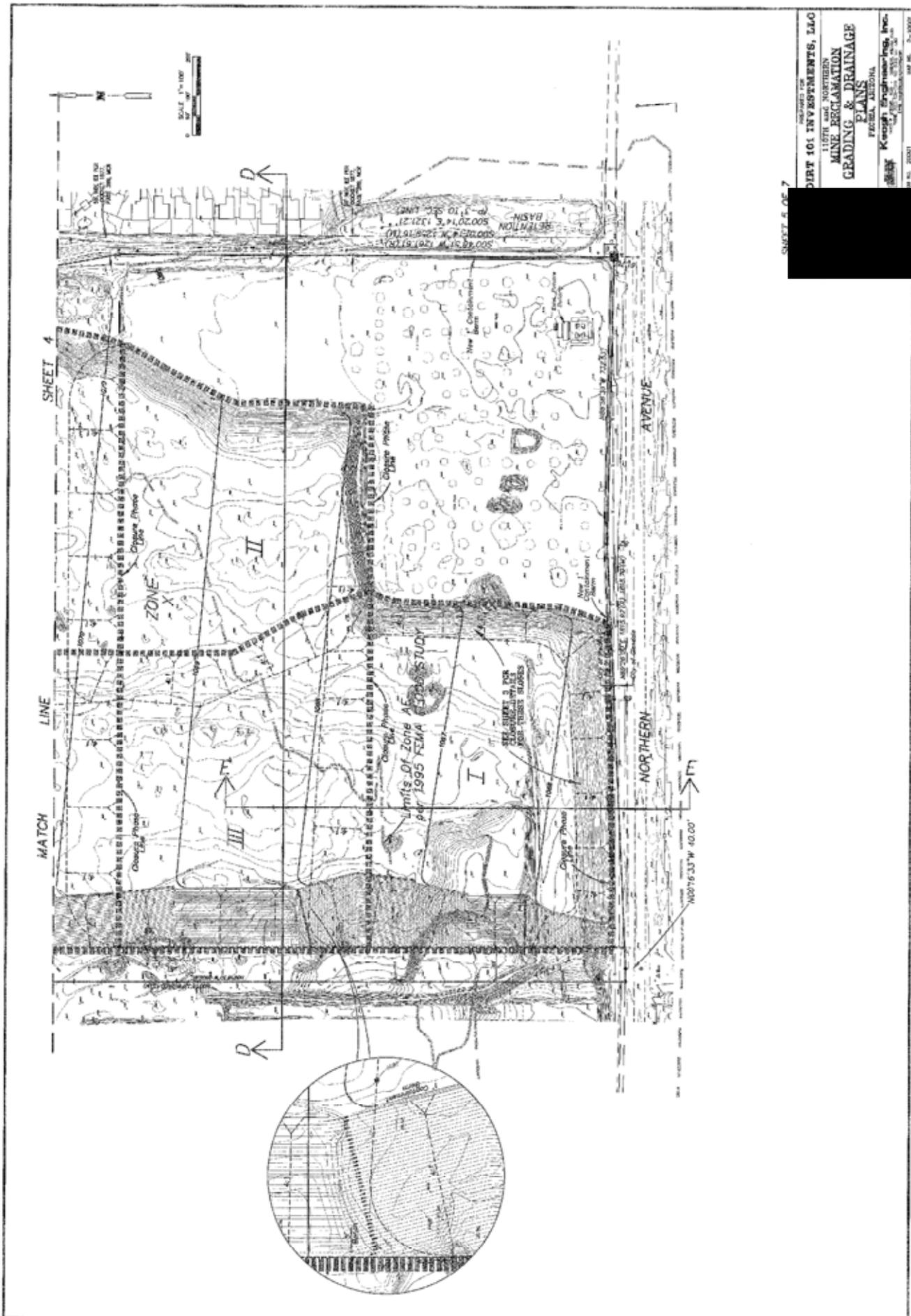
**PHASE I CLOSURE PLAN**  
 (Typical of All Phases)  
 SCALE: 1"=100'



PREPARED FOR  
**DIRT 101 INVESTMENTS, LLC**  
 110TH AND NORTHERN  
 MINE RECLAMATION  
 GRADING & DRAINAGE  
 PLANS  
 PEBDULA, ARIZONA  
 Knap Engineering, Inc.  
 1100 N. CENTRAL AVENUE  
 PHOENIX, ARIZONA 85004  
 602.954.1100  
 www.knapeng.com



PREPARED FOR  
**DINT 101 INVESTMENTS, LLC**  
 ELIOTH AND NORTHERN  
**MINE RECLAMATION**  
**GRADING & DRAINAGE**  
**PLANS**  
 FEDERAL REGIONAL  
**Keough Engineering, Inc.**  
 1000 N. 100th St., Suite 100  
 Kenosha, WI 53141  
 TEL: 262.392.2121 FAX: 262.392.2122

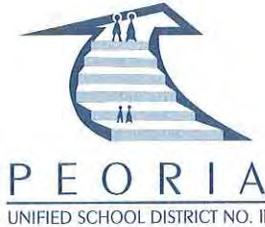


SHEET 4 OF 7

PREPARED FOR  
**DIRT 101 INVESTMENTS, LLC**  
 LITTLE AND NORTHERN  
 MINE RECLAMATION  
**GRADING & DRAINAGE  
 PLANS**  
 FEDERAL, ARIZONA  
 KENNETH ENGINEERING, INC.  
 1000 W. WILSON AVENUE  
 PHOENIX, ARIZONA 85015  
 602.954.1111  
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July 23<sup>rd</sup>, 2012

Ed Boik,  
Planner  
City of Peoria  
9875 N. 85<sup>th</sup> Avenue  
Peoria, AZ 85345

RE: 115<sup>th</sup> Avenue and Northern Avenue Reclamation Facility

Dear Ed Boik,

This letter is intended to keep you informed about the Peoria Unified School District's comments concerning the 115th Avenue and Northern Avenue Reclamation Facility. The District urges the Planning and Zoning Commission to consider the following:

- Requiring the applicant to compact soil to 90-95% or higher in order to allow the site to fulfill the General Plan and PAD which has been in place since 1988.
- How trucks will get to the site when Northern Parkway is constructed and how this impacts Country Meadows Elementary School students?

The PUSD is concerned about the impacts of the reclamation site on Country Meadows Elementary School and the adjacent communities. One concern is regarding Northern Parkway; since the final Northern Parkway exit configuration has not been decided in the area. Regardless of the City removing Northern Parkway from its budget the control accessed route is still being planned for the Northern Avenue alignment because the City signed an IGA with Maricopa County and the Cities of El Mirage and Glendale. Many plans for Northern Parkway show the final configuration being control accessed along Northern with access via Butler Drive/111<sup>th</sup> Avenue. If the reclamation site has their access to Northern Avenue restricted in the future, due to the construction of Northern Parkway, how will trucks enter the site? It looks as though the only other way trucks would be able to access the operation would be from the east via Butler Drive. Since Butler Drive traverses Suncliff and Country Meadows running directly in front of the school we have concerns about our many walking students getting to the school in a safe manner.

6330 W. Thunderbird Road · Glendale, AZ. 85306  
P.O. Box 39 · Peoria, Arizona 85380-0039  
623.486.6000 · [www.peoriaud.k12.az.us](http://www.peoriaud.k12.az.us)

Peoria Unified District has strived for decades to create schools which can be accessed through walking and biking. The District has stated at many board meetings its belief in community schools and their unique role in the community. Country Meadows Elementary School was built in the center of this community along two collector roadways to minimize busing and increase the potential for walking. If increased truck traffic is forced through the community, in the future, due to Northern Parkway and access is eliminated to Northern Avenue it will severely cripple the ability of students to access Country Meadows Elementary School safely.

Additionally, when Country Meadows was planned and built in 2000 it was planned with the anticipation that residential development would eventually occur at the 115<sup>th</sup> Avenue and Northern site. The PAD zoning for this property was approved by the City in 1988 and subsequently many General Plans have been voted on and approved by the public which support the designation this property as residential long term. The long term enrollment of this school and its walking population are reliant upon this site having the ability to become residential once reclaimed. The developer of the reclamation site is proposing soil compaction of 85%. This is far below the compaction needed to sustain residential development. Residential development requires soil compaction of 90- 95% or higher to sustain residential structures. If the 85% is approved development may never be possible on the site and the site may yield nothing in the future. The PUSD cannot support the project at 85% compaction but would support the project at 95% compaction.

Sincerely,



Christian M. Williams,  
Department of Research and Planning

Cc: Michael E. Finn, Chief Financial Officer

# **CITIZEN PARTICIPATION REPORT**

## **SPECIAL USE PERMIT FOR A LANDFILL/RECLAMATION OPERATION**

**APPLICATION NO: Z11-0007**

**NORTHEAST CORNER OF 115TH AVENUE ALIGNMENT AND  
NORTHERN AVENUE**

**PRE-APPLICATION MEETING: AUGUST 23, 2011  
FORMAL APPLICATION FILED: OCTOBER 31, 2011**

**REPORT SUBMITTED: DECEMBER 15, 2011  
REVISED: JULY 6, 2012**

**PREPARED BY  
BEUS GILBERT PLLC  
4800 NORTH SCOTTSDALE ROAD, SUITE 6000  
SCOTTSDALE, ARIZONA 85251  
CONTACT: ANDY JOCHUMS  
PHONE: 480.429.3063  
FAX: 480.429.3100**

## **I. PROJECT OVERVIEW**

On behalf of Agua Fria Lowlands LLC (Property Owner), Dirt 101 Investors LLC, and Beus Gilbert PLLC (the Applicants) are proposing a Special Use Permit encompassing approximately 127 acres located at the northeast corner of the 115th Avenue alignment and Northern Avenue (the "Property") to allow for an land reclamation facility/inert landfill in order to reclaim the mining pits.

**See Exhibit "A" – Vicinity Map**

## **II. CITIZEN PARTICIPATION ORDINANCE**

Article 14-39-6(E) of the City of Peoria Zoning Ordinance and Articles 05-25 and 07-22 of the City of Peoria City Code require all rezoning requests to be accompanied by a Citizen Participation Plan. A Special Use Permit is analogous to a rezoning; therefore, a Citizen Participation Plan is required with our Special Use Permit. The purpose the Citizen Participation Plan is to provide a forum for public involvement and resolution of concerns prior to the formal public hearing process.

- 1. The applicant shall hold at least one neighborhood meeting with persons who may be affected or have interest in the application, said parties shall be notified according to the requirements of Section 14-39-6, "Notices". The neighborhood meeting shall be held in a neutral location within the general area of the request.*

<b><u>Size of Parcel Subject to Rezoning</u></b>	<b><u>Notification Distance</u></b>
<i>40 Gross Acre or larger</i>	<i>1320 Feet</i>

**Response:** The Applicant held a Neighborhood Meeting on December 8, 2011 after inviting the affected parties identified within 1320-feet of the Property. A mailing list of all adjacent property owners was obtained through the Maricopa County Assessor's web site. The Applicant sent a total of 805 Neighborhood Notification Letters, along with a Property Location Map, through the mail on November 23, 2011. This notification letter described the proposed land use and Special Use Permit request as well as invited residents to the aforementioned neighborhood meeting.

**See Exhibit "B" – 1st Meeting Notification Area Map.**

**See Exhibit "C" – 1st Meeting Neighborhood Notification Letter and Property Location Map**

A second Neighborhood Meeting was held on June 14, 2012 after inviting the affected parties within 1320 feet of the property. Due to a reduction in the size of the requested Special Use Permit, the total number of notice letters for the second meeting were 746, combined with an additional 15 emailed directly to those who provided their email addresses at the first neighborhood meeting or following individual contact.

See Exhibit “E” – *2nd Meeting Notification Area Map.*

See Exhibit “F” – *2nd Meeting Neighborhood Notification Letter and Property Location Map*

2. *The applicant shall prepare and submit a report to the Department that describes the meetings, numbers in attendance, any comments received at the meeting or any other form of communication received regarding the application, how these comments will be evaluated, and any mitigation issues identified as a result of the comments and concerns received.*

**Response:** See Exhibit “D” – *1st Neighborhood Meeting Sign-In Sheet and Summary* for information from that meeting. See Exhibit “G” – *2nd Neighborhood Meeting Sign-In Sheet and Summary* for information from that meeting. See Exhibit “J” – *Informal Communication Notes* for additional communication that occurred outside of the formal Neighborhood Meetings.

3. *Timing of Citizen Participation Meetings and Communications (Ord. No. 05-25 & 07-22)*  
*The required neighborhood meeting shall be conducted within forty-five (45) calendar days of submittal of the application. No hearing date shall be scheduled until the meeting report is submitted and validated by the Community Development Department.*

**Response:** The Applicant complied with the above requirement. The Special Use Permit Application was submitted to the City of Peoria on October 31, 2011. The 1st Neighborhood Meeting was held on December 8, 2011; 38 days following the submittal.

Residents and property owners were supplied with information that will enable them to contact the Applicant. Residents were encouraged to contact our office with any questions or concerns and at the request of any interested citizen, and at the request of any interested citizen, the Applicant will meet with on a one-by-one basis. Neighbors will be kept informed of any changes or amendments to the

proposed Special Use Permit request after initial contact through additional mailing and/or neighborhood meetings if necessary.

### **III. ADDITIONAL CITIZEN PARTICIPATION**

#### **Update Letter**

In order to notify the area residents of major changes within the application request, between the two formal neighborhood meetings, a letter advising them of the update was sent on February 9, 2012 to all property owners within 300' of the subject property and those additional owners that signed-in at the 1st neighborhood meeting. A total of 164 letters and 13 emails were sent.

**See Exhibit "H" – *Update Letter* for a copy of that letter.**

#### **2nd Neighborhood Meeting Follow-up Letter**

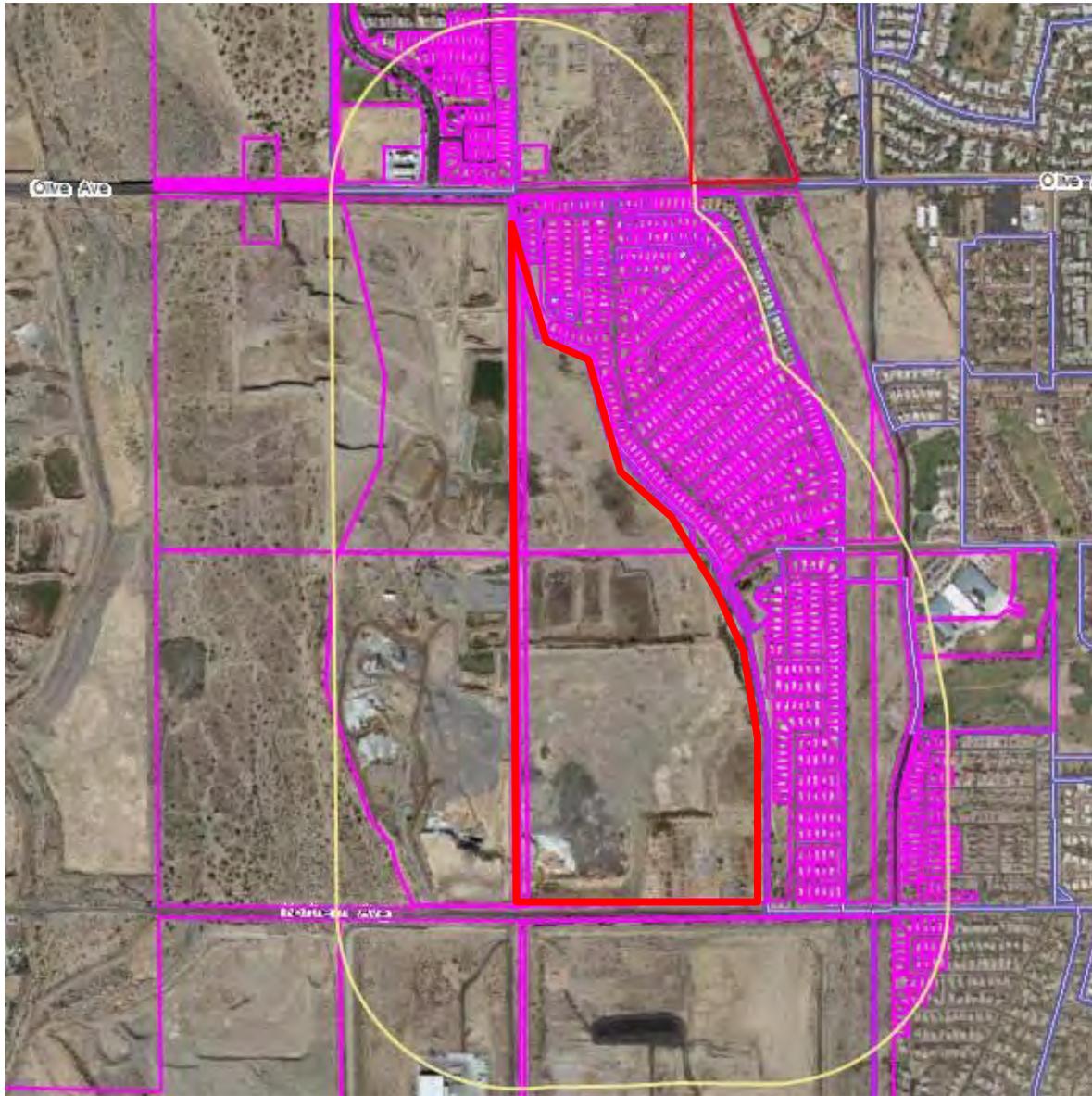
On July 6, 2012 we sent a follow-up letter to all the attendees of the second neighborhood meeting that provided us a mailing address or email address. The purpose of this letter was to address any outstanding questions that were not adequately answered at the formal meeting as well as let them know of the major changes to the request that were made to alleviate the concerns they expressed at the meeting. A total of 10 letters were sent.

**See Exhibit "I" – *2nd Meeting Follow-up Letter* for a copy of that letter.**

**EXHIBIT "A" – VICINITY MAP**



**EXHIBIT "B" – 1ST MEETING NOTIFICATION AREA MAP**



**EXHIBIT “C” – 1ST NEIGHBORHOOD NOTIFICATION LETTER AND PROPERTY LOCATION**

**MAP**

**BEGINNING ON THE FOLLOWING PAGE**

**BEUS GILBERT  
PLLC**

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7642  
FAX (480) 429-3100

23 November 2011

**RE: Special Use Permit for 115th and Northern Reclamation- Z11-0007**  
**Neighborhood Meeting Notification.**

Dear Property Owner:

Earlier this month you may have received a postcard from the City of Peoria notifying you of our recent application for a Land Reclamation Facility at 115<sup>th</sup> Avenue and Northern Avenue. This letter is a follow up to the City's postcard which didn't give you very much information, so we wanted to take this opportunity to introduce ourselves to you, tell you a little more about our proposed project, and invite you to a neighborhood meeting we will be hosting on December 8<sup>th</sup> where we will provide more information about the 115th and Northern Reclamation operation.

We represent Dirt 101 Investors, a company who is seeking to purchase and operate a Land Reclamation Facility on the subject 138 acre parcel shown on the attached exhibit. You will note that this property is bounded by Olive Avenue on the north and Northern Avenue on the south. The eastern boundary is shared with the Suncliff subdivision and the western boundary is the 115th Avenue alignment; therefore, the subject property does not include the current mining operation west of the 115th Avenue alignment as shown on the exhibit.

Over the last few decades, the subject property was mined for aggregate and has been left in its current condition with large pits of up to 30 to 40 feet in depth. The property will remain in this condition or be mined further until it is refilled and reclaimed for another use. On behalf of Dirt 101 Investors, we have applied to the City of Peoria for a Special Use Permit to allow a Land Reclamation Facility as the first step in a two-step process to phase out the mining and reclaim the property. The reclamation operation will allow Dirt 101 Investors to accept material to fill in the existing pits and slowly over time return the property to its original condition so the land can be redeveloped.

In order to preserve the redevelopment options and reclaim the property in an environmentally responsible manner, the fill material will be heavily regulated by both the City and the State. Material used to reclaim the property will fall into two categories: *Inert Material* and *Construction/Demolition Debris*. The following tables summarize the types of material to be accepted, and more importantly, the types of material that cannot and will not be accepted into the reclamation facility.

Material to be Accepted				
<i>Examples of Inert Material</i>				
Rock/Dirt/Soil	Concrete	Brick	Asphaltic Pavement	Gravel/Sand
<i>Examples of Construction and Demolition Debris</i>				
Wood	Drywall	Metal	Insulation	Plastics/Laminates
Glass	Piping/Wiring	Porcelain	Tile	Carpet



**Examples of Material Not Accepted**

Household Waste	Sewage Waste	Landscaping Waste
Medical Waste	Hazardous Waste	Waste Tires
Waste Fluids and Oil	Contaminated Soil	Waste Appliances

As you can see, the 115th and Northern Reclamation Facility will not accept materials that are hazardous or have the ability to pollute the area. Unlike a traditional landfill, like that operated by the City of Glendale to the south, there will not be blowing trash or odors since the accepted materials will not include commonplace trash, organic, or hazardous waste. As our main purpose is to reclaim the property back to its original condition, the acceptance of material will cease when the levels reach the original grade. Material will not tower into the horizon like the Glendale landfill; therefore, none of your existing views west to the White Tanks will be obstructed.

As indicated previously, the main purpose of the reclamation is to first and foremost secure the property and restore it back to its pre-mining levels. Once this first step is completed, and portions of the property are restored, they can be redeveloped for future commercial and industrial uses. The actual uses are yet to be determined and will rely heavily on the condition of the property following the reclamation and the economic market. We plan on working with the City of Peoria in the next few years to rezone the land for those future uses and you will be notified and be able to participate in that separate application process.

In order to allow an opportunity for you to hear more about the project, ask additional questions, or simply express any comments or concerns, we will be holding a neighborhood meeting as follows:

**December 8, 2011 starting at 7:00 pm  
Country Meadows Elementary School  
Multi-Purpose Room  
8409 N 111th Avenue  
Peoria, AZ 85345**

*A map showing the location of Country Meadows Elementary School is attached.*

If you have any questions or comments, and are unable to attend the neighborhood meeting, do not hesitate to contact me directly by phone at (480) 429-3063, or by email at [ajochums@beusgilbert.com](mailto:ajochums@beusgilbert.com). If you prefer to talk with a City of Peoria representatives directly, you may reach their staff contact, Ed Boik, at 623-773-7565, or by email at [ed.boik@peoriaaz.gov](mailto:ed.boik@peoriaaz.gov). You may also contact the area Councilman, Carlo Leone, at 623-773-7306.

Thank you,

BEUS GILBERT PLLC



Andy Jochums, AICP  
Planning Consultant

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# NEIGHBORHOOD MEETING LOCATION

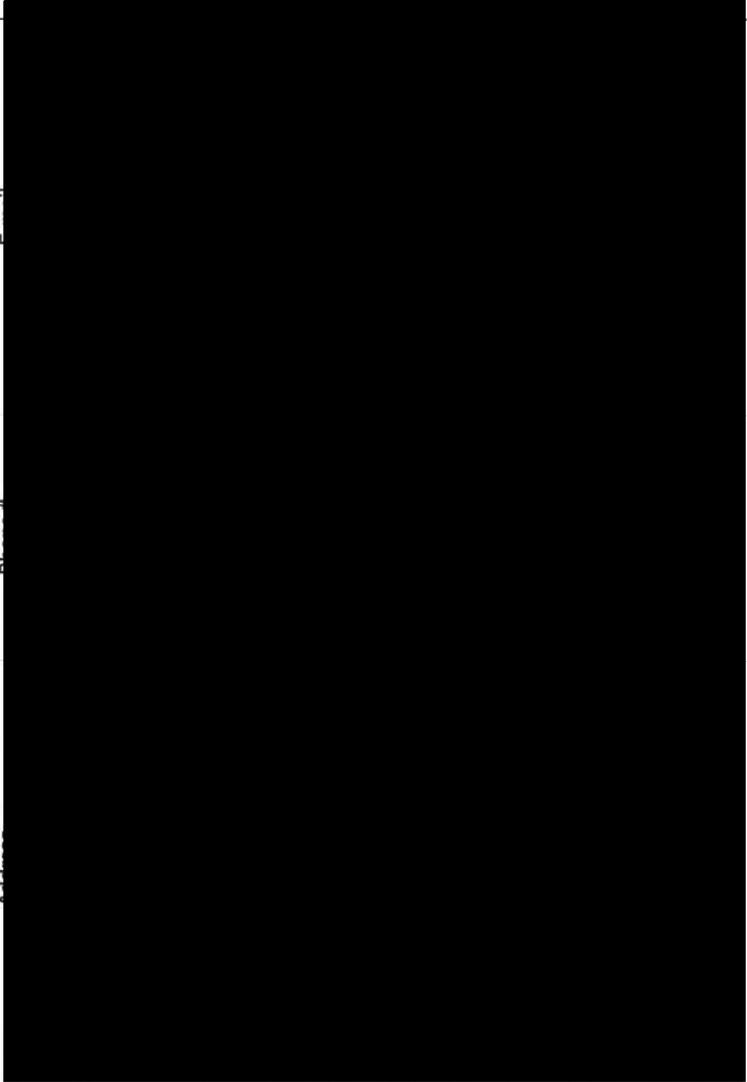
COUNTRY MEADOWS ELEMENTARY SCHOOL  
MULTI-PURPOSE ROOM

DECEMBER 8, 2011 Starting at 7:00 PM



**EXHIBIT "D" – 1ST NEIGHBORHOOD MEETING SIGN-IN SHEET AND SUMMARY**

**BEGINNING ON THE FOLLOWING PAGE**

Printed Name	
Wendy Davy	
Leonard Davy	
Louie Pedroza	
RAY ZAJIC	
Heather Buck	
KARL VIETTEL	
KEVIN SPREIDAN	
KEO HILL	
Larry Korman	
Christina Betz	
Andres Ramirez	

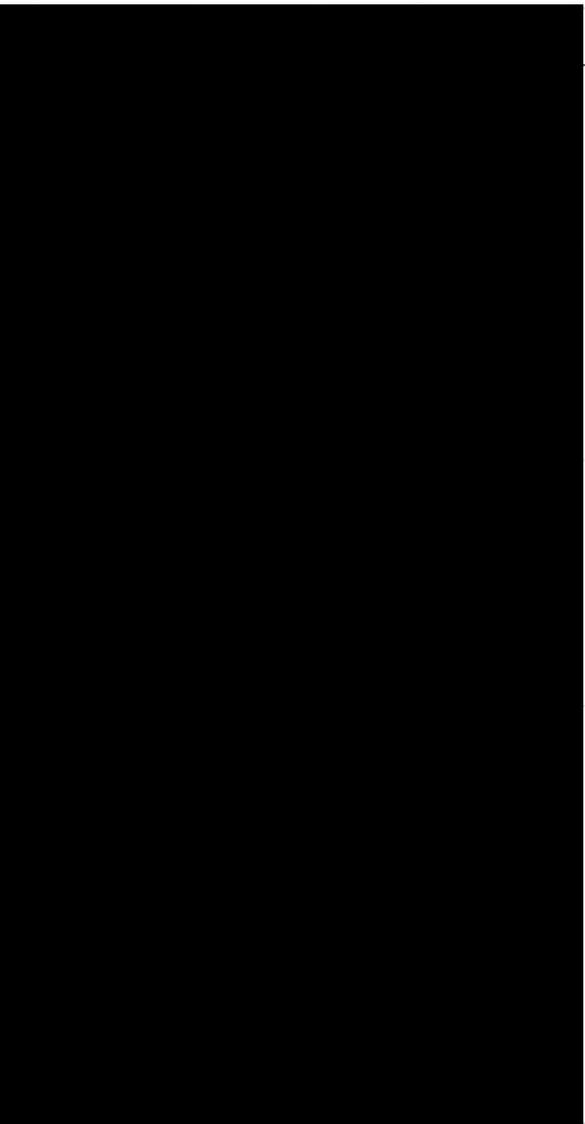
in  
com



115th Ave and Northern  
Reclamation

Neighborhood Meeting  
December 8, 2011

Z-11-0007

Printed Name	Address	Phone #	E-mail
Siney Lauren			
Don Karp			
Nancy DETWEILER			
MOISES ATEM PA			
Jack CUMMERS			
Christina Williams			
Cliff Guest			
Frank			
* JACQUE DODD			

x

Neighborhood Meeting Summary  
Country Meadows Elementary School  
December 8, 2011

Attendance: 22 neighbors

City Attendance: Councilman Leone and two planning staff (Chris Jacques and Ed Boik)

**General:**

Question. Who is the developer?

A. *Dirt 101 Investors LLC.*

Question. Do they operate the inert landfill on Glendale Avenue?

A. *Yes, similar concept but characteristics will be quite different as that was the County and this is Peoria.*

Question. Wasn't this property zoned PAD for light industrial and residential for long term viability?

A. *Yes, existing zoning is PAD; that is not changing.*

Question. Won't this eliminate any possible housing?

A. *Actually, the mining essentially eliminated the possibility of housing. Even once filled, compaction levels for houses will be near impossible.*

Question. Couldn't it just stay dirt and not add any garbage?

A. *Not garbage but construction and demolition debris. Very different. We are asking for both, but it is up to City Council.*

Question. So there won't be any building until it is all filled in?

A. *We would like to possibly redevelop in phases, but it depends on the market.*

Question. Once you start to fill in, how long will it take?

A. *We think about five acres a year, so 10 to 15 years or maybe longer.*

Question. Will this help or hurt my property value?

- A. *We feel that the mine pits devalue your properties, so filling them in for redevelopment will help.*
- Comment. This same owner is a slum lord and not a good neighbor; I invite everyone to look at his other project on Glendale Avenue.
- Comment. Plastic and some of the other materials will leech, those materials should be recycled.
- Question. How will we be notified what materials are proposed?
- A. *We are telling you today what we have requested. If you attend the hearings, you will be able to speak and see what approvals we are granted.*
- Question. Isn't this a County decision?
- A. *No, City of Peoria*
- Comment. Some of these people have lived here a long time; when we bought we were told the mining was supposed to stop after eight years.
- Question. My house is two stories and no trees are shown behind me; now you want me to see trucks dumping until it is level; how is that supposed to help me?
- A. *We can work to add trees and hope you feel that the long-term benefits of the filling operation outweigh the continued operations.*
- Question. There is a dedicated street north of Butler, you can't put trees there?
- A. *City representative confirmed it was City-owned land and not a dedicated street.*
- Question. Why would you want to fill it in; why would you do anything that is not viable?
- A. *We feel filling in the pits makes the property viable. It will not attract any developers in this current condition.*
- Comment. My two options are a giant hole in our backyard or this.
- Question. Why not fill it with clean dirt and build houses on it?
- A. *Inert material is "clean dirt", but even with that compaction may not be enough for houses.*

Question. Who owns the property?

A. *Don't know the entity name as our clients are potential purchasers.*

Question. If everyone gets on board and you then want to add items, what is the process?

A. *Modifying any approval necessitates a formal amendment. This means we start the process over with more notices, meetings and hearings.*

Comment. If you add trees, you will block our views of the mountains.

A. *(We could not put trees if you wish, but we think the trees will not be so tall as to block the White Tanks.)*

Question. Who and when decides the fate on this; will the meetings be at city hall?

A. *City Council decides and the meetings will be at City Hall. All of you will receive notice.*

Question. You said it would be filled in to the previous grade; is that street level or higher?

A. *Essentially, street level, give or take a few feet.*

Question. How much profit are they expecting to make; don't they have a business plan?

A. *We are here to only discuss the Special Use Permit for the landfill. Could set up a meeting with our clients if you wish.*

Question. Is the city receiving any tipping fees?

A. *No tipping fees.*

Comment. We'd like Peoria to receive some money from this.

Question. This is a long term liability; why won't you guys fill it in and develop it now?

A. *We are requesting to fill it in, that is the purpose for the request. There just isn't a developer in place as the ground is not ready.*

Comment. You can move faster than 30 years.

Comment. You need a redevelopment plan. Now you want to fill it in and then have a plan later. I want steps one and two addresses and not just step one to consider.

Question. How long did it take to fill in and build Tempe Marketplace; didn't the developers backfill and then develop it?

A. *Not sure, but that site developed over time as well.*

Comment. I'm willing to wait for better and not say yes to this.

**Buffer:**

Question. Did you say there will be a 100' wall?

A. *No, a minimum 100' buffer with trees. We are not proposing a wall as the trees will do far more.*

Question. So there won't be another wall, but trees?

A. *Yes.*

Question. How are you going to maintain the trees and will you replace any that die?

A. *Yes, all trees will be irrigated and will be required to be replaced, just like any other development.*

Comment. A five gallon tree won't buffer north of Butler.

A. *(True, but that tree will have years to grow before filling operations reach that area.)*

Comment. We need more mature trees.

**Traffic:**

Question. How many cars and trucks will be added to the traffic?

A. *Our engineers estimate only a small increase in truck traffic.*

Question. Can you stipulate no truck access to our neighborhood?

A. *Our access is only from Northern. So there should be no trucks in your neighborhoods.*

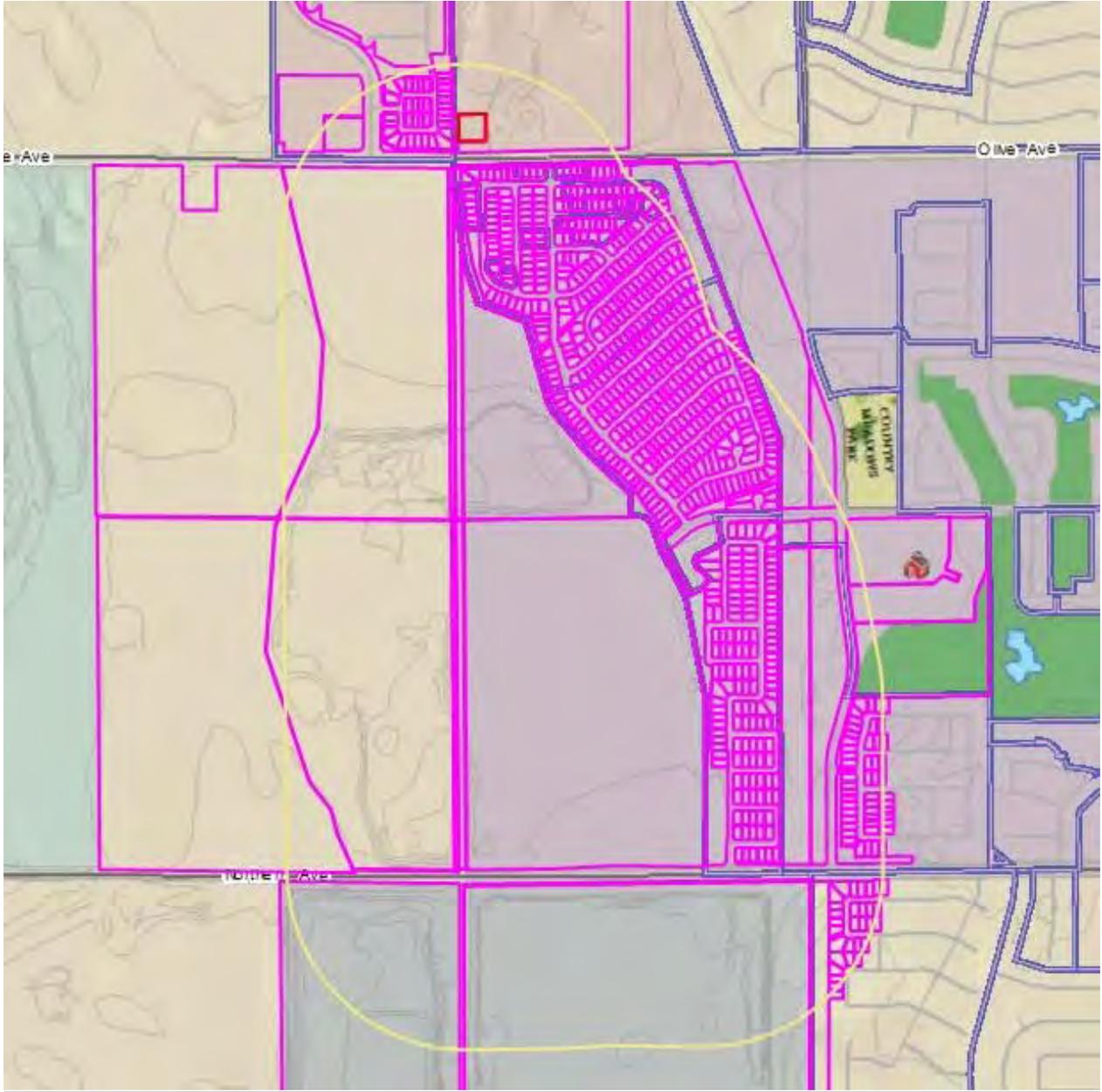
Question. At the access point, will there be a deceleration lane?

A. *This will be determined by our traffic study and the City traffic engineer.*

Question. What about parking on Northern?

- A. *No parking on Northern is allowed now or with our proposal.*
- Comment. Directed to City Staff: Northern should have turn pockets for east and west traffic; this is appropriate and should be part of the standard.
- Question. Will there be any off-site improvements on Northern?
- A. *It will be determined by our traffic study and the City traffic engineer.*
- Question. How far into the property will be the inspections; we don't want traffic stopped on Northern?
- A. *We agree. The inspection point is about 200' off the roadway. If this is not enough, we will create more space for trucks, but our estimate traffic counts are low.*
- Comment. You don't know when the trucks will arrive, so there could be back-ups on Northern.
- Comment. Directed to City Staff: There have been five or six major accidents with two fatalities and no improvements to Northern and no start and end date yet; I represent the HOA and I speak for everyone that we oppose this.
- Question. Don't know if you know this, but there is supposed to be an off ramp to Butler as part of the Northern Parkway, so how can you control access to the property?
- A. *There are two options for the Parkway. We understand the off ramp connection to Butler is a second option and likely not to be constructed due to costs. If this ramp goes through our property, we will work to modify plans at that time.*
- Question. How can you guarantee access to your property, if Northern Parkway is controlled access?
- A. *Right-in right-out will still be provided; otherwise, an interchange would be installed at 115<sup>th</sup> Avenue.*
- Comment. I know there are political reasons for calling it a parkway and not a freeway.

**EXHIBIT "E" –SECOND MEETING NOTIFICATION AREA MAP**



**EXHIBIT “F” –SECOND NEIGHBORHOOD NOTIFICATION LETTER AND PROPERTY  
LOCATION MAP**

**BEGINNING ON THE FOLLOWING PAGE**

**BEUS GILBERT  
PLLC**

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7642  
FAX (480) 429-3100

May 30, 2012

**RE: Special Use Permit for 115th and Northern Reclamation- Z11-0007  
2nd Neighborhood Meeting Notification.**

Dear Property Owner:

In late November, 2011, you should have received a similar letter from us notifying you of our recent application for a Land Reclamation Facility at the northeast corner of 115<sup>th</sup> Avenue and Northern Avenue. Many of you contacted either the City of Peoria or me, to ask questions about the application and a few of you attended our neighborhood meeting on December 8, 2011 to express your concerns and have questions answered. This letter is meant to serve as a follow-up invitation to a second neighborhood meeting to let you know of some positive changes we have made to our application and to answer additional questions.

We encourage you to learn more about the Land Reclamation Facility, discuss the changes that have been made, and address any comments or questions you may still have by attending a second neighborhood meeting as follows:

**Thursday June 14, 2012 starting at 7:00 pm  
Peoria Pines Golf Club  
8411 N 107th Avenue  
Peoria, AZ 85345**

As I wrote in the last letter, on behalf of our client, we have applied to the City of Peoria for a Special Use Permit to allow a Land Reclamation Facility on the parcel shown on the following exhibit. The subject property was mined for aggregate and has been left in its current condition with large pits and will remain in this condition or be mined further unless it is reclaimed. The purpose of the proposed Land Reclamation Facility is to allow the pits to be filled in order to reclaim the property to its original condition so the land can be redeveloped.

Since the last letter was sent, following concerns we heard at the first neighborhood meeting, we have decided to limit the type of fill material requested. At this time we are only requesting of the City that we be allowed to accept Inert Material, and nothing else, to fill the pits. Inert Material includes rock, dirt, concrete, brick, and asphaltic pavement.

As was indicated in the previous letter, and the facts still remains the same, there will be no blowing trash or odor given the type of materials being requested, and as the main purpose is to perform the required reclamation of the property back to its original condition, the acceptance of material will cease when the levels reach the original grade; therefore, none of your existing views west to the White Tanks will be obstructed by fill.

---

Following the second neighborhood meeting, our requested Special Use Permit will move forward to public hearings with the City of Peoria Planning Commission and City Council. The City will be sending you a postcard notifying you of the exact dates and times for these meetings.

If you have any questions or comments, and are unable to attend the neighborhood meeting, do not hesitate to contact me directly by phone at (480) 429-3063, or by email at [ajochums@beusgilbert.com](mailto:ajochums@beusgilbert.com).

Thank you,

BEUS GILBERT PLLC



Andy Jochums, AICP  
Planning Consultant

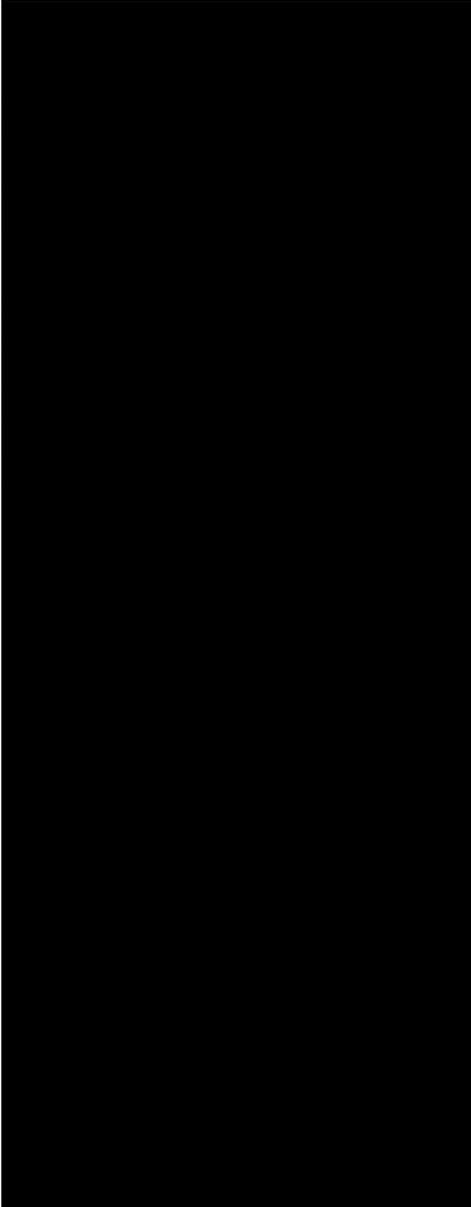
**Vicinity and Meeting Location Map**



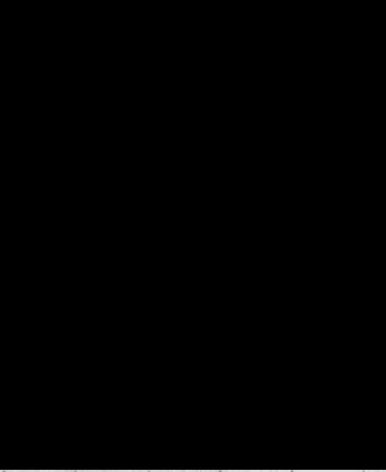
**EXHIBIT "G" SECOND NEIGHBORHOOD MEETING SIGN-IN SHEET AND MEETING  
SUMMARY**

**BEGINNING ON THE FOLLOWING PAGE**

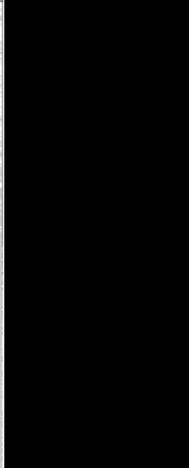
Neighborhood Meeting  
June 14, 2012

Printed Name	Address	Phone #	E-mail
MIKE ROGERS			
Don Karp			
Nancy Debecker			
Scott Mackstrom			
+ Paul Arlene Guehl			
Robyn Munro			

Neighborhood Meeting  
June 14, 2012

Printed Name	Address	Phone #	E-mail
Bobby Simmers			
Cedric McIVOR			
Dore Mader			
DJ Selinger and Rose			
Larry Kraeger			

Neighborhood Meeting  
June 14, 2012

Printed Name	Address	Phone #	E-mail
Leonard Wendy Davis			
Nick Avareze			

Second Neighborhood Meeting Summary  
Peoria Pines Clubhouse  
June 14, 2012

Attendance: 15 neighbors signed in, however we believe attendance was closer to 20.  
City Attendance: Councilman Leone and two planning staff (Chris Jacques and Ed Boik)

General:

Question. (From Councilman Leone) Would it be possible to only work 6 days a week with all activity ceasing on Sundays.

A. *We can definitely discuss it with the client and their operators.*

Question. Is the plant and equipment in the pit now part of the reclamation.

A. *No, that equipment and operations are a part of the aggregate mining.*

Question. With the mining and filling going on simultaneously what are the hours of operations. Will they be 24 hours.

A. *We have already committed to the reclamation filling be limited to 6am to 3pm in the summer and 7am to 4pm the remainder of the year. We haven't discussed limiting the mining hours, but will do so with the client and their operators.*

Question. So if you are filling and mining at the same time won't the mining occur indefinitely.

A. *No, the two operations are separate. Once an area is filled, it cannot be mined. Once the site is filled, all the mining has to stop.*

Question. How many trucks will be entering the site?

A. *Based on our estimates we have calculated an average of 150 trucks during an eight hour period. This will not be an increase over what could be there by right with a full aggregate mining operation.*

Question. Will trucks idle while waiting to be inspected?

A. *Yes, it is likely they will not shut their engines down while being weighed and inspected before entering the pits. Trucks generally arrive randomly throughout the day therefore we do not expect there to be a regular*

*occurrence of trucks stacked up in line waiting to enter the pit. If it becomes an issue, we can deal with it.*

Question. What about the noise from the rock crusher?

A. *The crusher is located as far away from homes as possible; no less than 1000' from homes. It is also proposed to be located behind a 25' tall earthen berm to limit sound and we intend to comply with the City of Peoria standard of not having any noise exceed 65dBA when measured at any point 50 feet from adjacent residential.*

Question. You stated that hours of operation will be limited to certain hours, but does that also limit the hours of truck traffic?

A. *Yes, the hours of operations are for the entire operation. Gates for the reclamation operation will closed and locked during non-business hours.*

Question. Can I get a copy of the traffic report?

A. *Yes, please contact my staff and we will provide a copy of what was submitted to City and any additional information we can.*

Question. What is the status of the IGA for Northern Parkway and won't that effect your access?

A. *Yes, access could be modified due to the Parkway but it would still be from Northern and would not be through the residential community. (Councilman Leone and Chris Jacques gave a summary of the Northern Parkway IGA.)*

Question. Why crush the material if you are just burying it?

A. *In order to compact the fill, we will need to crush some of the larger pieces or concrete, rock, or other inert fill that is brought in.*

Question. Will the top few feet be good soil?

A. *Yes, the top will be better material in support of the reclamation and re-use of the property.*

Question. Won't the pavement smell?

A. *While fresh asphalt does have a smell to it, it is our understanding that old material will not produce any significant odor..*

Question. What guarantees do we have that the accepted material is clean vs. dirty? Material could be from a superfund site that is classified as clean but really isn't. Will there be chemical testing, a log of where material is coming from, and a prohibition of out of state material?

A. *I would think that any material from a superfund site would not be classified as inert and would be hazardous waste and therefore not allowed on the property. We don't expect to do chemical testing, but we can include a provision within the delivery logs for where the material is coming from. Due to the cost of transport there would be no out-of-state material coming into this site. Most material will be from the west valley.*

Question. What limitations will there be on truck traffic? Country Meadows Elementary School is located at 111th Avenue and Butler Drive.

A. *There should be no trucks on that roadway but we can work with the City to place restrictions and educate our drivers. (Chris Jacques indicated that there may already be restrictions with the roadway being a residential collector, but he and the City will explore further.)*

Question. Pioneer Materials is on the corner. Will they remain?

A. *Yes they will remain for at least the immediate future.*

Comment. Exhaust from trucks and machinery is a concern.

Question. How will the filling affect the floodplain?

A. *Right now the majority of the pit is outside of the floodplain, but as a part of the filling process we are working with the City and the County Flood Control. Following the filling, before any redevelopment occurs we will be required to work with FEMA and modify the floodplain maps to bring them current..*

Question. What keeps you from future revisions and asking for different fill material?

A. *Nothing would prohibit my client or a subsequent landowner from applying to Peoria to change the conditions of the approval, but they would have to go through this whole process again.*

Question. Within the landscape buffer, how many trees will be planted per lot?

A. *Trees are planned 30' on center, meaning about 2 per lot unless that adjacent property owner does not want the trees.*

**EXHIBIT “H” – UPDATE LETTER SENT TO ALL OWNERS WITHIN 300’ OF THE SUBJECT  
PROPERTY AND NOTIFICATION AREA MAP**

**BEUS GILBERT**

PLLC

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7642  
PHONE (480) 429-3000  
FAX (480) 429-3100

9 February 2012

**RE: Special Use Permit for 115th and Northern Reclamation – Z11-0007  
Positive Updates and Changes to Request**

Dear Resident or Property Owner:

In late November, you should have received a letter from me notifying you of our recent application for a Land Reclamation Facility at the northeast corner of 115<sup>th</sup> Avenue and Northern Avenue. Many of you contacted either the City of Peoria or me to ask questions and express concern about the application, and a few of you even attended our neighborhood meeting in December. Based on the apprehension heard from residents and property owners such as yourself, we have made modifications to our application, and I wanted to take this opportunity to let you know about some of those positive changes.

We are now requesting that only *Inert Material* such as rock, concrete, brick, asphaltic pavement, and dirt, be permitted to fill the pits. This removes *Construction and Demolition Debris* as a potential fill material, which was a major cause of anxiety and uneasiness. The change leaves the 115th and Northern Reclamation Facility no longer requesting material that would classify it as a solid waste facility or landfill, and means the requested reclamation operation is even less like a “dump” as has been characterized by some.

As was indicated in the previous letter, and was discussed at the neighborhood meeting, the details of the reclamation operation still remain the same. There will be no blowing trash or odor given the type of fill material being requested and dust, as well as noise, will be regulated to a much higher standard than that of the nearby mining operation. As the main purpose of the reclamation operation is to bring the property back to its original pre-mining condition, the acceptance of material will cease when the levels reach the original grade; therefore, none of your existing views west to the White Tank Mountains will be obstructed by fill.

Another positive change to our request includes the extension of the landscaping buffer northward from that shown on previous plans, completing the buffer all the way to Olive Avenue. Based on some worries we have heard about instances where mature trees within this buffer might ultimately block views to the White Tanks, we are also committing to work with the

City of Peoria and homeowners on the elimination of landscape buffer trees behind individual homes, if there is concern about views being blocked by the trees.

We have also removed any mention in our application of a future commerce or industrial park on the reclaimed property. These uses should not have been mentioned at all, as they are not currently allowed based on the existing zoning, and a rezoning for these uses was never under consideration in our application. The current re-development plan in our Special Use Permit application for the 115th and Northern Reclamation operation simply shows the existing zoning on the property, which is predominantly for single-family homes with only about 30 acres of light industrial in the southwest corner of the property near Northern Avenue.

A change in the zoning of the property is always a possibility in the future, whether by our client, or a new owner, but such a rezoning is not under consideration at this time. The current Special Use Permit is only for the filling of the mining pits by way of inert material fill in order to reclaim and secure the property. If in the future a rezoning is requested, it will follow the same general procedures as this Special Use Permit, with notice to the area residents and a chance for comment before being considered by the City Council.

We hope to make a formal re-submittal of our updated Special Use Permit application, with all the mentioned positive changes, to the City later this month. We will also be hosting a second neighborhood meeting in either March or April to allow an opportunity for further dialogue. Once a date and time is set for this meeting, I will send out a new letter formally notifying everyone of those meeting details. If you have any questions or comments regarding the application, please do not hesitate to contact me directly by phone at (480) 429-3063, or by email at [ajochums@beusgilbert.com](mailto:ajochums@beusgilbert.com).

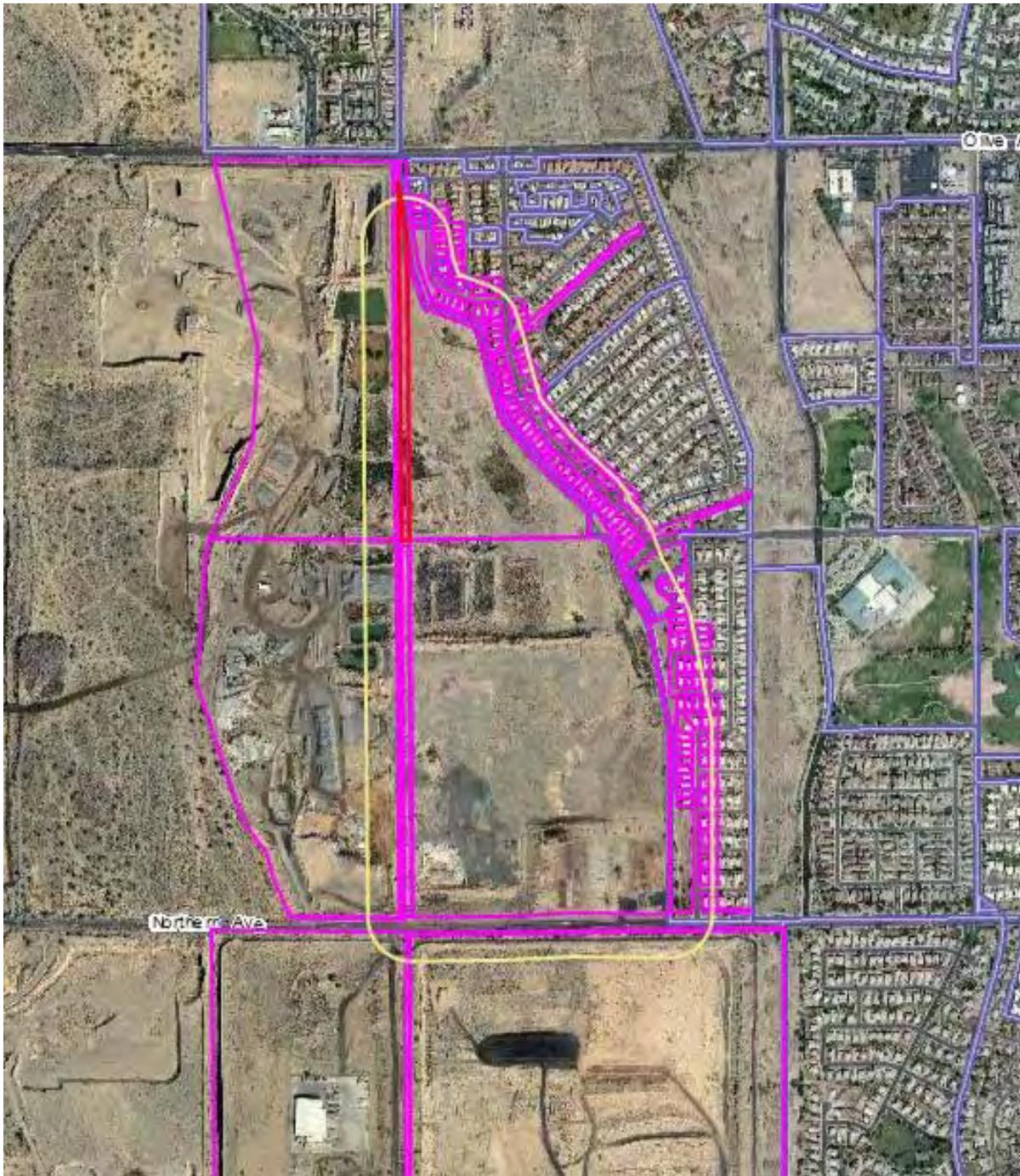
Respectfully,

BEUS GILBERT PLLC

A handwritten signature in blue ink, appearing to read 'Andy Jochums', with a long horizontal flourish extending to the right.

Andy Jochums, AICP  
Planning Consultant

cc: Councilman Carlo Leone  
Ed Boik



**EXHIBIT "T" – 2ND MEETING FOLLOW-UP LETTER**

**BEUS GILBERT  
PLLC**

ATTORNEYS AT LAW

4800 NORTH SCOTTSDALE ROAD SUITE 6000  
SCOTTSDALE, ARIZONA 85251-7642  
PHONE (480) 429-3000  
FAX (480) 429-3100

6 July 2012

**RE: Special Use Permit for 115th and Northern Reclamation – Z11-0007  
Updates and Changes to Request Following Neighborhood Meeting**

Dear Concerned Resident or Property Owner:

Once again, thank you so much for taking the time to come out to our neighborhood meeting last month and provide us your comments and concerns. Based on what we heard, we have prepared a final submittal to the City of Peoria that I expect to deliver on Monday, and we are expecting hearings starting in early August. Please note that you will receive a separate postcard from the City notifying you of the specific hearing dates and times if you reside within ¼ mile of the property. If you received the neighborhood meeting notice directly from me, that means you fall within ¼ mile. If you do not reside within ¼ mile, let me know and I would be happy to notify you of the hearings directly, once they are set.

I wanted to take this opportunity to share with you some of the changes we made to the our request and operations in order to address your comments, as well as hopefully provide some answers to questions you asked at the meeting, for which we did not offer specific answers. The following are changes that we have added into our revised application narrative. If the City Council approves our request, these changes will be required as a part of the narrative, and we expect the City to include some of them as specific conditions of approval, thereby reinforcing these requirements.

*Operation Days and Times*

Based on comments from Councilman Leone, we are agreeing to have no operations or activity of any kind on Sundays. While activity on Saturday is unlikely, this means at the most, the reclamation/filling activity can occur only Monday through Saturday and limited to 6am to 3pm May through September and 7am to 4pm the remainder of the year.

*Incoming Materials and Reporting Log*

As we had indicated at the meeting, only inert material would be allowed to be placed as fill. While inert material is heavily restrictive, there was concern expressed

about potentially contaminated inert material making its way into the property and used as fill. A re-review of the State Statutes indicate that material defined as "Special Waste" is specifically excluded as an inert material. Special Waste is any material that is contaminated, such as from a superfund site or around a leaking underground storage tank; therefore, such material would not be allowed within the property. It will be the responsibility of the property owner and their operators to be able to detect contaminated inert material, and they will work with the Arizona Department of Environmental Quality (ADEQ) on any training if necessary. Accepting contaminated material would jeopardize our potential approval with the City, as well as make us subject to the enhanced rules of ADEQ. If at any time you suspect non-compliance, you can contact the City or ADEQ to report a potential violation and they will inspect the property.

In order to better log incoming materials and report to the City of Peoria, based on suggestions we heard at the neighborhood meeting, the reporting log will now contain the material provider, source of the material, quantity of the material, and a notation of any inappropriate fill material found and disposed of after the material was dumped. This log will be available for review at the site office any time and must be submitted to the City on an annual basis.

#### Truck Traffic

During the neighborhood meeting, we indicated that our traffic estimates were that on a busy day, there would be 150 truck trips during an eight hour period. A round-trip is classified as two trips, therefore this amounts to 75 trucks, or on average one every 6 minutes. These numbers are minimalistic based on the existing background vehicle and truck traffic on Northern Avenue and you should not notice any kind of increase. We were unable to determine any factual traffic numbers from the historic mining operation, but still firmly believe that overall there will be less traffic with the combined reclamation operation and limited continued mining, than with a full mining operation occurring.

Specific concerns were expressed about trucks potentially leaving Northern Avenue and entering the residential neighborhoods. Councilman Leone is already working with City staff on designating 111th Avenue between Olive Avenue and Northern Avenue as a "No Truck Route", and we support him on this. This means greater enforcement and fines on any truck, not just from our operations, using that roadway for anything other than a local delivery. We have committed that our trucks will be restricted to Northern Avenue and other truck routes as well. We will make every reasonable effort to educate the truck drivers using our operations about the appropriate truck routes and, most importantly, that they are not allowed to enter the neighborhoods for any reason.

Continued Mining Operations

Also based on comments from the Councilman, we have agreed to voluntarily limit the pre-existing aggregate mining rights the property already has. All mining activity on the property will be restricted to the same operational standards for the reclamation/filling operation as detailed within our submitted narrative. This means the aggregate mining would be restarted to the same operational days and hours, as well as the truck traffic restrictions noted above. They will also be subject to the increased standards we have placed for ourselves in noise suppression, dust control, and light pollution. These, and the many other standards would not normally restrict the pre-existing aggregate mining rights.

I hope that you find the above changes positive and beneficial in addressing your concerns about our requested reclamation operation. If you still have any questions, comments or concerns regarding the application, or you wanted to discuss anything I mentioned above directly with me, please do not hesitate to contact me directly by phone at (480) 429-3063, or by email at [ajochums@beusgilbert.com](mailto:ajochums@beusgilbert.com).

Respectfully,

BEUS GILBERT PLLC

A handwritten signature in blue ink, appearing to read 'AJochums', with a large circular flourish and a long horizontal stroke extending to the right.

Andy Jochums, AICP  
Planning Consultant

## EXHIBIT “J” – INFORMAL COMMUNICATION NOTES

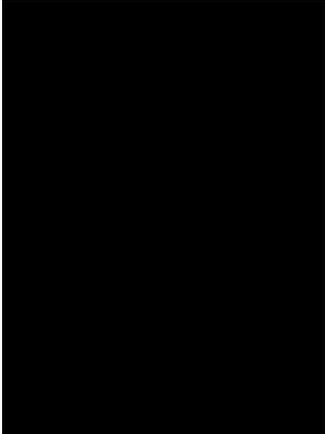
### **Telephonic or Electronic Communication**

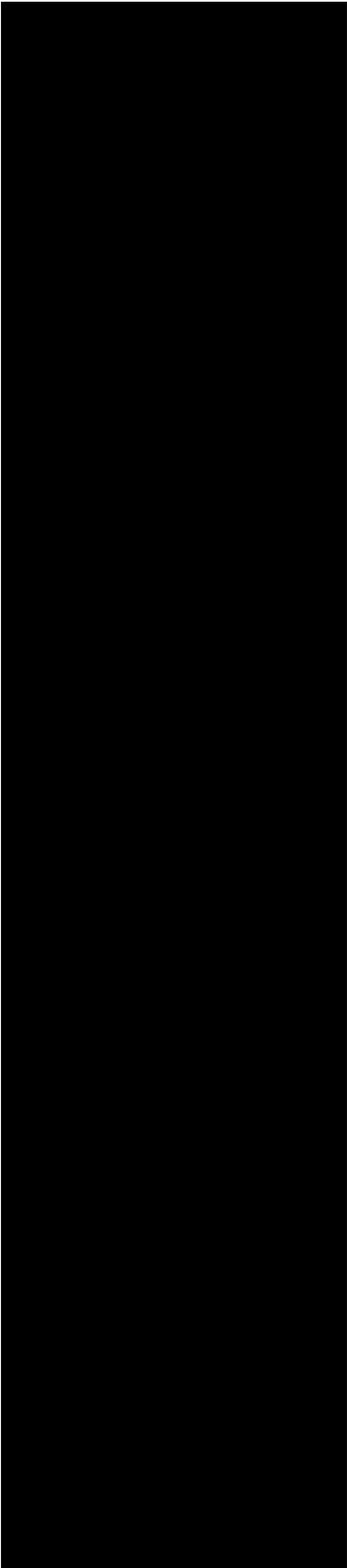
- 11/12/11 Voicemail message from Tony San Filepo questioning who the applicant was. Call was returned on 11/14/11 with a voicemail.
- 11/14/11 Telephone conversation with Catherin San Filepo regarding details of the application. She supports re-development of the area and future retail. Only concern was the potential for acceptance of hazardous material.
- 11/17/11 Telephone conversation with Kathy (Agua Fria Ranch P/O). She was looking for details on the project, concerned it was a sewer treatment plant.
- 11/28/11 Telephone conversation with Ray (location unknown). Ray encouraged us to also accept waste tires as “there are tons that need disposal.” Supports the filling of the property for redevelopment.
- 04/03/12 Email request from Joe Moehr (forwarded by City of Peoria) to be noticed about future meetings by email. Response sent acknowledging request including an offer to answer any questions in the meantime.
- 04/11/12 Email request from Terry Brezina (forwarded by City of Peoria) to be noticed about future meetings and to offer suggestions on how to fill the mining pits quicker. Response sent acknowledging the request and to facilitate further discussions on the filling of the mining pits.
- 05/31/12 Email from Terry Brezina acknowledging notice of Second Neighborhood Meeting and indicating that “It looks like a good proposal.”
- 06/04/12 Email from DJ Selmeyer expressing support for “a good use of the land” but expressing concern over future uses blocking historic views. Suggested a compromise in which filling was stopped early leaving the property low enough to allow future buildings to not block views. Response sent indicating that future uses and heights would be in accordance with the zoning in place since 1988, but heights and views was a concern we have heard from others. Encouraged attendance at the 2nd neighborhood meeting so that his compromise could be discussed further.
- 06/07/12 Email from Charles Styles suggesting that the property should be flooded with water to make a lake and improved with a campground.

- 06/11/12 Telephone conversation Judy Cogswell. She had questions about the project and was confused by all the rumors. Once the specific location, details, and limitations of the reclamation operation and inert materials was discussed she indicated that she preferred to see things in their nature “beauty” but had “no problem with the filling.” She did express concerns on the Glendale Landfill and the Northern Parkway project.
- 06/12/12 Email from Jim Hrovat indicating that he heard from the Councilman that a “reclamation facility” was planned and he wanted to know if that was a dump. Emailed response sent the next morning providing details about the operation, limitation of inert materials, and that the project was not a dump. Email also invited Mr. Hrovat to the neighborhood meeting.
- 06/15/12 Email from Bobby Simmers requesting a copy of any traffic reports to substantiate claims made at the second neighborhood meeting. Responded with a copy of the Traffic Impact Statement submitted to the City as a part of the Special Use Permit.
- 06/15/12 Email from Larry Greene responding to an email send out by Councilman Leone asking what a “land reclamation facility” was. Responded with details of the operation and material requested to be accepted as fill.
- 06/21/12 Follow-up email from and email response to Bobby Simmers regarding estimated traffic volumes and increases over existing traffic levels.

**Face to Face Communication**

During the dates of November 12th, 13th, and 16th, consultants with DGA Associates walked the Suncliff subdivision door-to-door to speak with anyone that was interested. They returned on February 25th and 26th to provide updates on the request, specifically the change to only allowing inert material. The following table summarizes their face-to-face communications for the initial contacts in November as well as any follow-up/updates in February noted in bold.

Number	Street	Date	Comments
			Does not have a problem with the project <b>2/26 He was on the phone would not come to the door.</b>
		11/12	Not Home <b>2/26 Not Home</b>
		11/12	Vacant and abandoned
		11/12	Not Home
		11/12	Just renting & doesn't care
		11/12	What is wrong with filling it in.
		11/12	Not Home
		11/12	Not Home
		11/12	Home but would not answer the door
			Stop the blasting. How noisy will it be? We like our view.
		11/12	<b>2/26 Signed our petition</b>
		11/12	Not Home 2/26 Not Home



[REDACTED]

It is a big mess in the summer time. Can they spray water on it **2/26 Hates the dust**

11/12

11/12 Not Home **2/26 Not Home**

Thanked us for the info and will tell her parents **2/26 Not Home**

11/12

11/12 Home but would not answer the door **2/26 Not Home**

11/12 Not Home

11/12 Not Home

11/12 I am okay with the project

11/12 Parents not home

11/12 Home but would not answer the door

11/12 He had no comments but said the project sounded ok

11/12 Not Home

11/12 Not Home **2/26 Signed our petition**

11/12 Not Home

Not Home **2/26 Changes are good will tell her daughter who lives there**

11/12

11/12 Not Home **2/26 Foreclosure**

Mother-in-law sleeping & did not want to hear about the project

11/12

11/12 Not Home

11/12 No questions but thanked us for the information

11/12 Not Home

11/12 Not Home

11/12 No concerns or comments-understands the city process

11/12 Not Home

11/12 Not Home **2/26 Not Home**

11/12 Has no problem with the project **2/26 Not Home**

Probably will not be here that long, concerned a Wal-Mart will be built **2/26 Not Home**

11/12

**2/26 Not Home**

11/12 It is a good idea to do **2/26 Not Home**

11/12 Not Home

11/12 Empty & for rent

11/12 Not Home

11/12 Not Home

Home but would not answer the door **2/26 Home would not answer**

11/12

11/12 Not Home 2/26 Not Home

11/12 Doesn't care & plans to move in a few years **2/26 Not Home**

11/12 Empty **2/26 Someone has moved in but would not answer**  
Fears a Wal-Mart will be built **2/26 Likes the changes and**  
11/12 **thanked us for the information**  
After reclamation will it be left empty? How long is Pioneer's  
lease; it keeps expanding. Likes not having neighbors.  
11/12 Doesn't mind the pit. **2/26 Not Home**  
11/12 Not Home **2/26 Not Home**  
Not Home **2/26 Renters-man as long as it is inert material**  
**and no zone changes he likes the pit filled up--as we**  
**were leaving woman came running out the door telling us**  
11/12 **she doesn't care what you do they hate it and will fight it!**  
11/12 Renter-Project sounds good **2/26 Not Home**  
11/12 Not Home 2/26 Not Home  
11/12 Likes the idea of trees behind her **2/26 Not Home**  
11/12 Not Home **2/26 Not home**  
11/12 Probably won't be living here when it is done **2/26 Not Home**  
11/12 Not Home **2/26 Not Home**  
Home & told us to go away **2/26 Would not come to the**  
11/12 **door.**  
11/12 Thanked us for the information **2/26 Not Home**  
11/12 Lock box no for sale sign **2/26 Same**  
11/12 Not Home  
11/12 Not Home  
11/12 Home & would not come to the door  
11/12 Not Home **2/26 Not Home**  
Thanked us for the information **2/26 Home but would not**  
11/12 **come to the door**  
11/12 Renter-Thanked us for the information **2/26 Renter**  
11/12 Not Home **2/26 Not Home**  
11/12 Not Home **2/26 Not Home**  
11/12 Not Home **2/26 Not Home**  
Received postcard, likes the idea of trees but doesn't want to  
lose view **2/26 Liked the changes you made.**  
11/12 Appears to be vacant **2/26 Not Home**  
11/12 Home & would not come to the door  
11/12 In favor  
Not Home **2/26 Signed against but we changed his mind**  
11/12 **and he signed our petition**  
11/12 Not Home **2/26 Doesn't care**  
11/12 Thanked us for the information **2/26 Not Home**  
The pit is a safety issue that needs to be addressed. **2/26 Not**  
11/12 **Home**  
11/12 Not Home **2/26 No access to front door**  
11/12 Not Home  
11/12 Not Home  
11/12 Not Home  
11/12 Not Home  
Concerned what the zoning will be once it is filled in. Will  
11/12 come to the meetings  
11/12 Not Home

11/12 Likes the project, her son on 108th way will come to the meeting.

11/12 Not Home **2/26 Not Home**

Home would not come to the door **2/26 Home wouldn't come to door**

11/12 Not Home **2/26 Renter doesn't know anything**

11/12 Renter **2/26 Home wouldn't answer door**

11/12 Let them do what they gotta do **2/26 Not Home**

Not Home **2/26 Both husband and wife happy with the changes, hate the dust.**

11/13 This pit has destroyed our property values, big dust bowl. Your project needs stopped hours of operation. Right now they ignore that and work all the time. This is the first I have heard of filling it in.

11/13 Not Home

Fill it in. That is fine with me. He called Peoria regarding the postcard

11/13 Not Home

11/13 Doesn't care

11/13 Not Home

Received the postcard. Afraid they are going to extend the existing dump and with what material. Would like to see the pit filled in

11/13 Not Home

11/13 Thanked us for the information

11/13 Doesn't have a problem with it

11/13 Not Home

11/13 Not Home

11/13 Not Home

11/13 Not Home

11/13 Doesn't bother me. Not a problem.

11/13 Not Home **2/25 Didn't get the letter but is ok with it**

Were watching a car race in their garage **2/25 She said she was upside down on her house and wanted to move. Didn't want the project to lower her house value even more.**

11/13 How long for each phase? Noise is big problem right now. She would like the weekends off with no beeping or flood lights. Does not want block walls, likes her view. How long will the mining continue? Her cable box was shot at outside her bedroom. Beverly Dirrim and her husband have contacted Councilman Carlo "Rocky" Leone regarding these issues **2/25 the husband told us he spoke to Rocky a week ago- said I don't have a problem with it but you need to talk to my wife who is hard to please. She was not home.**

11/13 **not home.**

11/16 Not Home **2/25 Not Home**

11/16 Not Home **2/25 Renters and were moving**

11/16 Not Home **2/25 Not Home**  
11/16 Thanks for the information **2/25 Not Home**  
Okay-Thanks for the information. I appreciate knowing what is  
11/16 going on **2/25 Thanked us again for the information**  
11/16 Not Home-**2/25-Not Home**  
11/16 Great!-**2/25 Not Home**  
**2/25 Doesn't mind as all as it is natural stuff**  
**2/25 Not Home**  
**2/25 Not Home**  
**2/25 Child came to the door parents not home**  
**2/25 Signed Petition**  
**2/25 Not Home**  
**2/25 Not Home**  
11/16 Not Home **2/25 Not Home**  
**2/25 Not Home**  
11/16 Not Home 2/25 Not Home  
**2/25 Not Home**  
Called city for info-hard to find out anything. Never should  
have built houses here. Dealing with dust is hazardous to  
11/16 health. Thanked us for the information. **2/25 Not Home**  
**2/25 Gave information**  
11/16 Not Home 2/25 Not Home  
**2/25 Signed Petition**  
11/16 Home but would not come to the door **2/25 Not Home**  
**2/25 Signed Petition**  
11/16 Not Home 2/25 Not Home  
**2/25 Not Home**  
11/16 Not Home 2/25 Not Home  
11/16 Okay with me **2/25 Not Home**  
11/16 Home but would not come to the door **2/25 Not Home**  
Wanted to know if we had info to leave with them-thanked us  
11/16 **2/25 Not Home**  
11/16 Home in foreclosure **2/25 Foreclosure**  
Not Home **2/25 Got the new letter and thanked us for the**  
11/16 **information**  
11/16 He laughed -I don't care **2/25 Not Home**  
Likes the trees but wanted non-shedding trees because of the  
pool. Would like the applicant to added blocks onto his 2  
11/16 block high wall. **2/25 Would like to see a shopping center**  
Asked are you going to leave it desert after it is filled?  
11/16 Probably will come to meeting **2/25 Not Home**  
11/16 Not Home **2/25 Thanked us for the information**  
11/16 Not Home 2/25 Not Home  
11/16 Thanks for the information **2/25 Not Home**  
11/16 Not Home 2/25 Not Home  
**2/25 Not Home**  
Mother is currently living in the house and she is not against  
it. Her son Mathew will be moving back in and she doesn't  
11/16 know how he feels. **2/25 Signed**  
**2/25 Has information but is undecided**

11/16 Called city about the postcard. The trees are a good idea  
**2/25 Not happy received the letter**

11/16 Not Home **2/25 Got the letter and likes the changes but  
had already signed a petition against the project**

11/16 Called city about the postcard and were told once it is filled in  
it will be a business park. We are concerned about what will  
be built after it is filled in. **2/25 Not Home**

11/16 Called city about the postcard. Fill it in with grass and make it  
nice. **2/25 Thanked us for coming by-liked the changes  
but 2 people came by and she already signed their  
petition in opposition.**

11/16 Thank you for the information **2/25 Signed our petition**

11/16 Fine with me **2/25 Thanked us for information**

11/16 Not Home **2/25 Not Home**

11/16 Got the card and tried to fine more info on the internet so  
thank you for the information **2/25 Not Home**

11/16 Not Home **2/25 Not Home**

11/16 Empty **2/25 Empty**

11/16 Ok with me **2/25 Not Home**

11/16 Not Home **2/25 Not Home**

11/16 Home would not come to the door **2/25 Not Home**

**2/25 Not Home**

**2/25 Cool likes the idea**

**2/25 Signed our petition**

**2/25 Not Home**

**2/25 Sign on door said backache do not disturb**

**2/26 Not home**

**2/25 Not home**

**2/25 Lock box**

**2/25 Didn't care**

**2/25 What are the hours of operation and define "summers  
months". How many employees? How will you keep  
scrappers out?**

**2/25 Not Home**

**2/25 Foreclosure empty**

**2/25 Not Home**

**2/25 Not Home**

**2/25 Not Home**

**2/25 Lock box**

From: [REDACTED]  
Sent: Monday, November 14, 2011 12:39 PM  
To: Ed Boik  
Subject:Re: Land reclamation facility on Agua Fria Lowlands

Thank you for the prompt response and the information. I am not opposed to development, but I would like to request that noise, dust, traffic and all possible negative impact to current and near future neighboring property values be considered. I cannot afford for my property's current value to drop further.

Thank you again,  
[REDACTED]

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From: [REDACTED]  
Sent: Saturday, November 19, 2011 11:19 AM  
To: Ed Boik  
Subject:Agua Fria Lowlands Case# Z11-007

Mr. Boik, I own a home in Peoria and was sent a notice regarding the special use permit application for 138 acres located next to our subdivision. The site location for this project is NEC 115th Avenue Allignment & Northern Avenue. If at all possible, I would like more information on this project such as what is the purpose or plans for the future with this land. I tried looking up recent Planning and Zoning minutes on Peoria's website and could not find anything relevant to this land. As a homeowner neighboring this land, I obviously have a vested interest in nearby developments. Any information would be greatly appreciated. Thank you.

[REDACTED]

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From: [REDACTED]  
Sent: Monday, January 23, 2012 5:14 PM  
To: Ed Boik  
Subject:Northern Ave Landfill project

Dear Sir:

We heard about the project to sell the area behind our home and eventually fill it in, plant trees and build industrial buildings.

My husband and I bought this home because of the great view of the west and therefore are 100% opposed to the idea. We do not want anything blocking our view. Besides, we were told

when buying this home that there would be no buildings put up there.

Thank you for listening to my story.

Sincerely,

[REDACTED]

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From: [REDACTED]  
Sent: Sunday, January 29, 2012 1:46 AM  
To: Ed Boik  
Subject: Concerned Peoria Resident-Sun Cliff Proposal

Hi Ed,

I have received a letter addressing the proposed changes to the land just west of our property, basically in our back yard. I am living at [REDACTED] My back yard has a rod iron fence which allows me views to the land behind my home and also beautiful views of the White Tank Mountains. One of the main reasons I purchased my home in 2009 was because of the breath taking views I get to enjoy every day. The sunsets are amazing, not to mention the quietness and views of the desert. Although the quarry can be a little bit of an eye sore, it only a small concern in comparison to the proposed changes to the land directly behind my home.

The dump, regardless of the components, will bring my property value down. It will be loud with bulldozers and crushing of trash, it might smell regardless of what it is, and it will be a complete eye sore to our daily lives. If the proposed changes include a 10 year plan to dump it will only bring down my home value and it will be a huge issue for myself and the neighbors.

I absolutely do not agree with having an industrial site behind my home. We live in an area where there are no Wal-Marts or large corporations which brings much peace and comfort to our home location. I can't bear the thought of having a large industrial building of any kind behind my home. Large industrial buildings should be kept in the city where there are other office buildings or restaurants. It should not be located at the end of the neighborhood, and not to mention Northern Avenue: it is only a 2 way street prone to many car accidents. Adding more traffic on Northern Avenue between El Mirage Road and 107th avenue would only increase the unsafeness about that road; especially at night. Many residents that live west of El Mirage Road use Northern Avenue as their route to the 101 to go to work and to come home every day. Adding more buildings or industrial sites would add more traffic and density to an already populated, unsafe road. I wonder if anyone has considered the history of Northern avenue and the amount of traffic incidents and death on that road?

I am a huge animal lover and I know that packs of coyotes and other wild life reside in that land. If any obstruction to that property occurs, the wildlife will have to venture to another piece of our dessert and it is very unfortunate for them.

I heard rumors when I purchased my home that there was a possibility of creating a man-made lake when the quarry was complete with their work. This would be favorable view which would increase our

property value. There are many other options for this land including a park, another neighborhood of homes, or perhaps reserving the land for future crops or plant growth.

Please stand beside us in this, as I will do anything it takes to help out and to let my voice be heard. My home is a place where I enjoy peace and quiet, and the views of the mountains and sunsets are priceless.

I look forward to any future updates or information regarding this issue.

Thank you,



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From: Web Master  
Sent: Saturday, January 28, 2012 9:24 PM  
To: InetMayor  
Cc: Bill Mims  
Subject: Report from website user regarding Mayor

Request Submitted: Saturday, January 28, 2012  
Submitter's Name: [REDACTED]  
Submitter's Email: [REDACTED]  
Submitter's Address: [REDACTED]  
Apt #:  
City: Peoria  
State: AZ  
Zip: 85345  
Submitter's Phone: [REDACTED]

Report Regarding: Mayor

Report: Dear Sir, I was currently informed that the area just west of 112th and Northern Ave is being considered for a landfill, and eventually adding houses and trees and block walls and small industrial buildings. I realize the value of this progress, but my opinion is against this because I do not want my view of the mountains to be obstructed by all these changes. Thank you for hearing me. [REDACTED]

Contact Submitter VIA : Email

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Sent: Monday, January 23, 2012 5:14 PM  
To: Ed Boik  
Subject: Northern Ave Landfill project

Dear Sir:

We heard about the project to sell the area behind our home and eventually fill it in, plant trees and build industrial buildings.

My husband and I bought this home because of the great view of the west and therefore are 100% opposed to the idea. We do not want anything blocking our view. Besides, we were told when buying this home that there would be no buildings put up there.

Thank you for listening to my story.

Sincerely,

[REDACTED]

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From: [REDACTED]  
Sent: Monday, January 30, 2012 4:54 PM  
To: Ed Boik  
Subject: The Northern Dump

Hello Ed,

I would like to forward you the same letter that I forwarded Carlo. Thank you for your time, and any help would greatly be appreciated!

Hi Carlo,

I'm writing in concern for this project that wants to turn our backyard into a dump. I live at [REDACTED] and my backyard faces the proposed "dump". I'm not good at writing, and certainly not as good as my neighbor Larry Karp, whom I'm sure you've heard from. We are all in deep concern for this project, as it will change our traffic flow, noise, view, and depending on how much they pay the person at the scale, the smell.

I want to do whatever necessary, along with my neighbors to make sure this project doesn't proceed. Any help you can give us will be appreciated.

Larry Karp is sending me a petition, which I will go to as many neighbors that will open their door, to sign. I am hoping this effort to protect our neighborhood will prevail and it is something that our hard work will prevent.

Your help is needed, and very much appreciated. I'm sure you would do the same thing if a dump was going in your backyard.

Thank you,

[REDACTED]

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From: [REDACTED]  
Sent: Wednesday, February 15, 2012 8:31 PM  
To: Bob Barrett; Ron Aames; Tony Rivero; Dave Pearson; Cathy Carlat; Carlo Leone; Joan Evans  
Cc: Ed Boik  
Subject: We Are Against the Dump at 112th and Northern

[REDACTED]  
February 15, 2012

Honorable Mayor Barrett and Peoria Councilpersons:

We are the proud owners of [REDACTED] Peoria, AZ, a beautiful home located within the Suncliff III & IV HOA. It is the very first home north of Northern Ave on the west side of the street. We purchased our home in April 2011 as our place to retire when my firefighting career is over in several years. We are currently still living in Joliet, IL and renting out the home in Peoria. We were disheartened when we heard about the proposed landfill and industrial or business complex proposed for right out our back door. Early last year we scoured the valley with our Realtor to find just the perfect home with an unobstructed view from our yard. We thought we found the perfect home until we learned of this garbage dump proposal at Northern and 112th.

Why would you even consider allowing a for profit dump immediately abutting a residential area? This is a crazy idea to allow dumping of rock, dirt, asphalt and more over a 15-20 year period as proposed. In essence that would be saying it's ok to allow the dust, dirt, noise, traffic, commotion.....to be extended for possibly 2 decades right outside my back door. I've seen major earth moving projects and they can be done much more quickly if desired. But because this is for profit it's on an as needed basis and it will take forever to complete extending the time we will have to deal with the dust, dirt, traffic, commotion, inconvenience, declining property values..... This is not good for anyone's home values, especially the homes that have a view of the proposed dump. Prices are already still dropping. How about caring about our home values and quality of living over the \$\$? Seriously, you would not want this to be built if it were in your backyard. Dump this stuff five miles out in the unincorporated county area, not next to homes in a beautiful subdivision.

Several items we are in disagreement with that has been proposed:

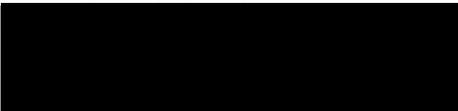
First, we oppose living next to a garbage dump. True, it won't be household trash but we'd prefer no discarded trash or junk be piled there. They want to discard carpeting, glass, insulation, wiring, plastics, wood, concrete and more. They want to put this right behind our houses. There go our property values!! Is it true this same company has had numerous complaints regarding their facility on Glendale Ave? At least that facility doesn't abut homes.

Second, we oppose planting a solid row of 30' trees at the rear of our property to block our beautiful view to the west. We did not buy a home with view fencing and an unobstructed view of the White Tank Mountains to have trees planted behind our home. As much as I don't want to see and hear trucks in and out for 20 years I don't want my view forever blocked.

Third, we oppose an industrial park being built there. Industrial buildings would mean chemicals, manufacturing, foul smells, loud noises, large building, hazardous materials being used in their processes or manufacturing. The area I'm told is only zoned right now for single family homes. But that is not the proposed use as I received in the mail recently. Again, 5 miles out in the desert would be a good place for this type of development.

I spoken to a number of my neighbors and I have not found anyone on 112th or 114th who is for this project. I am coordinating a petition drive in the area and we are getting very good results. Not everyone opens their doors to strangers but those who do are 100% against this plan. I will pass along the petitions to the council when we are complete.

Respectfully,



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From:   
Sent: Thursday, February 02, 2012 10:05 AM  
To: Ed Boik  
Subject: Re: land reclamation 115th & Northern

thank you very much for your informative response. The statement "nothing in the ordinance prohibits this activity next to residential" is puzzling to me. I worked for the Los Angeles City Atty Dept. of Land Use, and there were provisions; setting literal space requirements that had to be maintained between residential and certain activities i.e. adult bookstores, adult entertainment clubs, marijuana dispensaries. Although a land fill isn't in the same category of the those, certainly a land fill has the same potential for visual blight and property values to go down by the mere presence of this activity. There has to be some level of buffering between homes and an activity like this more than a mere row of trees. I think anyone who owns or lives in a home would take that as just common sense. I trust that the council members recognize that, and have

their constituents' best interests at heart, and common sense prevails. Thank you again for your responses and I look forward to more community meetings where hopefully these and more questions will be asked and answered. Oh, and as far as noise/lighting/hours of operation etc... the current mine out there is bothersome in that flood lights are directed right into homes' backs (bedrooms) and are on all hours of night and early morning. Horns blare as well, at 3-4 a.m.... so if there are any restrictions on noise etc., they are not being followed. My fear is that if prohibitions on noise etc. are in place, they can, and are, being ignored.

From: [REDACTED]  
Sent: Wednesday, February 01, 2012 2:08 PM  
To: Ed Boik  
Cc: Carlo Leone  
Subject: land reclamation 115th & Northern

I understand it is Federal & State law that mined land must be returned to original, if not better, condition once the mining operation is completed. Hence, I understand that the current mining going on in that parcel of land must be returned to same, if not better, condition. What concerns me, as a homeowner who bought my house for the "view", was the assertion of the realtor that that land would never be developed because it is a "natural wash". Just a few blocks from my home on 114th Ave. is a huge culvert, which does drain openly into the land out there. Now that discussions are coming up about the reclamation process in order to build a "light industrial" complex in our back yard, I am wondering... what is being planned for the current water drainage? If not diverted via the present system, then where?

Also, what reasoning is there for the reclamation process to take 15-20 years? Examples of land reclamation show time spans of less than 5 years to fill, compact, replant. Have any explanations been given the City Council/board members?

Being that the land out there has been called (according to the realtor) a "natural wash" of the Agua Fria River, and obviously the large drainage culvert system going out there, how is that land could be zoned for industry or homes? If it is indeed zoned for building/living, does a proposed "dump" for inert materials and the accompanying machinery to move/bulldoze/compact the trash qualify as a properly zoned entity to butt up against homes?

If these questions and concerns are more suited to be directed to someone else, could you please advise me?

Thank you in advance for attention to this.

[REDACTED]

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From: [REDACTED]  
Sent: Saturday, April 14, 2012 9:57 AM  
To: Carlo Leone  
Cc: Larry Karp; Ed Boik  
Subject: Northern Dump

Good Morning Carlo,

I'm writing you because the activity behind our houses has moved visibly closer. It's terribly noisy, all day, even on the weekends, and at night. There seems to be no dust control. The lights aim right into our house that are on the equipment. The great thing about living in this great state of ours is the weather. Now is the time to leave the windows and doors open until the big heat hits, because then, as you know, the house is sealed until fall. It is difficult, unless you don't mind constant rock noise and the backing up beeping of heavy trucks, to conduct our days as usual. How long are we going to have to endure this dust & abuse of noise when enjoying life in our homes. My days start with a 3am alarm, which means I go to bed (or try to) at 7:30pm. I cannot wear earplugs because I won't hear my alarm. What to do???

Thank you!

[REDACTED]

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From: [REDACTED]  
Sent: Tuesday, June 12, 2012 10:09 PM  
To: Andy Jochums  
Subject: Land Reclamation Facility

My Peoria City Councilman says that a land reclamation facility is being considered for the NW corner of 115th Ave and Northern. What exactly is a land reclamation facility? Is that a fancy name for a dump or something else?

[REDACTED]

January 10, 2012

Greetings Neighbor:

My name is [REDACTED] My wife and I own the home at [REDACTED] We do not live there at this time, but we are currently renting the home to a very nice family. It's the first house north of Northern Ave. on the West side of the street, also your side of the street. We are very angry and upset about the proposed zoning issues and proposed use of the property immediately West of us. We received the same mailing from an attorney that you probably received last month about a landfill being proposed for that property to our west. We purchased our property in April 2011 partly because of the favorable view out our kitchen windows and from our patio. We do not want to look out at a garbage dump for the next 10 years and then industrial buildings after that as the zoning request states. We're hoping you are just as angry and upset as we are about the proposed changes.

I have already spoken to representatives of the City of Peoria to relay my displeasure for the project. They said the best thing I could do is query my neighbors and get a general consensus of your thoughts on the proposed project. He said that would go a long way in helping the city make decisions relative to the property. That's what I'm doing right now, I'd like to know what you, my neighbors think about this project.

First, I oppose planting a solid row of 30' trees at the rear of our property to block our beautiful view to the west. I did not buy a home with view fencing and an unobstructed view of the White Tank Mountains to have trees planted behind my home. Second, I oppose living next to a garbage dump. True, it won't be household trash but I'd prefer no discarded trash or junk be piled there. They want to discard carpeting, glass, insulation, wiring, plastics, wood, concrete and more. They want to put this right behind our houses. There go our property values!!

Third, I oppose an industrial park being built there. Industrial buildings would mean chemicals, manufacturing, foul smells, loud noises, large building, hazardous materials being used in their processes or manufacturing. The area I'm told is only zoned right now for single family homes. But that is not the proposed use as I received in the mail recently. Why put a garbage dump so close to houses, isn't there enough space five miles into the desert?

I am NOT asking for money. All I want to know is where you stand on this issue. I'd like to be able to discuss this issue with the city knowing a majority of my neighbors oppose the proposed use of the property immediately to our west. We should all be upset with these proposed changes.

PLEASE contact me and let me know what you think and whether I can voice your opposition to this project. Please talk to our neighbors and get them engaged in this process. It's important to us AND our home values to not have a garbage dump out our back door. If you send me your opposition in writing I can submit all of them at once to the city. The more we have the louder voice we'll have. It doesn't have to be long, just a paragraph or more. You can mail it to me or send it via email, whatever is easier for you. Heck, call me if you want and we'll discuss it. If you call or email me we can communicate more easily as this garbage dump request goes through the process. I'm told the council may be voting on this by the beginning of February. Please help me, help us save our view of the mountains and our property values.

Respectfully,

[REDACTED]