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2010

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Where Values Make The Difference

MEMORANDUM **Transportation & Development – PZ Memo No. 13-016**

DATE: MARCH 12, 2013

TO: PLANNING AND ZONING COMMISSION

THRU: R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR
JEFF KURTZ, PLANNING ADMINISTRATOR
KEVIN MAYO, PLANNING MANAGER

FROM: JESSICA SARKISSIAN, AICP, CITY PLANNER

SUBJECT: ZUP13-0002 NORTH PRICE STABLES

Request: Use Permit approval to allow horse boarding for up to 22 horses

Location: 2885 N. Price Road

Applicant: Ed Field

Project Info: Agricultural (AG-1)

RECOMMENDATION

Staff, finding consistency with the General Plan and Agricultural District (AG-1) zoning, recommends approval subject to conditions.

BACKGROUND

The subject site is one of two large-lot, rural properties on the east side of the Price Freeway frontage road south of Elliot Road. To the north are single-family homes. To the east are approximate one-acre single-family lots in unincorporated Maricopa County. To the south, beyond the neighboring rural property, are a residential condominium development and senior living apartments.

The request is for Use Permit approval to continue horse boarding for up to 22 horses. A Use Permit for horse boarding was approved in 2009 for up to 22 horses and extended in 2010 for a 3-year time period. According to the applicants, horse boarding has occurred on the property for most of the last two decades. The boarding was not legal previous to the 2009 approval, but it had not come to the attention of enforcement personnel until complaints were made in 2008 about barking dogs on the property. A previous renter had also conducted illegal dog breeding, however the renter whose dogs generated the complaints vacated the property in 2009 before the Use Permit was approved. Dog breeding is not part of the subject request. The property is rented out to residents who operate the horse boarding operation.

The site has a single-family house near Price Road, a yard and stables in the middle of the property, a lighted riding arena behind the stables, and approximately two acres of grass pasture in the rear. Pick-ups and drop-offs occur in the driveway adjacent to the stables and the house. The riding arena is watered down prior to riding activities.

The site is zoned Agricultural District (AG-1), which allows up to two horses to be kept by right per 35,000 square feet of lot area (equivalent to nine (9) horses on the subject site). A Use Permit is required to exceed the Zoning Code maximum number of horses. Additionally, the AG-1 district does not allow for horse stables such as proposed on less than 10 acres without Use Permit approval.

HISTORY

The property and others along Price Road were annexed in October of 1974 as part of a larger annexation in which the property was brought in with like zoning of AG-1. Both the residence and stables/office were built previous to this annexation. The first Use Permit was approved in 2009 for a 1-year time frame. The Use Permit was extended in May of 2010 with a 3-year time frame. The 2010 Use Permit put in place conditions relating to the complaints by the adjacent property owners to the south regarding dust and odor control. Since then the site has come into compliance with the Maricopa County Air Quality Department Regulations and there have been no further violations or active complaints on the site. A water system was installed in the arena area and the proper machinery is now on site to properly distribute the manure into the pasture and arena areas. Decomposed Granite was also added to the driveway and parking areas as a dustproofing measure for the site.

DISCUSSION

Staff finds the proposed horse boarding use to be appropriate at this location provided that it is managed well, as it apparently has been over the past few years with improved dust control as demonstrated by 3 separate unannounced Staff visits which did not provide evidence of any violations, Staff contact with the Maricopa County Air Quality Department which provided six different dust complaints of which were investigated and turned up no violation and that Staff has additionally received no complaints for this facility during the most recent Use Permit period. At a recent unannounced site visit, the property was found to be clean with no obnoxious odor with facilities in place to manage dust. The recommended condition limiting the Use Permit to five (5) years would allow for continued monitoring of proper dust and traffic management. Though the applicant strongly prefers that no time limit be place on the Use Permit, Staff believes it is advisable to have a time limit due to the strong reliance on good management.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed according to the provisions of the City of Chandler Zoning Code.
- A neighborhood meeting was held on March 7, 2013 at the applicant's other property a few miles to the northeast. Besides the property owner and the renters, the southern neighbor attended who expressed concerns over dust and view of the hay and materials stored adjacent to the common property line. Letters from this neighbor are also attached.

- Staff received calls from neighbors at 2951 W. Marlboro, Keith Bontrager and 2644 W. Gregg Dr., Tim Klein, who said they were unable to attend the hearing but are in support of this use permit as they loved keeping the agricultural use on the site and loved hearing and seeing the horses.
- Staff also received a call from Martha, the daughter of Ed and Kathryn England and Ed England who reside directly to the south. They expressed continued concern over the dust and visual impact the site has on their property. They are not opposed to the Use Permit, but wish the site would be cleaned up more along their property line due to devaluation concerns and the visual impact from their house.
- The applicant forwarded two letters they received from nearby neighbors at 2727 N. Price Rd. #12, Debbie Santa and 2963 W. Marlboro Dr., Sonya Poarch, whom are in support of this use permit.

RECOMMENDED ACTION

Staff, upon finding consistency with the General Plan and Agricultural District (AG-1) zoning, recommends approval of ZUP13-0002 NORTH PRICE STABLES subject to the following conditions:

1. Substantial conformance with approved exhibits (Site Plan, Narrative) except as modified by condition herein. Expansion or modification beyond the approved exhibits shall void the Use Permit and require new Use Permit application and approval.

2. The Use Permit is non-transferable to any other location.

3. The number of horses shall be limited to 22.

4. Riding activities shall be limited to a maximum of three days per week.

5. Riding activities shall cease by 9:00 p.m. each night.

6. The site shall be maintained in a clean and orderly manner.

7. The riding area shall be watered down prior to riding activities.

8. The Use Permit shall remain in effect for five (5) years from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.

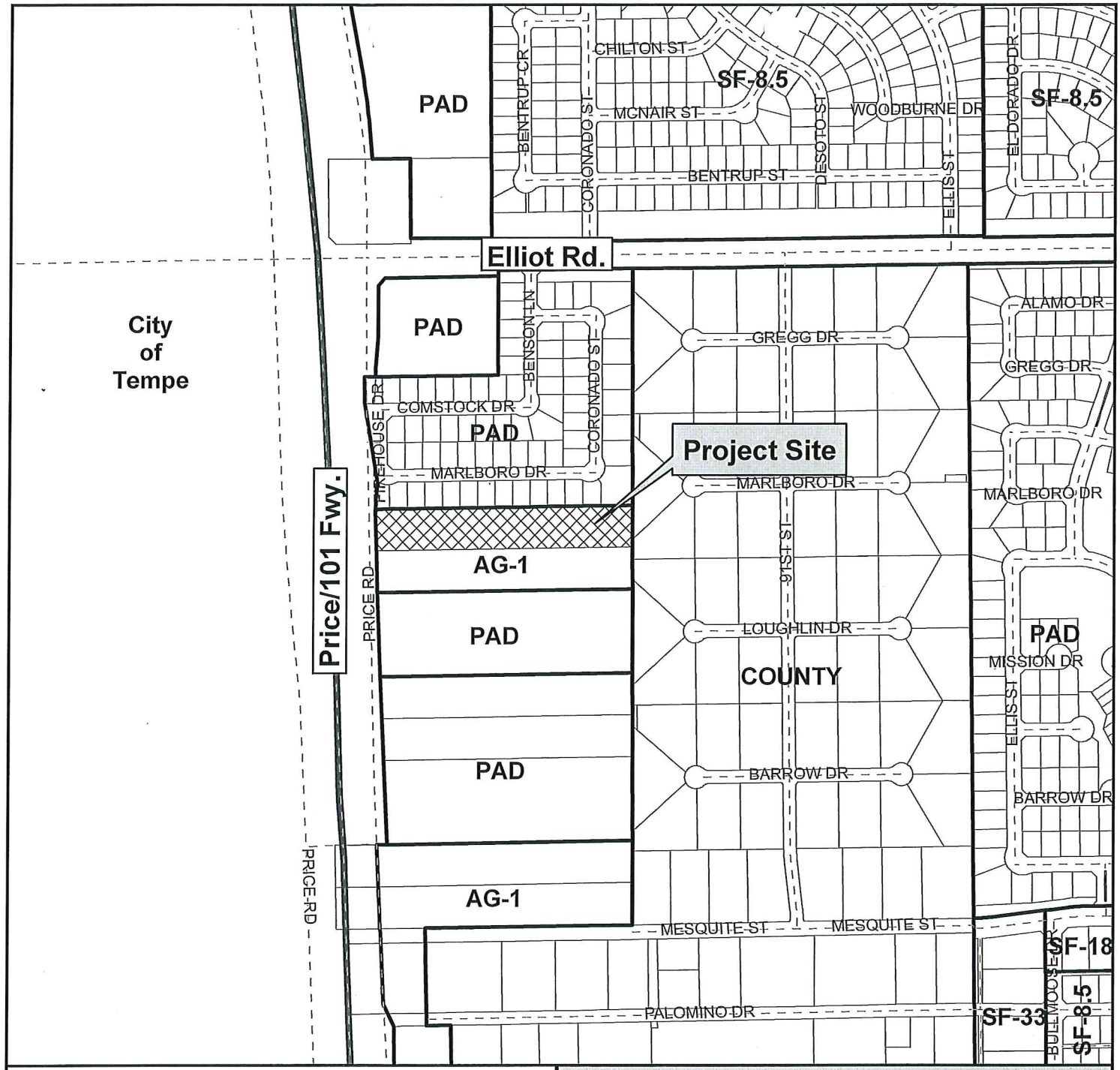
9. The property shall remain in compliance with any applicable Maricopa County Air Quality Department regulations.

PROPOSED MOTION

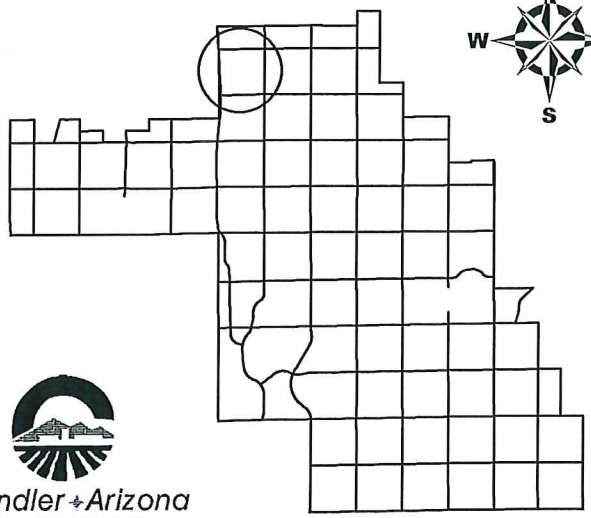
Move to recommend approval of ZUP13-0002 NORTH PRICE STABLES subject to the conditions recommended by Staff.

Attachments

1. Vicinity Maps
2. Site Plan
3. Narrative and Application
4. Photos
5. Community Letters



Vicinity Map



ZUP13-0002

North Price Stables

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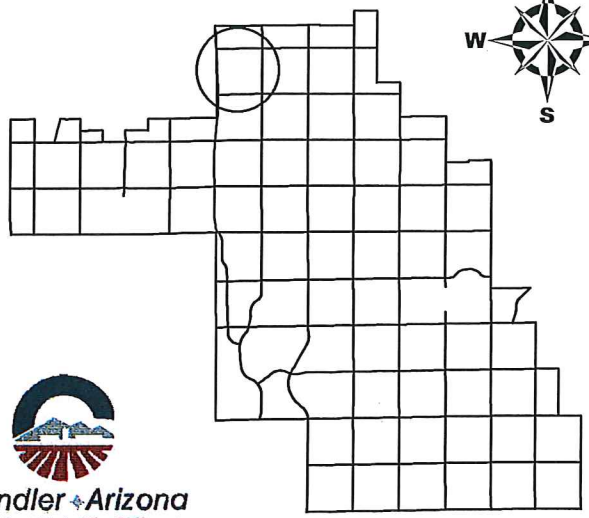
CITY OF CHANDLER 2/12/2013

Vicinity Map



Chandler Arizona
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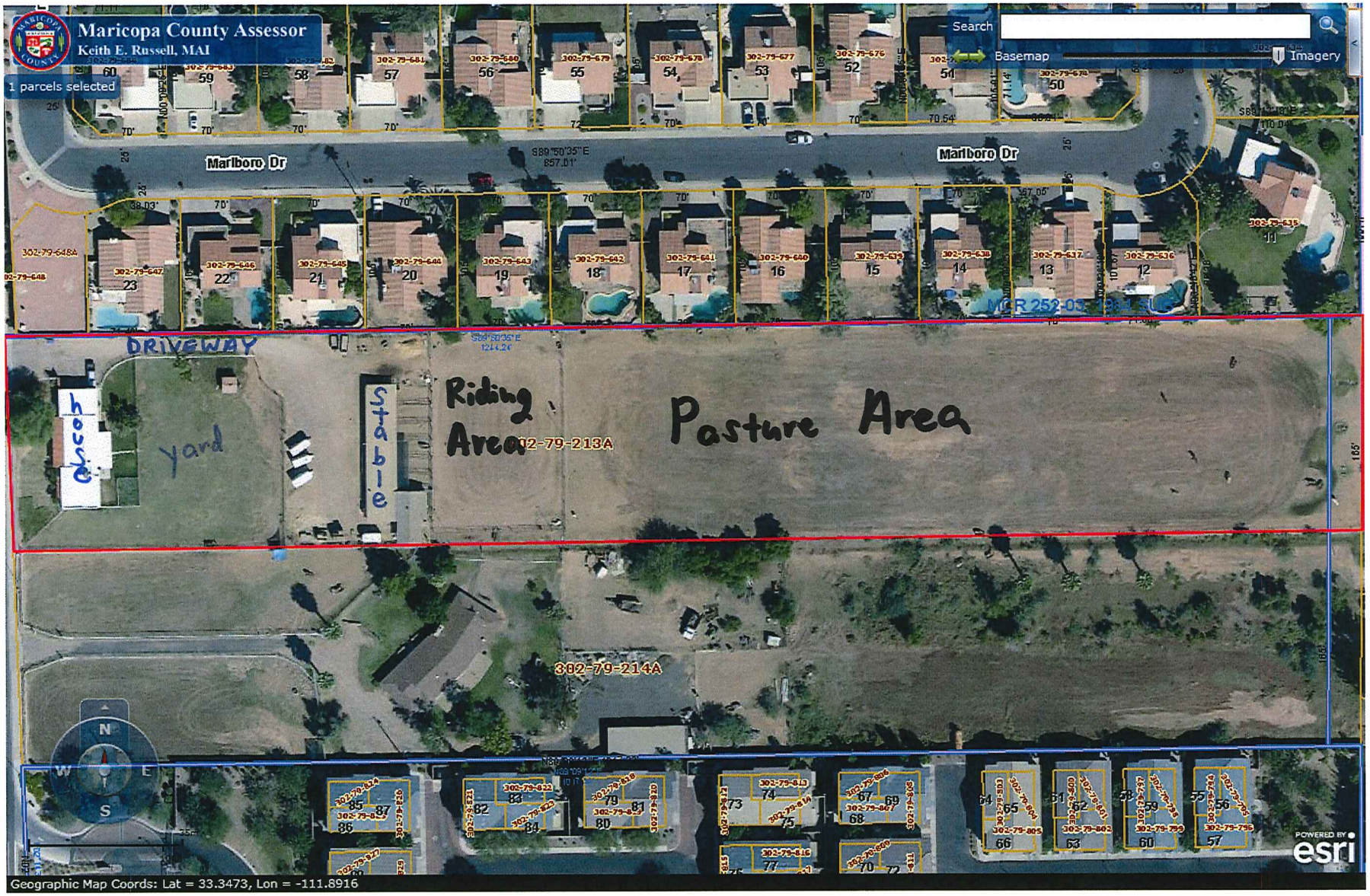
ZUP13-0002

North Price Stables

CITY OF CHANDLER 2/12/2013


Maricopa County Assessor
Keith E. Russell, MAI
1 parcels selected
Search
Basemap
Imagery
Marlboro Dr
Marlboro Dr
DRIVEWAY
house
Yard
Stable
Riding Area
Pasture Area
302-79-213A
302-79-214A
Geographic Map Coords: Lat = 33.3473, Lon = -111.8916
POWERED BY esri

SITE PLAN

January 28, 2013

Jessica Sarkissian, AICP, LEED AP
City Planner
215 East Buffalo Street
Chandler, AZ 85225
Fax 480-782-3075
Office 480-782-3056

Dear Jessica,

We are applying for an indefinite extension of the "USE" permit (#ZUP10-0011) to allow various tenants to continue boarding up to 22 horses at our property at the following address:

NORTH PRICE STABLES
2885 N. Price Road
Chandler, AZ 85296

We received approval for the three year use permit on May 27, 2010 and have met all of the conditions that were attached to that permit.

We will comply with the requirements of a notice to surrounding residents and hold a meeting. Can you supply me with address labels?

Sample letter attached,

Please feel free to contact us for any additional information you may need.

Sincerely,

Marshall E Field

Ed Field and Irene Pine-Field
Owners of 2885 N. Price Rd.

The Heart of the Matter, PLLC

Shawn M. Rodrigues, LPC

What is Equine Assisted Psychotherapy?

- Incorporates horses experientially for emotional growth and learning.
- Uses a team including a licensed therapist, horse professional and a horse.

Why horses?

- Horses are large and powerful. This creates a natural opportunity for many individuals to overcome fear and develop confidence.
- Horses can be intimidating. Accomplishing a task involving the horse creates confidence.
- Horses are social animals. Like humans they have defined roles within the herd.
- They would rather be with their peers.
- They have distinctive personalities, attitudes, and moods.
- An approach used with one horse may not work with another.
- They can be stubborn and defiant, patient and cooperative.
- They like to have fun… horseplay.
- Horses require work. A welcomed challenge in a world of immediate gratification.
- Horses live in the moment and respond to non-verbal communication.

What EAP is:

- Solution focused- assumes a belief that our clients have their own answers, and those answers are what is best for them.
- Experiential – activities are structured and chosen specifically to require the client to take initiative, make decisions and be accountable for results.
- Actively engaging intellectually, emotionally, socially and/or physically.
- An opportunity to explore and examine personal values.
- A safe place to "think outside the box" and define/redefine what success means.
- Unpredictable – may involve success, failure, adventure, risk-taking and uncertainty.
- A safe place to explore how relationships are developed and nurtured.
- A journey… while tasks are given, it is the journey not the completion of the task that is the focus of a majority of our observations.

What EAP is not:

- EAP is not horsemanship – we are not looking for the "right" way to accomplish a task.
- Focus is on human skills, not horse skills.
- While information about horses will be conveyed in the process, our goal is not to educate about horses.
- EAP is not talk therapy – there may be very long periods of quiet during a session.

How can I be supportive during and after a session? (For those offering support)

Please do…

- Quietly observe
- Following the session ask "what it was like to… (activity of the day)" or "what did you notice when… "
- Refrain from judgment statements or "why" questions
- Trust the process

*Content adapted from *Fundamentals of EAGALA Model Practice* manual published by the Equine Assisted Growth and Learning Association. For further information please visit www.eagala.org

January 28, 2013

To: Jessica Sarkissian
City Planner

I have attached the information to seek an indefinate application for the USE PERMIT (#ZUP10-0011) at North Price Rd Stables.

If you need more information let me know. If I am to hold another neighborhood meeting, I will need the addresses.

Thanks for your help.

Ed Field
480-363-3308
edheber@cox.net

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RECEIVED
JAN 28 2013
By

Use Permit Application

If the property owner is not filing the application, please complete the attached Letter of Authorization for an applicant or project representative to file the application.

Project/Business Name NORTH PRICE STABLES	
Property Location/Address 2885 N. PRICE RD	**City, State, Zip Code** CHANDLER, AZ
Legal Description	**Assessor's Parcel Number(s)** 302-79-213A
Proposed Use (e.g. single family, multi-family, retail, office, etc.) HORSE BOARDING	**Gross Acreage** 4
Property Owner(s) MARSHALL E. FIELD J. IRENE	**Contact Person** MARSHALL "ED"
Mailing Address PO BOX 164	**Phone Number** 480-969-5405
City, State, Zip Code MESA, AZ 85211	**Email Address / Fax Number** EDHEBER EMAIL edheber@COX.NET
Applicant/Firm Name Same AS ABOVE	**Contact Person**
Mailing Address	**Phone Number**
City, State, Zip Code	**Email Address / Fax Number**
Signature of Property Owner or Representative Marshall E Field	**Date** 1/28/2013

For City Use

Date Filed	Application No.	Planner
1-28-13	ZUP13-0002	Jessica

ZUP13-0002

taken 2/28/2013

ZUP13-0002

taken 2/28/2013

ZUP13-0002

taken 3/7/2013

ZUP13-0002

taken 3/7/2013

February 22, 2013

Greetings:

My name is Debbie Santa and I live at 2727 N Price Rd #12 (Tre Allagio), Chandler, AZ 85224. I have lived here since its inception in 2007. I love waking up in the morning, to the sound of the soft whinny of the horses next to my property. On my walks every day, I pass the horses and stop at the fence to enjoy the beauty and magnificence of these animals. They enhance our neighborhood and bring a little nature to our highly automated world. Please allow the owners of this property to continue their "USE PERMIT" and let us continue to enjoy the lovely, calming effect that these wonderful animals bring. There is no greater joy, than to allow nature into your life.

Sincerely,

Debbie Santa
Tre Allagio
602-397-9197

2963 W. Marlboro Dr.
Chandler, Arizona 85224
March 01, 2013

Mr. + Mrs. Ed Field
744 S. Morris Circle
apt. A
Mesa, Arizona 85210

Dear Mr. + Mrs. Field:

This is a letter Supporting The Renewal of The Use Permit to Board Horses on the property of 2885 N. Price Rd.

Hopefully, The Renewal will be a Permanent and Forever Renewal to board as many horses as the owners of the property wish.

In addition to that, burros, goats, chickens, and roosters are also welcome to be there, too!

Sincerely,

Mrs. Sonya L. Rasch

North Price Road Stables
Kathryn P. England
to:
Jessica.Sarkissian
03/07/2013 12:58 PM
Hide Details
From: "Kathryn P. England" <k2m3a1@hotmail.com>

To: <Jessica.Sarkissian@chandleraz.gov>

To Whom It May Concern,

I am writing this letter to voice my concerns in the North Price Road Stables, as I am the immediate neighbor to the south located at 2845 N Price Road (302-79-214A). This property is my home; I have owned this property since 1968. These concerns are being brought to the City of Chandlers attention as concerns that are specifically related to my personal health, my home and personal investment, these concerns are in no way directed at the renters of the property Shawn and Brandon Rodriquez.

When the "temporary "special use permit was granted for the North Price Road Stables by the City of Chandler there were concerns voiced at this time. Certain stipulations or expectations were reviewed and expected. These expectations are not being followed. This is directly affecting my quality of life as well as the appearance and value of my property. I am requesting that the City of Chandler Review Panel review my concerns and make a site visit to my property to be an eyewitness of my concerns.

The North Price Road Stables has encompassed the shared property line with stacks of hay approximately 10 - 12 feet in height, littering the property line with unorganized old gates, trashy buckets, boards, pallets, scrap metal, ply wood this makes the view when driving into my home unacceptable . This is a great disappointment and saddens me that my home of 40 plus years I can no longer enjoy and take pride in due to the North Price Road Stables as I feel no one should step out their front door of their home and have the view I do. I invite the City of Chandler Planning team to visit my home and be an eyewitness to this. The zoning of our home is agriculture; this zoning is not provisioned to allow residence or businesses to take advantage of their neighbor's homes.

It was stipulated that a water system was to be installed in the riding arena and to be run before riding takes place in the arena. This stipulation is not being followed. As a result my home is encompassed with dust. This affects my homes internal appearance with dust as well as the exterior with my patios being filled with dust. Along with the quality of dust control and my personal health and breathing, I am currently under doctor's care for breathing and lung health aliments. This dust does directly affect my lungs and breathing.

A proposition I would like reviewed is that a designated area be identified on the property that all the vehicles, stored horse trailers, stacked hay and stable related material (i.e. saw dust, manure) be located in a designated area on the property. Not all to be stored in the front view of my property, there is sufficient space available at the rear of the property. Another option is that the stored horse trailers be moved to a professional storage unit in the city where asphalt parking is provided.

Classes are held at this location the parking area provided is located in a dirt area. I am requesting this be reviewed. The parking area for these classes and appointments being held needs to be asphalt to alleviate the additional dust problem. Other businesses in the City of Chandler are required to have a paved parking area. These classes are not directly associated with the boarding of horses they are associated with the renters personal business.

There has been discussion of additional horse shades and pens being built on the property. The City of Chandler stipulates 120 sq ft or more must be constructed with a building permit. I want to be ensured that any additional building of pens or shades be reviewed and approved through the City of Chandler building permit process.

The owner of the property (Ed Marshall Fields) that the North Price Road Riding Stables is located on does not live at this property nor to my knowledge does he participate in the stable day to day operations. The pride in ownership of this property is being greatly ignored.

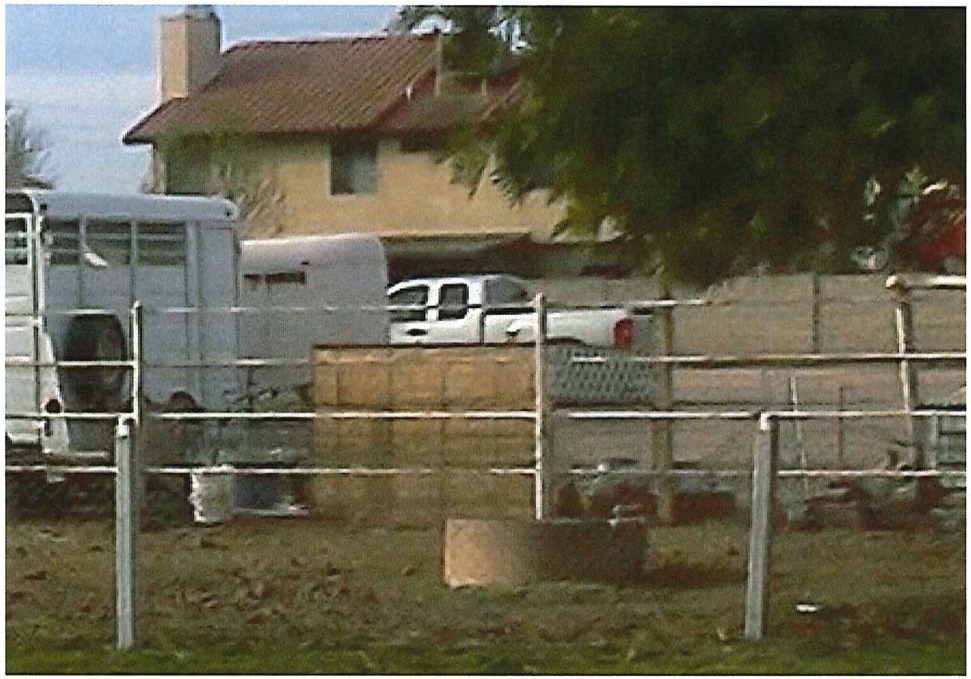
I have enclosed pictures of the unsightly property line along our home and the North Price Road Riding Stables. Please review these pictures, please take the time to be concerned enough about the long time residence and property owners of Chandler, Arizona to make a site visit to this area and view the property from the surrounding neighbors and put yourself in our positions. Would you be happy with this operation outside your front door? Home Owners Associations, although we do not have one at our property location, do serve their purpose. When there is not a HOA the residence of Chandler must rely on their public officials to protect their homes, personal health and investments, please review this case and make a professional decision for all residence and property owners in the City of Chandler

In addition, I did attend the City Of Chandler neighborhood meeting on March 7, 2013 to voice my concerns as well as attended the first meeting voicing my concerns when the special use permit was initially applied for.

Thank you for your time in the review of this matter.

Sincerely,

Kenneth L. and Kathryn P. England
Property/Home Owners
@2845 N Price Rd, Chandler Az.



Re: North Price Road Stables
Kathryn P. England to: Jessica.Sarkissian 03/08/2013 07:11 AM
Cc: patrick.mcdermott

From: "Kathryn P. England" <[redacted]>
To: <Jessica.Sarkissian@chandleraz.gov>
Cc: <patrick.mcdermott@chandleraz.gov>

History: This message has been forwarded.

Good Morning Jessica,

Thank you very much for your attention to this matter, it is greatly appreciated.

I did attend the neighborhood meeting yesterday. It was an extremely emotional and somewhat bullying experience. I would like this also added to the packet for the Commission and Council to review. The Chandler Neighborhood Meeting announcement was posted at the North Price Road Stable property, it stated the location of the meeting as 744 S Morris Circle, Apt A, Mesa, Arizona and the time stated 6:00 pm. Upon arrival Irene (Ed's wife) came out and announced the meeting would not start until 7:00 pm, Ed quickly came back out and said no it will start at 6:00. I question why a City of Chandler neighborhood meeting is held in Mesa, several miles from the neighborhood and at a individuals home that does not reside in the neighborhood? The only participants were Ed, Irene, the renters of the property Shawn and Brandon, my husband and myself. I read the letter provided to the City of Chandler Commission and Council, at the completion of my reading my concerns, Irene shouted at my that I was nothing but a trouble maker, my voicing my concerns would come back to cause me trouble and jumped from her chair and began approaching me an a very aggressive manner. Ed stepped in her way and stopped her and spoke to her many times to stop! Ed then said the meeting is adjourned, and told us to leave.

I question if the location and bully behavior that I was subjected to is not a intimidation factor so I will sit quietly and allow the North Price Road Stables to take advantage of my property and health? I recommend that the City of Chandler Neighborhood coordinator get involved for any future meeting that will include Irene for the safety and respect of the neighborhood residents. I also recommend that future meeting be held in the geographic proximity of the neighborhood to encourage better participation.

In relation to the building of additional pens, a shade was in the process of being built on the fence line in my back yard area and I went out and asked Brandon " why don't you put the shade on the north side of the property where the neighbors supported your stable at the original meeting?" There has been no more progress in the building of that shade. The front of my yard and property lines is encompassed with the stable materials and hay stack and now it is moving to my back yard area. I have no choice but to speak up or shortly my home will be closed in by the North Price Road Stables. Possibly we need to revisit the zoning if this is the case.

Thank you very much Jessica, I appreciate your assistance.
Have a nice day,
Kathryn and Kenneth England

From: Jessica.Sarkissian@chandleraz.gov
Sent: Thursday, March 07, 2013 4:00 PM
To: Kathryn P. England
Subject: Re: North Price Road Stables

Thank you for your comments. I will include them and the pictures in the packet for the Commission and Council to review.

Upon further review of the site, I do not see a horse shade or structure being built and I was wondering which location on the property you are referring to. I understand they improved the inside of an existing structure for a water pump on the north pasture, but I don't see anything that would require permits at this time. Please let me know if you see any new construction and where on the property it is so I can contact an inspector.

I also saw and took pictures of the hay stack you mentioned measuring 10+ feet in height. I checked with the zoning insepctors on this matter and the AG-1 zoning distrcit does not entail a maximum height requirement or distance seperation for storage onsite in that district unfortunatly. The AG-1 distrcit allows alot of flexibility for the use on site due to the agricultural background of the zone for storage of machinery used and materials that are in direct relation to the agricultural (horse) use. This actually follows true as well for the Pellet Silo on your southern wall as it is not considered a building but a storage facilty ancillary to the agricultural use. So unfortunalty I have no ability to require movement of those uses. I could only suggest that a mutual agreement between the landowner/ leasor and you could be made, possibly at the neighborhood meeting or hearing. If one is made, it could be added by the Commission or Council upon an equal agreement.

I will also be attaching my new pictures to the packet showing the closeness of the materials and hay stack to your property so the Commissioners can better see just how close and high it is. Although it is allowed by right in the district, you can always still ask for a stipulation and see what happens.

Thank you for the detailed information on this case and history.

Jessica Sarkissian, AICP, LEED AP
City Planner
City of Chandler Transportation & Development Department
Planning Division

office 480-782-3056, fax 480-782-3075
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Chandler, AZ 85244-4008

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215 E. Buffalo St.
Chandler, AZ 85225

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