

MINUTES OF THE GILA COUNTY PLANNING AND ZONING COMMISSION

Approved 10/19/06

1. Call to Order/Pledge of Allegiance

The Gila County Planning and Zoning Commission held a meeting at the Star Valley Conference Room, MP 257, Star Valley, AZ. The meeting was called to order by Commissioner Ron Christensen at 10:00 a.m.

Commissioners Present: Ron Christensen, Renee Zeising, Travis Williams, Don Ascoli, Mark Famusa, Lori Brown, Jack Larimore and Jay Spehar via telephone.

No members absent.

Staff Present: Robert A. Gould, Planning and Zoning Manager, Joe Mendoza, Director of Community Development, Beverly Valenzuela, Planning Tech.

Commissioner Renee Zeising led the Pledge of Allegiance.

2. Review and Approval of Agenda

Motion was made by Commissioner Don Ascoli to approve the agenda; seconded by Commissioner Renee Zeising. Motion passed unanimously.

3. Review and Approval of Minutes of July 29th, 2006

Motion made by Commissioner Renee Zeising to approve the minutes of July 29th, 2006. Motion seconded by Commissioner Travis Williams; minutes were approved unanimously.

4. Director/Commission Communications

Planning and Zoning Manager, Robert Gould, told the Commission that there will be two Comprehensive Plan Amendments presented to the commission in October for the two re-zonings on the agenda today. The T District Amendment and the Minor Land Division will be presented to the Commission on October 19th, 2006.

He also instructed the Commission to contact us if they planned on attending the Az. Dept. of Commerce Boards and Commissions Annual 2006 Conference which will be held November 3rd in Phoenix.

CUP-06-04 Damage LLC (Owner) Robert Bigando (Applicant): Requesting a conditional use permit to allow a Federal Firearm License for restoration of antique firearms. Property is located at 7820 S. Albany Dr, Globe, AZ.; Gila County Assessor's Parcel 102-13-024; Section 12, T1S, R15E of the G&SRM.

Robert Gould, Planning and Zoning Manager introduced this item to the commission and stated that this property is zoned R3-D3 and is approximately 1/3 acre lot which allows up to ten residential units per acre. The applicant states that all sales will be completed via the internet; application states that munitions will be stored on the site. Robert Gould further stated that applicant and ATF are present and will answer questions. Staff, at this point, continues their recommendation of not approving.

Robert Bigando, applicant, stated that he was a law enforcement officer and stated that he his friends have restored five pieces and they are currently in museums (he presented pictures to the commission) around the country. Typically, they will only have one a year.

The Commission and Mr. Bigando discussed the storage of ammunition. According to the ATF there is a license required to manufacture ammunition; they are not applying for that. There are no federal requirements for the storage of firearms; ATF does not regulate ammunition sales but does regulate the *manufacturing* of ammunition for sale.

Planning and Zoning Meeting
September 21, 2006

Mr. Bigando stated that he had no intention of storing powder again. Newspaper article and a letter from a neighbor who opposes the conditional use permit were handed out to the commission prior to the meeting. Mr. Bigando responded to the article by stating that he did not know that the storage of gun powder was a violation. He further stated that he willingly abandoned the gun powder to ATF.

Commissioner Renee Zeising summarized her position to the Commission: Mr. Bigando's intent has changed because of what he was caught doing (storing a lot of powder without permission of zoning because of the density), because there's no way to regulate how much ammunition and firearms he can store because of the license that he holds and considering the density of housing in this residential neighborhood, she felt it inappropriate to get permission from the commission to continue doing what he's been doing. However, restoration of firearms is a great thing, but felt that Mr. Bigando should find a more suitable location to run his business.

Community Development Director, Joe Mendoza, stated that the commission is looking at the business. He continued by saying that the technical building regulations will be looked at separately.

Mr. Gould, Planning and Zoning Manager, stated that he was concerned with the zoning; R3-D3 allows 10 units per acre and we must make a decision on the assumption that this property will develop based upon the allowable density.

After much discussion, Commissioner Mark Famusa motioned to deny the conditional use permit; motion was seconded by Commissioner Renee Zeising. Commissioner Jay Spehar (via telephone) interrupted and stated that he understood that there will be less ammunition stored at this location than at the local Wal-Mart store and the density of human occupation is far greater than the zoning density where Mr. Bigando's property is located. He thought that maybe the commission was being a little over reactive. Also, traffic would be less because Mr. Bigando intends to do business via the internet.

Commissioner Lori Brown stated that she personally probably stores more ammunition than what he has at his shop and does not foresee a problem. She stated that she felt there should not be a motion made by the commissioners until they have had a chance to hear from the public.

Acting Chairman Ron Christensen requested that the motions by both commissioners be withdrawn; both agreed to withdrawn motions.

Planning and Zoning Manager, Robert Gould stated that there was no comparison between Wal-mart and the single family home. He further stated that the neighbors were notified and the letters received were given to the commission prior to the meeting; Commissioner Zeising informed Commissioner Spehar of the neighbors concerns. Commissioner Spehar stated that Mr. Bigando can store the same amount of ammunition, or more, without our permission anyway; question is can you, under the code, have entrepreneurial activity of any kind that doesn't require a Conditional Use Permit.

Planning and Zoning Manager, Robert Gould, addressed the commission by stating that he is concerned with the safety and security issue, regardless, with what has happened on the property, even though Mr. Bigando states that it won't happen again, we just don't have assurances and Mr. Gould has concerns because there are no safeguards in place.

Commissioner Ron Christensen asked Mr. Bigando why it was so imperative that he have this business at this site. Mr. Bigando replied that he has a big shop. He stated that he could do this without permission but he is doing this as a business with an ATF license. He further stated that if the issue is the storage of ammo he would be willing to store it somewhere else.

Commissioner Ron Christensen opened the meeting for public comment. There were no comments from the public.

Commissioner Don Ascoli stated that he had no problem if Mr. Bigando were just restoring; but being as there were a few letters from neighbors, he felt it should be tabled for the October 19th, 2006 meeting to allow concerned neighbors in Globe are able to speak.

Commissioner Lori Brown agreed with Commissioner Ascoli.

Planning and Zoning Commission
Meeting of September 21, 2006

Bob Gould, Planning and Zoning Manager, stated that he didn't feel it necessary to table; if Mr. Bigando is only going to sell firearms via the internet and not have any explosives or ammunition he didn't have a problem with it.

Layne France, ATF representative stated that they cannot issue a license if it is going to conflict with state and local zoning ordinances.

Commissioner Lori Brown motioned to table until October 19th, 2006 at 10:00 a.m. at the Gila County Courthouse, 1400 East Ash Street, Globe, AZ; Commissioner Ascoli seconded the motion; motion passed with Commissioner Travis Williams opposing.

Election of Officers: After discussion between the Commissioners, Commissioner Jack Larimore nominated Commissioner Jay Spehar as Chairman and Lori Brown as Vice-Chairperson. Commissioner Lori Brown nominated Commissioner Jay Spehar as Chairman and Ron Christensen as Vice-Chairman. Commissioner Jay Spehar nominated Commissioner Ron Christensen as Chairman.

Motion made by Commissioner Larimore and seconded by Commissioner Brown for Jay Spehar as Chairman.
Motion made by Commissioner Brown and seconded by Commissioner Famusa for Ron Christensen as Vice Chairman.

Commissioner Spehar stated that he wanted the commission to know that he has a sixty hour a week work schedule and did not believe that he was able to do the position of Chairman justice and felt that Commissioner Christensen was very experienced and would make an able Chairman.

Commissioner Christensen called for a vote: Commissioner Mark Famusa opposed, Commissioner Ascoli approved, Commissioner Travis Williams stated that he was confused and asked that the commission to table the item and tend to today's business.

Commissioner Lori Brown motioned to table this item to October 19th, 2006 at 9:30; motioned seconded by Commissioner Williams, motion unanimously approved.

Z-06-06 Tierre Este Trust (Owner), Jared Palmer (Applicant): Request rezoning from GU (General Unclassified) to R1L-D20 w/PAD (Residence One District Limited w/20,000 sq. ft. density and a Planned Area Development) to develop forty-three (43) single family homes in two phases. Property is located on Colcord Road, Payson, AZ; Gila County Assessor's Parcel 303-15-001G; Sec 20, T10 ½ N, R14E of the G&SRM, Payson, AZ.

Robert Gould, Planning and Zoning Manager introduced this item and asked the Commission to table this item to October 19th, 2006, meeting to be held at the Gila County Courthouse but suggested that they continue with the public hearing so that those who have traveled are able to voice their thoughts. Item is being tabled due to the needed amendment to the Comprehensive Master Plan.

Rick Palmer, Trustee, stated that they have answered a lot of the public concerns; he further stated that they met with Ray Larsen Fire Chief of Christopher Kohl's Fire Department and found that there wasn't anything discussed that was beyond their capabilities.

Commissioner Renee Zeising motioned to table item to October 19th, 2006 at 10:00 a.m.; Commissioner Don Ascoli seconded the motion; motion tabled unanimously.

Z-06-04 Simonton Flat LLC and Taylor Flat Ranch LLC (Owners), Chris Anderson (Applicant): Request rezoning from R1-D175 (Residential One w/175,000 sq. ft. density) to R1-D40 (Residential One w/40,000 sq. ft. density) to develop one hundred and eighty five (185) one to two acre lots w/horse and equestrian property. Property is approximately three hundred and five acres (+-). Property is known as the Doll Baby Ranch, Payson, AZ. Gila County Assessor's Parcels 301-46-001C and 301-45-001A (now 301-45-001B and 301-45-001C); Sec. 7, T10N, R9E of the G&SRM, Payson, AZ.

Planning and Zoning Meeting
September 21, 2006

Robert A. Gould, Planning and Zoning Manager introduced this item and requested that the commission table to October 19th, 2006, due to the needed amendment to the Comprehensive Master Plan; but suggested they go ahead with the public hearing for this item.

Justin Roylance, owner/developer spoke on behalf of the project. He stated that they will develop HOA's and CCR's will require architectural designs and will set aside some property for horse/equestrian center.

Jared Palmer, developer, stated that each lot would have its own septic system.

Commissioner Christensen opened the meeting for public comment

Mr. Winkle, neighbor, has resided on his property for thirteen years and is concerned with the easement and drainage. Developer will contact Mr. Winkle to discuss issues that concern Mr. Winkle.

Commissioner Zeising motion to table item to October 19th, 2006 at 10:00 a.m. at the Gila County Courthouse, 1400 East Ash Street, Globe, AZ.; Commissioner Brown seconded the motion; motion passed unanimously.

7. Adjourn

The meeting adjourned at 12:30.