

Gila County Planning and Zoning Commission

February 15, 2007

Approved: March 9th, 2007

1. Call to order/Pledge of Allegiance

Planning and Zoning Commission meeting was called to order by the Chairman, Don Ascoli at 10:13 am. The Pledge of Allegiance was lead by Chairman Ascoli.

2. Roll Call

Commission Present:	Chairman:	Don Ascoli
	Vice-Chairman:	Lori Brown
	Members:	Jay Spehar
		Renee Zeising
		Ron Christensen
		Travis Williams
		Jack Larimore
		Mickie Nye
	Absent:	Mark Famusa

Chairman introduced Mickie Nye as the new Commissioner

3. Review and Approval of Minutes

Commissioner Ron Christensen moved to approve the minutes of November 2006, motion seconded by Renee Zeising; motion passed unanimously.

4. Director/Commission Communications

Chairman Ascoli welcomed everyone. He further stated that it is always good to have public input as their government works and it is their right as citizens in this great county; and asked that during the public comment portion of the meeting the residents try to keep on track. He stated that he would like to have everyone get the opportunity to speak on either side of an issue but asked that they minimize any repeat of comments.

5. **S-07-02 Preliminary Plat for Canyon River Ranch (Doll Baby Ranch):**

A planned low density, equestrian community on the property known as Simonton Flat (Doll Baby Ranch). This development consists of 116 one acre-plus lots on 155 acres of undeveloped ranch land. Rezoning and Comp Plan Amendment were approved by the Board of Supervisors on October 24th, 2006. Gila County Assessor Parcel 301-46-001A, 301-46-001C and 301-45-001A.

Planning and Zoning Manager/Director, Robert Gould introduced this item to the Commission. He stated that this 159 acre parcel into 116 parcels. The developer, county and Forest Service are currently discussing the improvements to the Doll Baby Ranch Road that will be used for access. They have identified an alternative ingress and egress, it will go around the northern part of the subdivision, down and access on the west side. There will be two ways of getting out.

Staff recommends all but three or four of the lots will be required to building envelopes. Prior to the consideration of the Final Plat, applicant will demonstrate the feasibility of the new road; compliance of water demands, submit the design standards for the Doll Baby Ranch Road, submit the location for the water storage facilities, and shall comply with all stipulations as listed on the staff report given to the commissioners.

After some questions and answers from the Director/Planning and Zoning Manager regarding the roads, the applicant was asked to give his presentation.

Chris Anderson explained the loop road. He asked if the Commission had questions of him; Commissioner Christensen asked about the Doll Baby Ranch Road. Mr. Anderson stated that they are constructing the road to county standards.

Commissioner Spehar asked about the water wells, the City of Payson conducted a study; 3 wells are on the property. Mr. Anderson stated that they are doing a water improvement district and stated that the boundary is the same as the subdivision.

Justin Roylance stated that the water tests include the Simonton Flat area and the Taylor parcel and stated that the hydrology tests show that they have the water. They will pump, store and deliver water.

Commissioner Christensen asked if they were going to be the principals of the water improvement district. Justin Roylance stated that at the beginning they will be on the board, but as they sell lots it will be turned over to the homeowners.

With no public comment, the motion to approve was made by Vice Chairman, Lori Brown to approve with the stipulations as recommended by staff; motion seconded by Commissioner Travis Williams; Commissioner Jay Spehar recommended adding the following stipulation: if the impoundment area isn't dammed the developer will be required to obtain damn safety permits by ADWR.

He further stated that the think about a twenty five year storm event. Robert Gould stated that that is a standard that is followed. With approval from the Commission on the above mentioned the preliminary plat for Canyon River Ranch was approved unanimously.

6. **S-07-01 Preliminary Plat for the Rim Ranch Club (Rancho de Cristo)**: A development of forty five single family parcels and sixteen fractional share cottages. The project will include a lodge and stable for equestrian facilities. Property is located south of Star Valley, AZ. The Gila County Board of Supervisors approved the rezoning (w/stipulations) and Comp Plan Amendment on July 11th, 2006; Gila County Parcel 304-27-001.

Robert Gould, Planning and Zoning Manager/Director, introduced this item. He stated that Staff recommends approval with the following conditions:

Landscape plan w/water conservation methods with no turf areas with the exception of horse pasture.

Open space 15% requirements per PAD Standards are met.

Building envelopes for those lots with 15% or greater slope on the property.

Submit sign plan to show how they intend to provide signage.

Show compliance with county regulations for water supply and demand.

Flood plain delineation with supporting calculations has to be submitted (see 5.5 of the Gila County Flood Plain Ordinance).

Sealed by an Engineer or Land Surveyor registered in the State of Arizona.

Erik Goldman with Cresnet Resources stated they originally had 45 lots and 16 fractional share cottages; they are down to 38 lots and 16 cottages. This project will be annexed into the Rim Golf Club and will have the existing HOA.

With no questions from the Commission or from the public, a motion was made by Commissioner Renee Zeising to approve with stipulations suggested by Staff, Commissioner Ron Christensen seconded the motion; motion passed unanimously.

7. **ZOA-07-01 Amendment to the Planning and Zoning Ordinance on the following sections:** Section 107 Enforcement, Section 108 Permits, Section 108.1 Permit Application and Section 108.2 Permit Validity.
8. **ABCO-07-01 Amendment to the Building Code Ordinance on the following sections:** Section 1 Building Code, Section 2 Title, Section 3 Rules and Definitions, Section 5 Continuity, Section 7 Rules and Regulations, Section 8 Permits, Section 12 Violation and Penalties, Section 15 Redress and Fee Schedule.

Joe Mendoza, Deputy Director/Chief Building Official introduced this item along with ABCO-07-01 together. He stated the current codes had not been updated since 1993. He stated that some of the items currently in the Zoning Ordinance have been moved to the Building Code Ordinance, along with the building permit fees for un-zoned areas.

Mr. Mendoza stated that the current code allows 144 sq. ft. structure be built without permit (does have to meet setback) but the new code will allow 200 sq. ft. structures to be built without permits (but will have to meet setback).

He further stated that the Arizona Building Officials meet between each pro cycle and they determine the amendments Arizona should be making. These amendments were recommended by the Arizona Building Officials.

He continued by stating that he added language to pursue building violations (now that we have the new Civil Hearing Officer Procedure). Also added, that only HUD approved homes will be allowed in Gila County. Manufactured homes prior to 1976 do not meet HUD approval and will not be allowed.

Mr. Mendoza stated that he's been working on this for at least two years. He's mailed notice to every licensed contractor in Gila County, put it in the newspaper/radio and placed notice on the counter that these changes were coming. Two public meetings were held but were poorly attended.

Commissioner Jay Spehar suggested that Mr. Mendoza look at the Enforcement Section where it reads "The inspector shall recognize their limitations based on their authority based on ARS.11.8.30" and stated that it is more than a limitation, it is an exemption for those types of activities and suggested he add "limitations and exemptions" (pg 75 of the Enforcement Section) and duplicating that language in the county section.

Mr. Mendoza stated that that wording has been there forever. He continued by stating that some County Attorneys, county to county, disagree on how far that exemption goes.

Commissioner Spehar explained to everyone that this exemption is in the Planning and Zoning Statute and exempts certain activity for utility companies, agricultural operations, ranchers, and mining companies and possibly others.

Mr. Mendoza stated that the actual statutory language is "restriction on regulation and exceptions" and asked if that would be okay; Commissioner Spehar agreed to that.

During public comment, Mr. Art Rodriguez, local contractor had questions for Mr. Mendoza regarding existing roofs (trusses and heavy shingles). Mr. Mendoza stated that if it is not a safety issue then a lot of times they won't bother with them.

Commissioner Ron Christensen moved to approve the ZOA-07-01 and ABCO-07-01 be approved, motion seconded by Mickie Nye (with Commissioner Spehars changes); motion unanimously approved.

9. **Z-06-08 Rambo, Curtis and Margaret:** Request to rezoning Gila County Tax Assessor Parcel 201-07-008B (.52 acres +-) and 201-07-008C (.41 acres+) currently zoned C3 (Commercial Three) to R1 (Residence One) and Gila County Tax Parcel 201-07-008D (3.65 acres +_) from C3 (Commercial Three) to GR (General Rural-minimum 3 acre parcel). Owner is requesting rezoning to allow residences with horse property. These parcels are located in Tonto Basin, AZ; Sec. 11, T6N, R10E of the G&SRM.

Robert Gould, Planning and Zoning Manger/Director introduced this item to the Commission. He stated that the three parcels are located next to Rambo Realty off of Hwy 188 in Tonto Basin. Gila County Parcel 201-07-008D is encumbered with flood plain. There is a 40' easement that runs from Hwy 188 all the way to 008D. The citizen participation meeting was held December 4th, 2006. Staff recommends approval with no reversionary clause.

Applicant, Margaret Rambo asked if anyone had any questions. No questions.

No comments from the public.

Vice Chairperson Lori Brown motioned to approve rezoning of

Z-06-08, seconded by Commissioner Travis Williams; motion passed unanimously.

Chairman called for a ten minute break.

Chairman Don Ascoli made the public aware that due to the delay of site posting of Z-07-01, the County Attorney determined that the Commission cannot make a determination today, but they will continue with the public hearing and postpone the actual voting of this issue.

- 10. Z-07-01 Globe Pacific Associates (Owner: Mark & Roberta Shellenberger):** Request to rezone Gila County Tax Assessor Parcel 205-24-006N currently zoned R1-D8 (Residence One w/8,000 sq. ft. density) to R3 (Residence Three) to build the Madeira Peak Vista apartments to serve senior and disabled residents. Madeira Peak Vista will consist of 64 individual apartments in nine single-story building with 48 one bedroom units of approximately 550 sq. ft. and 12 two-bedroom units of approximately 750 sq. ft. Parcel is approximately 26.59 acres(+_) north of Saguaro Drive and South and West of Skyline Drive in Globe, AZ; PT S ½ Sec. 34, T1N, R15 ½ E and PT N1/2 Sec. 1, T1S, R15E of the G&SRM.

Robert Gould, Planning and Zoning Manager/Director, introduced this item to the commission. He began by reading the Staff Report. This will have 60 unit apartments with 48 one-bedroom units and 12 two-bedroom units, a community building and swimming pool. These will be one story structures, six 8 plexes and three 4 plexes. The project is estimated to consume 11 acres of the 26.5 acre parcel. Primary point of ingress and egress is Saguaro Drive. Several issues have been brought up during the review process, people are concerned about the building design, they are concerned about landscaping, lighting, circulation (ingress/egress), traffic and fire protection.

Staff finds that this is in compliance with the Comprehensive Plan. The Comprehensive Plan allows 5 – 10 du per acre. He continued by stating that there is concern with the roadway, there are speed bumps, but we also realize that this particular project will probably generate less traffic than what it is currently zoned for. He continued by asking the Commission not approve to re-zone the whole 26.5 acres as requested but request approval for rezoning of the 10 acres, and asked that the zoning not become effective until such time that the minor land division is complete.

Robert Gould continued by stating that he hoped the developer would work with the property owners to figure a design that would work with

the neighborhood. If he would do that, we would look at ways to provide incentives.

He stated that Staff recommends the re-zoning be approved with the following conditions:

Applicant find an emergency ingress/egress prior to submittal of building plans.

Parking lot lighting and other outdoor lighting limit spill over onto residences.

Outside mechanical equipment is placed in a manor that limits the decibels to 50-55 at the property boundary.

That landscaping plan will be used to minimize fire fuel but enhances the over all neighborhood.

The buildings placed will be designed to minimize any institutional appearance.

The applicant will complete the minor land division process to allow the re-zoning of only the 10 acres.

If building permits have not been issued within 18 months we would have a reversionary clause that we would go back to the Board of Supervisors to revert zoning to current zoning R1-D8.

Mark Shellenberger, owner stated that he's owned the property for five years. He continued by stating that because of lack of resources the property has just sat there. He truly believes that the community is in need of senior housing. His mother does not live here because we do not have anything like this; he stated that she hungers for the association with friends. This would be something that she could afford and live in. He closed by stating that each of us has a responsibility to our seniors.

Clay McReynolds spoke on behalf of Globe Pacific Associates. He provided a power point presentation which showed pictures of other facilities. They have 52 management facilities in seven western states with another 10 being constructed.

He stated that there will be a secondary access; 44' dedicated access off of Saguaro (two 20' wide lanes with a medium between).

Ocotillo has the nearest fire hydrant and s 1219 GPM; Saguaro's is 1020 GPM with the anticipated flow of 12-1500 GPM.

The Commission asked several questions of Mr. McReynolds and Chairman Don Ascoli ask if he was correct in understanding that this was not assisted living; to which the answer was yes, it is not assisted living.

Mr. Bill Orth had several questions of the developer.

1. Are the utilities free.

Answer: No, they are not. The water, trash and sewer are paid by the development. Electric and gas are paid by the tenant.

Then he explained the way the rent is determined.

2. ADOT states that there were two accidents during construction.

Mr. Orth asked if there were two accidents during construction or was that two accidents for the entire year.

Answer: During a five year period there were only two accidents. Those accidents were at or near the intersection during construction.

3. Is there an Arial view to see if it is congruent and similar to the rest of the homes and in the bottom of a canyon.

Answer: Not sure if there are any Arial photos and he will have to look to see what the topography is around existing developments. He further stated that if approved they would like to give the neighbors any opportunity for input and to express concerns. He stated they would be pleased to do that.

He stated that they realize that there are unique drainage issues and stated those will be addressed with engineering and the permitting process.

4. Have any communities ever rejected your senior construction project and if so, would you give us their telephone number.

Answer: Mr. McReynolds could not think of an instance where it was not approved. He further stated that there have been instances where they did not get the financing.

Natalie Zimmerman stated that she's has seen that a lake will be on the premises and wondered where they were going to put it-she laughed and stated that she didn't really need an answer.

She continued by stating that the presentation really glossed over some very important that have concerned her. There was an accident at the intersection of Saguaro and Hwy 70, the death result within a week of the accident. Saguaro is a major route to the college, as the college grows the traffic will become more of an issue.

Art Rodriguez asked if they have a hydrology report yet. Answer from Mr. McReynolds was no that is part of the engineering process. Mr. Rodriguez stated that his concerns that property owners will have to bear the burden to their property. Mr. McReynolds stated that they would do grease traps at the point of exit on the property. Mr. Rodriguez stated that the project will take 2200 lineal footage to install the sewer line to the proposed development and asked where they were going to tap in and if it runs through private property are you planning to properly compensate the owner or are you going through the city by way of eminent domain.

Answer: There is no eminent domain. The route was engineered by the City of Globe was never constructed. He further stated that they do not have the power to condemn any bodies property. They are looking at tapping into the sewer off of Walliman Rd.

Art Rodriguez thanked Mr. McReynolds for coming and addressing their personal issues, but stated that many residents had tried contacting him and had not received any returned phone calls. Mr. McReynolds stated that he has not received any of the messages but will be more than happy to answer any questions. He then gave his work number, cell phone and email address for all to hear.

Edmund Lowe a resident of Skyline Drive and has resided in that area for forty years. He stated that back in the 1970's a trailer park was trying to be developed in the same area. He stated that that was county land but not zoned. At that time the Planning and Zoning Commission from the City of Globe and Gila County came to the same conclusion should be compatible to the neighborhood and the county zoned it as R1-D8.

Copies of a petition were distributed before the meeting which was signed by 87 ½ % of the properties in that area to recommend denial. The whole purpose of zoning is to develop an area in an orderly way. It is unfortunate that the developers chose to pitch the project on the emotional issue of low income housing with the elderly. Rather than going after the neighbors emotionally, they should have been dealing with their concerns of traffic on Saguaro, the fact that canyon is the drainage for the 32 houses that ring that loop. One of the letters that they use to justify low income housing had LIHTC (Low Income Housing Tax Credit). The letter identifies that this is for the working people who need a little extra help.

Neil Beydler resident of the area and asked for clarification on occupancy. Could it end up 50 % seniors and 50% disability with children? Mr. McReynolds stated that they could not legally

discriminate against the disabled. He continued by stating that anything is possible but there are issues that are very unlikely.

Dottie Sanchez lived in Globe since 1960 and has worked for seniors for the last 14 years. She submitted signatures from the Globe-Miami Senior Center and stated that they are in favor of safe, affordable senior housing.

Nick Reyes is a lifetime resident. He stated that as a youngster he used to hunt those hills until the house building started. He stated that he is 100% in favor of this project. He stated that he felt the only problem here is the location. Several years ago a small group created Active Retirement and contacted everyone they could but they got nowhere. This is a matter of location.

Carl Zimmerman resides on Skyline Drive and asked if there were other location in the Globe-Miami area that is already zoned that could be available for this project.

Robert Gould stated that staff looked at every parcel in the Globe-Miami area and identifies R3 area. The largest single lot was a 6 acre parcel. There are also areas that could possibly rezone to accommodate a project like this.

Linda McGinley stated that there is a large piece of property near the hospital that is for sale. Mr. McReynolds stated that they were familiar with the property. It is zoned Commercial but could be used with a conditional use permit through the City of Globe. He stated that there are other considerations, location to amenities and this particular property is selling this property below fair market value and they are going to deed the property with no money down to help the developer compete effectively.

Mr. Orth stated that Realtors might be able to help them find property. Mr. McReynolds stated that he's never seen a day when he was not open to offers. He continued by stating that if they do not meet for the financing by March 15th, 2007 they will not be able to submit. There is only one time per year when they are able to submit.

Mark Shellenberger stated that this project first came to him in January of 2007. He continued by stating that this is a feasible workable project.

Merrill Elle asked if how he planned to develop this property if this does not go through. Mr. Shellenberger stated that he would have to put single family homes.

Norrie Guglielmo stated that she works with Meals on Wheels that deliver to the home bound lunches. She stated that some residents rent in places where no one should be living there. The owner when approached does nothing about it. She stated that she's also heard about people who own their own home and were willing to sell their home if they had a place to go to. This would eliminate the maintenance on their property.

Vice Chairperson Lori Brown stated that we cannot stop the growth. If you are in favor of please let them know. At that time, all in favor stood, then those against stood and the Commission was able to visually see those against and those in favor of.

Perry Merrill stated that he resides on Saguaro Drive. He stated that he felt the easements for sewer should be determined before the property is rezoned.

Millie Wills stated that we need something in this area for seniors as they deserve it. She stated that the mines will be bringing new employees into the area, where are we going to put them. This might help, some of the senior might decide to move in to this project and sell their homes and this would help the situation.

Floyd Krank closed public comment by stating that if anyone was to blame for this it would be him. He stated that he was the one who researched this company to do the project over between Escodilla and Pioneer Hills Road. He stated that he researched this company their competitors. He stated that he was quite impressed with this company and found nothing negative on them.

He continued by stating that the developer will work with the neighbors and they want to meet with everyone. He stated that they have to put faith in Gila County and any other agency because this project is going to be specifically watched heavily by Arizona Department of Housing, and federal and FEMA requirements. He continued by stating that there are a lot of hoops to jump through.

He stated that the fire marshal stated that the only way that the neighbors will be able to view this project is to cut down their trees. He further stated that the fire department was more concerned about what was already around their homes as opposed to the development.

He continued that this was not a frivolous decision to make. He further stated that they plan to build homes on the other 17 acres and he and Mr. Shellenberger will build homes in this area.

He asked that the Commission asked that they give the company a chance.

Commissioner Spehar commented that the neighbors, the applicant and the developer work together. He continued by stating that zoning is an active process to accommodate the demographics and the changing population levels of any community. He further stated that when the Comprehensive Plan was developed, this parcel was looked at by this planning committee and he stated that he did not see any of the neighbors there. He stated that it was widely advertised. He stated this community greatly needs this.

There are senior citizens in your neighborhood, there are children in your neighborhood, there are disabled and there are low income people in your neighborhood.

Commissioner Jay Spehar motioned to table this item to March 9th, 2007 at 10:00 am; motion seconded by Commissioner Ron Christensen and the motion passed unanimously.

10. Adjourn - Meeting adjourned at 2:05 pm.