

MINUTES

P & Z COMMISSION HEARING

6/27/19

ATTENDANCE

P & Z Commissioners

ATTENDED:

1. Ruth Ann Smith
2. Chuck Howe
3. Wendell DeCross
4. Chuck Teetsel
5. Randy Murph
6. Rodger Rhoades
7. Brian Shields

ABSENT:

1. Nick McVicker

STAFF ATTENDANCE:

1. Sandra Phillips
2. Cody Cooper
3. Kristyn Saunders
4. Jeanine Carruthers
5. John Osgood

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona –
Time: 6:00 to 7:28

Chairman Chuck Teetsel called the meeting of the Navajo County Planning & Zoning Commission to order and explained the meeting procedures to the public. **Mr. Teetsel** then led the pledge of Allegiance. He also introduced **Brian Shields** and **Rodger Rhoades** as new commissioners.

ITEM #1 – CASE #19-39 SPECIAL USE PERMIT, DISTRICT IV: Discussion and possible action on a request by Mark Dahl to construct and operate a storage facility accommodating RVs and boats within a 2.3-acre portion of APN 206-15-025 & 206-15-010A, a portion of Township 12 North, Range 17 East, Section 29 of the Gila and Salt River Meridian in the Overgaard area.

Ms. Phillips introduced the project to the Commission; She detailed that the area is and between highway 277 and the Oklahoma Flat, the location would be adjacent to the south side of Highway 260. The property has split zoning, the front 300 feet from the center of the road is zoned C-R and the rest in the back is R1-10. The applicant owns a home on an adjacent parcel to which access currently exists and will have a shared driveway. The applicant needs to create a shared driveway easement agreement, so a new outlet will not need to be constructed. The property will not need to be cleared, cover for the storage is not proposed, the ground will be covered with gravel, remote cameras will be placed, and Staff is recommending a seven-foot solid fence around the property. The applicant is familiar with this type of business and is currently running another storage facility in the town of Anthem.

One of the requirements is that the lot line be adjusted so that there is no longer a divide for the project, she then showed the commission where the postings were posted, noting where residences in the area were located.

Commissioner DeCross asked when the postings had been placed, as he had not seen them in his drive-by of the area that day. Sandra stated that they had been posted a couple weeks ago. There are no objections from staff, and has not received any public comments for, or against the project. The applicant was available to speak.

The Chairman called the applicant Mark Dahl to the stand and asked if he had anything further to add to staff's presentation. Mr. Dahl just wanted to add that their overall goal for the frontage of the property is to apply landscaping with grass and aspens as coverage to improve curb appeal in addition to the fence, which would be wooden and maintained.

Commissioner Howe asked how they planned to water everything. The applicant replied that they planned to water the greenery via irrigation drip system or through a sprinkler system and wished to keep it light as they were on a shared well.

The Chairman asked about their Anthem location, if the city had asked them to apply greenery or if they had done it on their own. The applicant replied that they merely maintained what was already in place.

The Chairman asked if staff had gotten comments from the local fire department, Sandra replied that they had not, but comments could be obtained if needed. **Commissioner Howe** asked if they had plans to add in a fire hydrant, the applicant replied that the original plans did not include a fire hydrant, but this could be altered easily as the propane business across the street had a hydrant, and they could simply tie into the water main. He also noted that the Fire Department was four blocks up the street.

Commissioner DeCross asked about the gate that was currently on the property, asking if that gate would be the only gate used, and about the driveway, wanting to ensure that there was enough clearance to keep highway 260 free of obstructions while customers were turning into the facility. Mr. Dahl told the Commission that there was a plan to have a secondary gate that was electronic, with a keypad. The first gate would be open during business hours. **Commissioner DeCross** asked for the distance from the first gate to the pavement, the applicant said it was about 75', a customer would be able to pull in with a 40' trailer being hauled by a 20' truck would still have 15' of clearance and be able to pull in without any issue and get the gate open if needed.

The Chairman asked how much linear fencing would be parallel to the highway, and the applicant asked for a moment to confirm on their plans, which turned out to be 450, and Sandra noted that staff was stipulating it be a solid fence that could not be seen through. The applicant said they were planning on a wooden fence. **Commissioner Smith** noted that if not properly maintained a wooden fence was just as bad as chain-link, Mr. Dahl agreed and assured her that they would have annual maintenance for the fence in the hopes that the greenery would fill out and take over the screening needs with time.

The Chairman asked for any further questions from the commission, and then from the audience, and Mr. Doug Brimhall approached to speak, stating that he is the engineer

for the project, and commented that they are acquiring an ADOT easement encroachment permit for adjusting the entrance. Sandra clarified that one of staff's requirements is that they meet State requirements.

The Chairman called for a motion. **Commissioner DeCross** made a motion to recommend approval to the board. **Commissioner Murph** seconded the motion. Motion carried unanimously.

ITEM #2 – CASE #19-40 ZONE CHANGE, DISTRICT IV: Discussion and possible action on a request by Daniel Miller & Sheryl Filliater for a Zone Change, from existing R1-10 zoning on a 1.20-acre parcel to RU-1 zoning on APN 206-02-047A, a portion of Township 12 North, Range 17 East, Section 30 of the Gila and Salt River Meridian in the Overgaard area.

Ms. Phillips relayed the request to the commission, noting that it was to the south of Pine Rim road, there's several lots that had been split and made into a congested area; according to information gathered by the applicant, when the lot was originally being developed the previous owners had first put up a small garage with living quarters to stay on the lot while they built up the primary dwelling. This was permitted back when the development was taking place, and the property has since been sold as-is. The current owners are seeking to bring this into compliance with the ordinance.

Staff has received several questions from the public due to the proximity of the zone change, staff does not see any impact on the neighborhood as it's already there and they're just wishing to fix an issue on the paperwork end. Sandra stated that if the zone change was granted by the Board of Supervisors they would go before the Board of Adjustment to get a Use Permit. Sandra also stated that they were going to recommend denial based simply on the fact that it created spot zoning, even though it appeared this was the best course of action.

The Chairman then asked if the applicants wished to speak. Sheryl Filliater and Dan Miller approached the commission to talk about why they were requesting the zone change; when they purchased the property seven years ago they did not know that the property was out of compliance. They had since they bought the property applied for two building permits, the first for a carport went through without issue and it wasn't until they applied for this most recent permit to put build a covering for over their RV that they found an issue with the "game room" possibly falling into the category of a guest home. Sandra had suggested to do a zone change and a use permit to allow the guest house.

Commissioner Rhoades asked about giving special consideration to that lot, and not granting this to other lots in the neighborhood. Sandra explained that this was what staff felt met the needs of the ordinance as well as the applicant.

Commissioner DeCross asked about removing the bathroom, Sandra noted that she felt it wasn't necessary as workshops could have wash-up areas, and **Chairman Teetsel** further asked if it was a metal work shop or craft room or ceramics shop that needed a kitchenette if that would have made a difference to this issue. Sandra noted that this was a difficult subject, and as it was when people wish to build a garage before the residence for whatever purpose that might be, they have been asking that owners put in a kitchen and a bathroom to make the garage a "Primary Dwelling" and then remove the kitchen to bring it back into compliance once they have their actual house in place.

Commissioner Howe appreciated the applicant's willingness to "come clean" and said they were having a difficult time because they wanted to be careful about setting precedent.

Commissioner Smith asked the applicant if the "guest house" was being used as a guest house. The applicants replied that it has not, it was more of a game room for their pool table and they watch TV out there; even if family comes up to visit it's not used as a sleeping quarters, as there is no heating or A/C, and they have no plans to ever rent it out.

Commissioner Smith said they should probably just take the kitchenette out of there to bring it into compliance and asked if Staff had offered that option to keep the spot zoning off the table. Sandra noted that she had not thought of that option as they were trying to preserve the current uses of the structure. Furthermore, the applicants said they bought the house as it is because they liked it as it was, and they would like to move forward with the process to try and keep the kitchenette. If the Board of Supervisors decides to not grant the zone change, they will remove the kitchenette as a plan B to bring the structure back into compliance.

The Chairman asked the audience if there was anyone willing to speak in favor or against the zone change, finding none he called for a motion.

Commissioner Howe made a motion to recommend approval to the board with the listed conditions, and that Staff also recommend approval. **Commissioner Smith** seconded the motion. Motion passed, unanimously.

~~**ITEM #3 – CASE #19-44 AMEND MINOR LAND DIVISION ORDINANCE:** Discussion and possible action on a request by Staff to change a portion of the Navajo County Minor Land Division Ordinance from any 10-acre parcel resulting from a split triggering the process to any 20-acre parcel resulting from a split triggering the process due to the largest Navajo County Zoning District being 20-acre minimum.~~

~~*Pulled by Staff.*~~

~~**ITEM #4 – CASE #19-45 AMEND ACCESSORY STRUCTURE SETBACK AND SIZE REQUIREMENTS:** Discussion and possible action on a request by Staff to change required setbacks for accessory structures and size of accessory structures that require building permits.~~

Ms. Phillips presented to the Commission a change in the Ordinance concerning accessory structures and said that they simply wanted to strike out a portion of the ordinance to simplify the rules and set a standard going forward. As things currently are, you can almost put anything anywhere, even though staff recommends three feet from the property lines for fire safety.

Commissioner Smith asked if this was for all zonings or just one, Sandra said it would apply to all.

Commissioner Rhoades commented that he sympathized as he experienced some pushback from people within his subdivision when they defaulted to county setbacks, which currently allows up to the property line. Staff has been requesting 3 feet from the property line because this is what the local fire departments ask for clearance.

Commissioner Smith stated that she was not comfortable with this and felt it was infringing on property rights, and that it was not fair to property owners that because one person abuses the ordinance, they seek to restrict everyone from developing their property as they wish. **Chairman Teetsel** also agreed that he was struggling with this because he can see both sides of the argument. **Commissioner Smith** said HOAs are there for a reason, but they should not apply HOA rules to entire County, and felt it was too restrictive to apply to people living in unincorporated areas of the County, as that was why they were buying rural land in the first place, because they wished to develop their land as they saw fit, not conform to blanket rules that do not take topography or unusual conditions of property into consideration.

The Chairman asked if public comments have been that big an issue to staff, if there was a pressing need for this change. Sandra said that she's received several complaints for this and she views it as a public safety issue, she feels it is a building and should be put into building setbacks regardless of size.

Commissioner Smith said this wasn't really going to solve the issue of public safety because if there was space it would be filled, either with weeds or non-building materials and did not feel that this was a good solution to what she felt was a problem best handled at the neighborhood HOA level.

Chairman Teetsel asked if there were more questions for staff and having none called for a motion.

Commissioner Smith motioned to deny the change to the Ordinance. Second from **Commissioner Murph** Motion carried, (Teetsel, Smith, DeCross, Murph) **4 – 3** (Howe, Shields, Rhoades)

ITEM #5 – CASE #19-46 ASSISTED LIVING ORDINANCE: Discussion and possible action on a request by Staff to adopt an assisted living ordinance.

Ms. Phillips stated that they are presenting this to the Commission so that they have more communication with applicants that wish to run an assisted living home, so that such matters can be brought to the public in an orderly and well-informed fashion.

Staff then read through the proposed requirements, for definition purposes. Their goal is that if there are 10 or more adults a facility will be defined as an assisted living development and it helps the county require them to meet ADEQ requirements. What they are presenting is in line with state statues.

Chairman Teetsel asked about benefits and potential consequences of this addition to the Zoning Ordinance. Mr. Cooper first clarified this would not affect homes for the developmentally disabled. As it currently stands there are no definitions for any form of care facilities. The addition of these regulations would allow for review to prevent conflicting land uses.

Chairman Teetsel noted that he found there to be many classifications for facilities with this addition that seem to be confusing.

After some further discussion about the ordinance and clarifications, the Commission decided that staff should continue refining it, as it felt incomplete.

Commissioner Howe made the motion to continue refining the ordinance as initiated and presented.

Commissioner Smith seconded the motion. Motion passed, 6-0

ITEM #6 – POSSIBLE APPROVAL OF MINUTES FROM THE COMMISSION HEARING OF 9/20/18, 3/21/19 and 5/16/19.

The Chairman called for a motion on the approval of 9/20/18, 3/21/19 and 5/16/19 Minutes.

Commissioner Smith wished to abstain from voting on the September minutes.

Commissioner Howe made a motion to approve the all the minutes. **Commissioner Rhoades** seconded the motion. Motion passed, 6 - 0.

ITEM #7 – COMMISSIONER’S COMMENTS AND/OR DIRECTIONS TO STAFF:

Commissioners may use this time to offer additional comments regarding any item on this agenda, or any other topic; and the Commission may direct staff to study or provide additional information on topics of the Commissions’ choosing.

Make standing item include comments from the public

ITEM #8 – REPORT FROM STAFF TO THE COMMISSION:

The Commission reserves the right to change the order of any Agenda item.

The Commission reserves the right to adjourn into executive session when needed pursuant to ARS §38-431.03(A) (3) for legal consultation on the above-described agenda items.

ADJOURN MEETING

With there being no further business to come before the Planning and Zoning Commission, the meeting was adjourned at, 7:28 a motion was made to adjourn the meeting by **Commissioner DeCross**. **Commissioner Howe** seconded the motion. Motion carried.

Approved this _____ day of _____, _____

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Kristyn Saunders
Senior Secretary, Navajo County
Public Works Department