

MINUTES OF THE GILA COUNTY PLANNING AND ZONING COMMISSION
October 19, 2006

1. Call to Order/Pledge of Allegiance

Special meeting of the Gila County Planning and Zoning Commission was called to order by Commissioner Ron Christensen.

Commissioner Mark Famusa led the Pledge of Allegiance.

Commissioner Christensen had roll call; All Commissioners were present (Ron Christensen, Travis Williams, Mark Famusa, Lori Brown, Renee Zeising, Jay Spehar, Don Ascoli and Jack Larimore).

Staff present: Robert A. Gould, Director/Planning and Zoning Manager; Beverly Valenzuela, Planning Tech; Jo Lynn Chase, Permit Tech - Senior.

2. Review and Approval of Minutes

Motion was made by Commissioner Lori Brown to approve the minutes of September 21, 2006; motion seconded by Commissioner Travis Williams; minutes were approved unanimously at the Special Meeting held at 9:40 am (prior to the regularly scheduled meeting).

3. Director/Commission Communications

Planning and Zoning Manager, Robert Gould, informed the Commission that he has been appointed Director of the Gila County Community Development Division but will also continue as the Planning and Zoning Manager.

He further stated that if any of the Commission would like to attend the November 3rd, 2006 meeting for Boards and Commissions to contact us so that reservations can be made.

4. CPA-6-2 Comprehensive Plan Amendment: A request to amend Figure 2.B (Map), from the Land Use Classification Residential - 0.4 to 1.0 dwelling units per acre (due/ac) to 1 - 2.0 dwelling units per acre (due/ac), for the purpose of accommodating rezoning application Z-06-06. The property is known as the Chamberlain Ranch (30.0 ac +/-) located off of Colcord Road in Payson, AZ.; Gila County Assessor's Office Parcel 303-15-001G; Sec 20, T10 1/2N, R14E of the G&SRM.

Director/Planning and Zoning Manager Bob Gould introduced this item and he recommended approval. He further stated that this property is currently zoned GU which allows 10,000 sq. ft. lots; applicant is applying for 20,000 sq. ft. density.

With no questions or comments from the public, a motion was made by Commissioner Mark Famusa to approve; motion was seconded by Commissioner Jack Larimore and the motion passed unanimously.

5. CPA-06-3 Comprehensive Plan Amendment: A request to amend Figure 2.A (Map), from the Land Use Classification Residential - 0.1 to 0.4 dwelling units per acre (due/ac) to Residential - .4 to 1.0 dwelling units per acre (due/ac), for the purpose of accommodating rezoning application Z-06-04. The property is known as the Doll Baby Ranch (Simonton Flat 155.50 ac. (+-) and Taylor 148.91 (+-)) located in Payson Arizona, in the Section 7 and 8, T10N, R9E and Section 17, T10N, R9E of the G&SRM.

Director/Planning and Zoning Manager Bob Gould introduced this item and recommended approval.

With no questions or comments from the commission or the public; Commissioner Lori Brown motioned to approve and Commissioner Renee Zeising seconded the motion. Motion passed unanimously.

6. Z-06-04 Simonton Flat LLC and Taylor Flat Ranch LLC (Owners), Chris Anderson (Applicant): Request rezoning from R1-D175 (Residential One with 175,000 sq. ft. density) to R1-D40 Residential One with 40,000 sq. ft. density) to develop one hundred and eighty (185) one to two acre lots w/horse and equestrian property. Property is approximately three hundred and three (303 +/-) acres. Property is known as the Doll Baby Ranch, Payson, AZ. Gila County Assessor's parcels 301-46-001A, 301-46-001C and 301-45-001A (301-45-001B and 301-45-001C); Sec. 7, T10N, R9E of the G&SRM, Payson, AZ.

Director/Planning and Zoning Manager, Robert Gould, introduced this item. He stated that this project site is approximately eight miles from the southwest corner of the boundary for the Town of Payson. Access to this parcel is via Doll Baby Road through the Town of Payson; property is surrounded by U.S. Forest Service property. There is one privately owned parcel that is within the Simonton Flat (301-46-001B). This is not part of the rezoning application.

Staff recommended approval with the following stipulations:

1. The developer will provide an approved Development Master Plan prior to submitting the first preliminary Plat.
2. At the time of platting the developer will identify those lots that have 15% or more slope on 50% or more of the property. These lots will require engineered individual grading, drainage and erosion control plans.
3. Prior to final plat approval the developer will demonstrate the capability of utilizing Cracker Jack Road for emergency ingress and egress.
4. The developer will demonstrate the suitability of the area for individual septic systems at the time of final plat.
5. The developer shall endeavor to assure adequate air quality by not having any streets without appropriate design in accordance with Gila County Standards.
6. The developer will show area trails at the time of the Development Master Plan and demonstrate that they will remain open to the public.
7. This rezoning will not go into effect until the Comprehensive Plan for the County amendment has been approved by the Board of Supervisors.

Mr. Keith Winkle, neighbor, stated that he was concerned with the ingress/egress to his property, has concerns with the water table and erosion of the property.

The Commission discussed access to existing trails located within the Forest Service, septic systems on each lot and chip seal of the road.

Chris Anderson, applicant, addressed the commission. He stated that this will be a gated subdivision and they would like to maintain some level of control of the property but do not intend to cut off anyone.

Justin Roylance, business partner to applicant, stated that staff in the Engineering Department had told them that chip seal was okay.

Commissioner Ron Christensen explained to the commission the County Standards for roads; he stated that the County uses hot or cold mix then chip seals. Fire trucks, due to weight, will damage the roads with just chip seal.

Chris Anderson, applicant, stated that they will hire out to have the road maintained.

Ron Christensen, Commissioner, stated that he did not want the burden of maintaining the road to come back to the county taxpayers. He further stated that it was a primitive road to which Mr. Anderson responded that it was not.

Justin Roylance, business partner to applicant stated that a traffic study will be submitted.

After much discussion between the commission and the applicant(s), Commissioner Mark Famusa motioned to approved with the seven stipulations; Commissioner Renee Zeising seconded the motion and the motion passed unanimously.

7. Z-06-06 Tierra 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 1/2N, R14E of the G&SRM, Payson, AZ.

Robert Gould, Director/Planning Manager, introduced this item and stated that this project is located on Colcord Road in Payson. He stated that the property has topographic issues and some of the lots will be less than 20,000 sq. ft. They average in size from 16,047 to 31,300 sq. ft. The developer has requested a PAD overlay to accommodate the topographic and drainage issues affecting the site.

Robert Gould recommended approval with the following stipulations:

1. Allow variation in setbacks be permitted that keeps housing off very steeply sloped areas. Possibly building envelopes will suffice in lieu of setbacks.
2. Require a Dedication (through easement) of a natural area open space area in which no development will be permitted. Primary purpose will be for drainage, but could also include outdoor recreation areas as well.
3. Require individual grading and erosion control plans for certain lots that are characterized by a slope of equal to or greater than 15% over 50% or more of the parcel or lot.
4. Allow lot sizes to dip below the minimum 20,000 square foot requirement as long as the average lot size is equal to or greater than 20,000 square feet.

The Commission had several questions regarding easements, setbacks and open space. These issues will be clarified when the preliminary plat is submitted.

Nathan Palmer (applicant) spoke on behalf of the project. He stated that they were fine with easements, tracts and the NOA within the 100 year floodway.

Commissioner Don Ascoli motioned to approve with the recommended staff stipulations; Commissioner Jay Spehar seconded the motion and the motion passed unanimously.

8. CUP-06-04 DAMAGE LLC (Owner), Robert Bigando (Applicant): Requesting a Conditional Use Permit for the restoration and internet sale of legal military firearms, antique firearms and artillery pieces. No storefront as traffic will be appointment only. Munitions needed for testing weapons to be stored on-site in BATFE approved containers. Property is located at 7820 South Albany Drive, Globe, AZ. Gila county Assessor's Parcel 102-13-024; Sec. 12, T1S, R15E of the G&SRM.

Robert Gould, Director/Planning and Zoning Manager, stated that Mr. Bigando had withdrawn his Conditional Use Permit Application. He further stated that because he will not be storing explosives or ammunition on site, it will not require the Commissions approval. Bob explained that it will now be an administrative decision but the concerns are still there. He continued by stating that Bigando has applied for a Use Permit, if granted and he (Bigando) states that he will not store those items on site, and he if fact does, he will be in violation and his Use Permit will be pulled.

Commissioner Travis Williams stated that he is concerned with contaminates, ground water and how is he going to dispose of his waste. He continued, and stated that it did not belong in this type of neighborhood.

Commissioner Jay Spehar stated that according to ATF anyone can store ammunition but not explosives. He continued by stating that Robert Gould could require inspections of the property frequently and even ask the fire department or Sheriff's Office to assist in these inspections.

Commissioner Renee Zeising stated that according to ATF they only check when a formal complaint has been filed.

Commissioner Mark Famusa asked if Administration had the right to deny him his application. Robert Gould replied that if he finds that it is going to be a threat he would have the right to deny.

There was discussion between the Director/Planning and Zoning Manager and the Commissioners regarding denial of the withdrawal of the application.

Robert Gould, Director/Planning and Zoning Manager, stated that some of these concerns will be addressed with the preliminary plat.

Alva Jean Jonovich spoke against the application. She stated that his business is dangerous to kids, even his own.

Commissioner Ron Christensen opened it up for public comment.

Commissioner Ron Christensen stated that density is a concern and Mr. Bigando previously violated and that brought ATF into the picture. He suggested that if approved, the fire department and law enforcement should be notified. He stated that if they deny his withdrawal, that would show Mr. Bigando that the Commission is concerned.

Robert Gould stated that you have a right to inspect. Commissioner Jay Spehar suggested they request the inspections be completed by the first responders.

Mr. Dave Jonovich spoke against Mr. Bigando's application stating that when it rains all the water runs into the roadway and that more or less becomes a sewer. Commission suggested that he call the Health Department.

Commissioner Don Ascoli motioned to accept withdrawal of application; motion seconded by Commissioner Lori Brown, motion passed with Travis Williams, Don Ascoli, Lori Brown, Jay Spehar and Jack Larimore voting in favor; Renee Zeising, Mark Famusa and Ron Christensen voting in opposition.

Motion to adjourn made by Commissioner Zeising, seconded by Commissioner Christensen; motion adjourned at 12:14.

