AGENDA
GILA COUNTY PLANNING AND ZONING COMMISSION
Gila County Supervisors Conference Room
610 E. State Hwy 260, Payson, AZ
Community Development Conference Room
745 N. Rose Mofford Way, Globe, AZ

10:00 AM
April 18, 2019

REGULAR MEETING

1. Call to Order

2. Pledge of Allegiance

3. Roll Call: Mickie Nye-Chairman, Travis Holder-Vice Chairman, Bill Marshall, Mary Lou Myers, Randy Slapnicka, Jim Muhr, Terry Otts, Lori Brown, Pamela Griffin.

4. Review and Approval of Minutes of the Planning & Zoning Commission Hearing on December 20, 2018.

5. **Director/Planner Communication:**

   At any time during this meeting of the Planning and Zoning Commission the Director and/or Planner of Community Development may present a brief summary of current events. No action may be taken.

   Information/Discussion/Action:

   Public Hearing:

6. **Z-19-01 Don Randall & Autumn Kinzer (Applicant)** application to amend the Gila County Zoning Ordinance for parcel 301-32-002P currently designated for Residential One Density 175 (R1-D175) to Residential One Density 70 (R1-D70). This property is located at 168 West Hunt Ranch Road, in Pine, AZ.

7. Adjournment

MINUTES OF THE GILA COUNTY
PLANNING AND ZONING COMMISSION
Thursday, December 20, 2018
Gila County Board of Supervisors Conference Room
610 E. State Hwy 260, Payson, AZ
Gila County Community Development Conference Room
745 N. Rose Mofford Way, Globe, AZ
10:00 A.M.

REGULAR MEETING

1. The meeting was called to order at 10:00 A.M. by Chairman Mickie Nye.

2. Pledge of Allegiance was led by Mary Lou Myers.

3. Roll Call: Therese Berumen called the roll; Chairman Mickie Nye (in Payson), Travis Holder (in Globe), Lori Brown (in Payson), Bill Marshall (in Globe), Terry Otts (in Globe), Randy Slapnicka (in Payson), Mary Lou Myers (in Payson), and Pamela Griffin (in Globe). Jim Muhr was absent. A quorum is present.

   Community Development Staff Members Present: Scott Buzan-Director, Michelle Dahlke-Senior Planner and Therese Berumen-Administrative Assistant.

4. Review and Approval of Minutes of the Planning and Zoning Commission Hearing on October 18, 2018. Mickie Nye asked if there were any changes needed. No changes were needed. Lori Brown motioned that the minutes be approved as is and Mary Lou Myers seconded the motion. It was unanimously approved.

5. **Director/Planner Communication:** At any time during this meeting of the Planning and Zoning Commission, the Director and/or Planner of Community Development may present a brief summary of current events. No action may be taken.

   Michelle Dahlke had nothing to present. Scott Buzan thanked the Commission for their time and service and also thanked the public who showed, for taking an interest and getting involved. He also was thrilled to inform everyone that for the first time, in quite a few years, we have a full Commission. He introduced the two newest members, Pamela Griffin and Jim Muhr. Unfortunately, Mr. Muhr had a conflicting medical appointment this morning, so I will introduce him at the next meeting. Ms. Griffin is present and represents District Three, which is Supervisor Cline's District. She currently serves on the Economic Development Committee for Gila County, she is the Reginal Director for the American National CattleWomen, was appointed by U.S. Agricultural Secretary Sonny Perdue to be on the USDA Farm Service Agency Committee and she has over 20 years' experience in both residential and commercial real estate construction. I am confident that with Pam's experience and background, she will be a valuable addition to the Commission and I welcome her. Pamela Griffin thanked everyone for having her and

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really thinks she is going to enjoy serving on the Commission. Lastly, Scott Buzan wanted to mention, that on Tuesday, December 18, 2018 the Board of Supervisors approved the revisions to Section 103 of the Gila County Zoning Ordinance. Our Planner, Michelle Dahlke has started the task of rewriting the Zoning Ordinance and we are estimating that will take a good year before we bring it before the Commission and public for review. Our current plan is to come before the Commission in the next few months with several revisions that staff feels needs to be changed sooner rather than later. I also formed a committee last month that meets weekly. We are reviewing and revising all our zoning forms and submittal procedures. We are making really good progress with that.

Information/Discussion/Action:

6. **Madera Peak Estates, LLC:** Preliminary Plat Extension for Madera Peak Estates Subdivison.

   Michelle Dahlke stated that this is simply a request to grant a 180-day extension to this preliminary plat, which the Commission heard back in June of 2017. The final plat that was submitted was a little short of the 180-day requirement in which the final plat has to be submitted, so we are simply asking for you to consider extending the preliminary plat. There are no changes being made to the preliminary plat.

   Travis Holder motioned that they approve item number 6 of the agenda, the 180-day extension for the preliminary plat of Madera Peak Estates Subdivision. The motion was seconded by Randy Slapnicka. The motion was unanimously approved.

Public Hearing:

7. **Z-18-06 and Z-18-07 Thomas Weeks:** **(Z-18-06)** An application to amend the Gila County Zoning Ordinance for parcel 301-14-009A currently designated for Transitional Residential (TR) to Commercial Two District (C2). This property is located at 4102 N. AZ Hwy 87 in Pine, AZ. **(Z-18-07)** An application to amend the Gila County Zoning Ordinance for parcel 301-14-008J currently designated for Residence One District, Density District 12 (R1-D12) to Commercial Two District (C2). This property is located at 4078 N. AZ Hwy 87 in Pine, AZ.

   Michelle Dahlke presented the Staff Report. When I talk about Parcel One, I am referencing the parcel that has the Ice Plant and when I talk about Parcel Two, I am referencing the vacant parcel to the south of that. The existing use on Parcel One is not changing and the current business on Parcel One is not expanding. The applicant is looking to move the Pine Ice trucks and equipment to Parcel Two along with adding employee parking. Michelle Dahlke referenced the site plan and photos that were included in the agenda packet. Parcel Two is currently landlocked and proposed access between Parcel One and Parcel Two will be via a new paved drive aisle connecting the two parcels where they meet on their western boundary. Parcel One is zoned TR, with

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two Conditional Use Permits. The first Conditional Use Permit was issued in 1984, for an ice manufacturing plant, the wholesale and retail sales of ice, fishing supplies and bait. The second Conditional Use Permit was issued in 1987, for a gas station and convenience store. Both of these Conditional Use Permits will remain in place even if the zoning is approved. Michelle Dahlke referenced the Code Enforcement History that she included in the staff report and to make a correction. The correction that I need to make is the closing date on the first bulleted point, which states November 1, 2011, but should read November 1, 2006. We also need to add a compliant. The complaint number is CP1607-011, which pertains to diverting and ponding water in the alleyway. This case has been forwarded to the health department and engineering department. Several complaints primarily revolve around noise and lighting. Also, a correction on Section IV of the staff report, should read R1-D12 and not TR for the West adjacent property zoning classification. A neighborhood outreach meeting was held on October 30, 2018 and the minutes are included in the agenda packet. We have also included any letters that have come in from the public for and against the rezoning's. In reviewing this request, staff analyzed the Gila County Comprehensive Plan and the Pine-Strawberry Community Plan. In addition, Staff has conducted several site visits to Parcel One and Two. We find that the rezoning is compatible with the Comprehensive Plan. In the Pine area, the Comprehensive Plan designates Parcel One and Parcel Two, as well as properties located within approximately 200' to 300' of Arizona Highway 87 (on both sides) with a Multi-Functional Corridor land use designation. The Multi-Functional Corridor is defined in the Comprehensive Plan as "areas of the county that are located adjacent to a primary transportation route and where mixtures of land uses are desirable based upon the specific locational characteristics of the land." The zoning in this area is primarily TR, C2 and C3. The Comprehensive Plan does not specifically list desirable land uses under the Multi-Functional Corridor description. Land uses are described as those that "respond to the unique opportunities, scale and functions that exist in the different areas of the county." It is clear from a look along Arizona Highway 87 that the uses reflect a mixture of commercial activity with zoning designations consistent with the Multi-Functional Corridor (i.e. C-2 and TR). It is the opinion of Staff that rezoning Parcel One and Parcel Two to C-2 would be consistent with the intent of the Comprehensive Plan. The existing use on Parcel One and the proposed use on Parcel Two would be consistent with other commercial uses along Arizona Highway 87 and with the proper screening of Parcel Two from adjacent properties, and Staff's recommended conditions to mitigate potential noise and light issues, there should be no detrimental impact to adjacent properties or the surrounding area as a whole. Staff also took into consideration other potential uses for Parcel Two. A residential use would not be compatible with the surrounding commercial uses with existing commercial uses to the north, east and south. While there is a residential use to the west, Parcel Two has no vehicular access or other connection to this area due to the unimproved alley that separates the two. Additionally, a more intense commercial use on Parcel Two would not be suitable due to the lack of visibility from Parcel Two to Arizona Highway 87 and lack of access to it and would likely have a more negative impact on surrounding properties. The proposed use for limited storage, ancillary to the existing use on Parcel One, appears to be the best option at this time.

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We find that the rezoning is compatible with the Pine-Strawberry Community Plan. The Pine-Strawberry Community Plan recognizes that most of the properties located along Arizona Highway 87 are zoned C-2 and TR and that the primary non-residential land uses in the community are located adjacent to or slightly removed from SR 87 and are grouped together in the center of the community. The potential impacts of new and existing commercial uses are important to the Pine community, particularly with regard to water, air quality, noise and light. Staff has worked with the applicant to address concerns related to the existing use on Parcel One to minimize future light and noise complaints. Staff is proposing several conditions of approval to mitigate any noise or lighting related to the proposed use on Parcel Two. Additionally, staff proposes stipulations that a Development Plan must be approved after the rezoning for the proposed use and that any change in the use on Parcel One or Parcel Two must be reviewed through the Development Plan process. The purpose of requiring a Development Plan for any change of use is to ensure that any future uses are compatible with the Comprehensive Plan, Pine-Strawberry Community Plan, adjacent properties and the surrounding area as a whole. Staff believes with the combination of the applicant's agreement to address complaints from surrounding properties and the recommendations we offer, we feel will be a community gain and less potential impact on the adjacent properties in the area as a whole. At this time, I would like to read the seven items that staff proposes as conditions for the approval of these rezoning's. (1) A Development Plan must be approved prior to any vehicles or equipment being moved onto Parcel Two, (2) Any change of use on Parcel One or Parcel Two, even if listed as a permitted use in the C-2 zoning district, must be approved through a new Development Plan. (3) All necessary building permits must be obtained in a reasonable timeframe. (4) Any lighting installed on Parcel Two shall only be to the level necessary to provide for safety and security. Additionally, any such lighting shall be hooded and directed away from adjacent properties. (5) A 6' high opaque fence or wall shall be installed along the western and southern boundary of Parcel Two prior to bringing any vehicles or equipment on to Parcel Two. (6) The moving of vehicles or equipment to and from Parcel One and Parcel Two shall only be done within the hours of 6:00 a.m. and 11:00 p.m. or in cases of emergency. (7) No vehicles shall be left to idle or refrigeration units left to run while located on Parcel Two. Lori Brown asked Michelle Dahlke if the two parcels were ever zoned commercial. Michelle Dahlke stated that from her research they never were. Lori Brown also asked if the property located south of the applicant's is commercial, since there is a bed and breakfast on the property. Michelle Dahlke stated that the property is actually zoned R1-D12 and the bed and breakfast is a permitted use. Lori Brown also stated that she believes at one time, that Parcel Two was not landlocked and did have access into it and it has been shut off because there is a 16-foot easement behind the property. She also believes it was recorded at one time and wants to know how it can be recorded and then just erased. Michelle Dahlke stated that they are not entirely sure what happened with that parcel and how it got landlocked. We have heard from residents and also the applicant has a little more background on that. It is certainly a concern. Lori Brown stated that her family used to own that property, so she has some background on it and that her mother was there as well and could explain it better. Scott

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Buzan stated that he doesn't believe that the parcel was part of any Minor Land Division or Record of Survey, that was recently done. He also stated that a Record of Survey can get recorded without the County's approval. It has happened. We have requested, along with the Assessor's office, that they don't get recorded, but it does happen. As for the landlock, I don't have that information. Randy Slapnicka stated that he took a walk out on the property and there are just a whole lot of problems in that whole area. Not having an egress/ingress and the drainage on the vacant lot is very dramatic. Just some concerns I have. Chairman Mickie Nye asked if the county had anything that showed an alley in a recorded document. Michelle Dahlke stated that no we do not. It is not owned by the county or maintained by the county and we don't have any regulatory authority in that area. For whatever reason, it was never given to any particular person or entity.

The meeting was opened to public comment. Sue Hunsaker stated that she lived on the property for 45 years and sold it due to her husband's medical issues. Also stating that it was zoned commercial at one time. My opinion is that we had it surveyed and there was a 16-foot easement and where it went, she does not know. We paid for it, it was recorded, and Ray Jones supposedly recorded it. What happened to it, she does not know. Laura Miranda (Thomas Weeks' daughter) stated that her father started this process and she is doing her best to follow through with it, since his passing. I may not have all the answers to everyone's questions, but with help, we will get there. I think the biggest issue is the miscommunication in the community. We are not expanding Pine Ice. We are just trying to clean up the property, by moving the ice trucks, the merchandiser equipment that we have and pallets. It would also make it safer, having a lot of the trucks and such off the property and moved to the vacant lot. I have seen the letters of opposition and the comments about Pine Ice expanding and supplying ice in different states is incorrect. We have been in business a long time and of course have grown. We try to be good neighbors. We haven't really had many complaints except the ones concerning noise from the diesel engines and lighting. We have upgraded our power and put in two storage containers, so the diesel engines don't have to run. Before we did that, when we got the complaints, we would turn off the trucks overnight. Chairman Mickie Nye asked Mrs. Miranda if she saw the 7 recommendations that the county as suggested. She stated that she had. Chairman Mickie Nye asked her if she could live with all these recommendations. She stated that yes, they could. If I had to guess, we have only probably had to run the trucks overnight for less than 10 days, total in the year, because of an emergency or holiday. In the past, yes, we did run the trucks overnight because we had no other options at the time. We have other options now and are utilizing them. We have also replaced windows in the plant, that are thicker and they remain closed. Chairman Mickie Nye asked in regard to the lighting situation, other than the automatic timer, if there was anything else that was an issue and Mrs. Miranda stated that she didn't believe so. Randy Slapnicka asked Mrs. Miranda if the plant is ever running for 24 hours a day. Mrs. Miranda stated that in the middle of summer, peak season, yes maybe 10 days, at the most. Randy Slapnicka also asked on Parcel Two, when they start to grade it, it will be a nightmare when it rains, unless you really adhere to the drainage rules and regulations of the county. How do you think you will deal with

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that? Mrs. Miranda stated that they have discussed putting a retaining wall located at the bottom of the parcel. Until we get approval from the county and actually get in there, it is hard to say at this point. Randy Slapnicka also asked if there was a retention pond that needed to be put in there, in order to ensure that the water would stay on your property, would you be able to live with that? Mrs. Miranda said that is a possibility that we would have to work through. Randy Slapnicka also commented on the fact that when he walked the property, he observed several ice block containers from the plant and asked if all of that would be moved to Parcel Two. Mrs. Miranda stated that some of it would and some would be disposed of. Lori Brown stated in regard to the drainage issue, that with the retaining wall and regulations from the county that it should work fine. Michelle Dahlke stated that Public Works will definitely be involved in the grading and drainage aspect. Mary Lou Myers asked Mrs. Miranda what kind of surface they would be putting on the property. Mrs. Miranda stated that it would probably just be gravel. Patrick Gleason-Moore stated that the reason he went to the county with the complaints is because it is a compliant driven process and it essentially puts neighbor against neighbor, but that's another issue. He also stated that he didn't know that they upgraded their electric, but the noise has been reduced dramatically. The easement that Sue Hunsaker brought up, he stated, is a utility easement, not an egress/ingress, according to his documentation. Mr. Gleason-Moore had a PowerPoint that he presented, which included his statement that his property may be considered commercial, but this is their home and they live there and also contribute to the Pine-Strawberry community. He also referenced a letter that is in favor of the rezoning's, stating that they knew what they were buying into when they purchased their property, because Pine Ice was already there. When we purchased this property, our Real Estate Agent informed us that most of the property off Highway 87 was zoned TR. I went down to the Community Development office to verify and was told that yes, it was zoned TR. I then looked at the designation of TR and it stated that there is no activity between the hours of 11:00 p.m. and 6:00 a.m. I made the decision that I could live with that. Once we get into the property, that is not the case. I tried working it out with the owners of Pine Ice at that time and it basically went nowhere. Also, per the staff report, all ingress and egress for Parcel One will not change from what currently exists, but if the zoning changes, ADOT will require a new encroachment permit for the new use, as well as a traffic study and lane changes. Chairman Mickie Nye asked Mr. Gleason-Moore if he contacted ADOT about this and Mr. Gleason-Moore stated that yes he had. He also stated that the current operations for Parcel One are outside of the TR zoning district and that the zoning change approved by the Board of Supervisors in 1984 has had consequences and the surrounding neighbors have been paying the price for years. Also, the Board of Supervisors did not foresee any problems and required little to no stipulations, that have not even been enforced. The Code Enforcement history on this parcel dates back to 2006, for noise. I purchased my property between 2014 and 2015. Another issue is the alarm system, which averages about twice a year. Either from an employee not setting it right or another issue. A big issue is the water drainage and pooling. We have had little rain, in the last month and there is 3 inches of water pooling. They also allow parking in the right-of-way, which should not be allowed because it is

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very dangerous. My concerns with Parcel Two are concerning the grading and drainage, the power lines that are located on the west portion of the property; how will driving semi-trucks in and out of there affect the power lines and the point of the parcel being landlocked should be irrelevant. I have made an offer to Mrs. Weeks proposing to purchase the property and the offer still stands today. The existing fence that is located behind the antique store is only about 7 ½ or 8 feet tall and sufficient enough to mask any trucks that are parked on that property. Randy Slapnicka asked Mr. Gleason-Moore what he suggested, and he replied that a 10-foot fence possibly would work, but even with a 10-foot fence, it would all still be visible, especially from our 2nd floor deck. Another option, would be for them to purchase other commercial property and use that for storage. Mr. Gleason-Moore referenced the Comprehensive Plan, in which it states, "As such, no one portion of the plan should be seen as the final answer when reviewing future development proposals." Also, referencing policy 1.2a, 1.2d, 1.2g, 2.4e, 3.0d and 3.1d of the Gila County Comprehensive Plan. He also referenced the Pine-Strawberry Community Plan, which he doesn't believe this rezoning fits into. Referencing an aerial picture of Parcel One, that was submitted with the application, shows equipment and parking in the "utility easement" and employee parking across the street at the church, with no county enforcement. Mr. Gleason-Moore stated that he has heard that some people think moving the equipment and trucks onto Parcel Two is a great idea, but his opinion is that it is not solving the problem, it is only moving it somewhere else and in his opinion when you have more space to store things, the more things you acquire. Mr. Gleason-Moore stated that at some point, the surrounding property owners were no longer being listened to by the county. It seems, and I don't know if this is the truth, but it seems that the county has been in the pocket of Pine Ice. Chairman Mickie Nye stated that he has served on the Commission for many years and has sat through many cases like this and the one thing that really turns him off is when people start getting personal. We can have a conversation, we can have a debate, and we can have different opinions, but I do not want to get personal. Mr. Gleason-Moore apologized to anyone that he may have offended by that comment. In conclusion, Mr. Gleason-Moore stated that he is against the rezoning of both parcels and doesn't think they are operating within their current zoning stipulations. Randy Slapnicka asked Mr. Gleason-Moore about the 16-foot easement that is shown on the map, which goes back and services that property (Parcel Two). You call it a utility easement, but by law it needs to be granted for access to that property. If a warranty deed is given stating that it is a true access, vehicles and so on, my question to you is, if the Week's did not purchase that property, would you rather have someone cross your property to have access to that property or would you rather have the Week's have that property and use it on the West side. Mr. Gleason-Moore stated that it is really hard to say at this point. I would cross that bridge when I got to it. Randy Slapnicka asked Mrs. Miranda if they actually discharge the water into that "no man's land" at all. Mrs. Miranda stated that it would be the filtered water that comes off the machines themselves. Chairman Mickie Nye asked if there was a better place for this to run off. Randy Slapnicka stated that this would be an ADEQ question but was just curious. Darwin Huber stated he would like to speak on this zoning effort as it relates to the revised Pine-Strawberry Plan. I am on the Pine-Strawberry Visioning

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Committee and I am the current spokesman for that committee. The elements that the residents rated among the most important with new development, are noise pollution, light pollution, visual fit and traffic. Pine Ice's current operations have impacted these elements, at least in the past. However, Pine Ice has been in business, as stated, since 1984, which is before the revised Pine-Strawberry Plan was developed. How I view this is, yes this is an expansion of the overall footprint of Pine Ice, and not an expansion of the operation of Pine Ice. This is not a new commercial development. From what I read, in reference to the complaints, there is only one open complaint with regards to the sign being on after 11:00 P.M.; however, there is a requirement to close this complaint and that is the installation of a timer. My opinion, approving this with the stipulations from the county staff and the county enforcing these stipulations is a fair compromise for all parties. I also feel it is a good solution for the Pine-Strawberry community. Randy Slapnicka asked Mrs. Miranda if she would be willing to forgo an hour in the evening, of any trucks that needed to be ran. She said that they close at 10:00 p.m., so that wouldn't be a big issue. She also stated that they try to be good neighbors but feel that they need to meet in the middle. Chairman Mickie Nye asked Michelle Dahlke if the only open complaint was the one concerning the sign being on after 11:00 p.m. Michelle Dahlke stated that yes, it was the only one. Chairman Mickie Nye asked Mrs. Miranda if the alarm going off was, to her knowledge, an employee issue or actually people trying to break in. Mrs. Miranda stated that it was actually people trying to break in. The option of a silent alarm was brought up, but it is just not an option for us. Mrs. Miranda also stated that they aren't requesting a zoning change to C2, so they can apply for a liquor license and they also don't have a problem with going higher on the fence, per Community Development staff recommendations. Michelle Dahlke, along with Scott Buzan stated that the Board can absolutely put that in the recommendations, but just wanted to let Mrs. Miranda aware that she would have to apply for a variance if she wanted to go higher than 6-feet. Ruth Darcangelo just wanted to say that if Tom Weeks was here, he would be so proud of his daughter and what she has done to pick up where he left off. Bob Cassaro stated that he moved to Pine in 1994 and has had many fond memories, but the one memory he isn't fond of, is when they don't have any water. Mike Ward, Pastor of the First Baptist Church, which is within 300-feet of the proposed rezoning's stated that from the Church's prospective, we are worried about any access from the vacant property, via the easement onto Highway 87. Our concern is as those trucks come out onto the highway, what's going to happen. There have been several accidents in that area already. Daryll Chaney stated that he had several questions, but they have all been answered and just wanted to compliment Mrs. Miranda on what they have done with that property. Stating that it has come a long way. Pamela Griffin read from Arizona State Law, "Arizona Easement Law: because Arizona Law recognizes that every land owner is entitled to the right of ingress and egress to his property where landlocked property is sold, the grantee has by necessity the right to crossover the land of the grantor in order to enter or exit his property." Jean Donsbach stated that she has lived at her property, which is straight across from the service station, for 20 years and there has always been a continuous noise and the alarms wake her up and she can't get back to sleep. Barbara Huber stated that while sitting through the meeting, she just

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hopes that everything does not have to get mediated through the county, that Laura and Patrick could work things out amongst themselves. Ken Darcangelo stated that he has tried to speak to Mr. Gleason-Moore on a few occasions but was told to get off his property. So, in his opinion, he doesn't see him working anything out with anyone. Bob Gleason-Moore (co-owner of Beeline Guest House) just wanted to remind everyone that they live on their property and that is their home. Luis Miranda asked at what point does all of this end. Stating that if Mr. Gleason-Moore is standing on the deck of his 2nd floor, no fence tall enough will shield everything. He also stated that they (Pine Ice) are very concerned about safety and the area that Mr. Ward spoke of, is a bad area. That is why we are trying to put our employees on that back property, so that isn't a concern for them. The public comment portion of the meeting was closed.

Vice-Chairman Travis Holder stated that he appreciated staff putting all their hard work into this. There is a lot here to and we can see both sides. We are going to look at it and we are going to take it seriously. At the end of the day, I think there is a decent compromise here. Chairman Mickie Nye asked Mr. Huber one thing moving forward, that if he sends an email to one, please make sure to send it to all of them. The easiest way to do it, is to send it to Michelle Dahlke and she can forward it where it needs to go. I appreciate the notice and heads up, but that is just my suggestion. Darwin Huber stated that his suggestion was well taken. Bill Marshall stated that the staff has put a lot of work into this and it is a very complex situation. I can see both sides and understand both sides, personally. I know staff has come up with some recommendations to make both sides happy, but the bottom line is it takes both property owners working together to come up with a plan that they can both live with. I suggest that they try to work closer together to make that happen. Mary Lou Myers stated that she believes that both parties agree and could live with the recommendations that staff proposed.

Mary Lou Myers motioned that they approve recommendation to the Board of Supervisors, agenda item number 7, case number Z-18-06 and Z-18-07. The motion was seconded by Lori Brown. The motion was approved 7 to 1, with Randy Slapnicka abstaining his vote.

8. Voting for Chairman and Vice-Chairman. Randy Slapnicka motioned to keep Mickie Nye for Chairman and Travis Holder for Vice-Chairman. Both Mickie Nye and Travis Holder accepted. The motion was unanimously approved.

9. **Adjournment**. Lori Brown made a motion to adjourn the meeting and Travis Holder seconded the motion. The Motion to adjourn was unanimously approved at 12:32 P.M.

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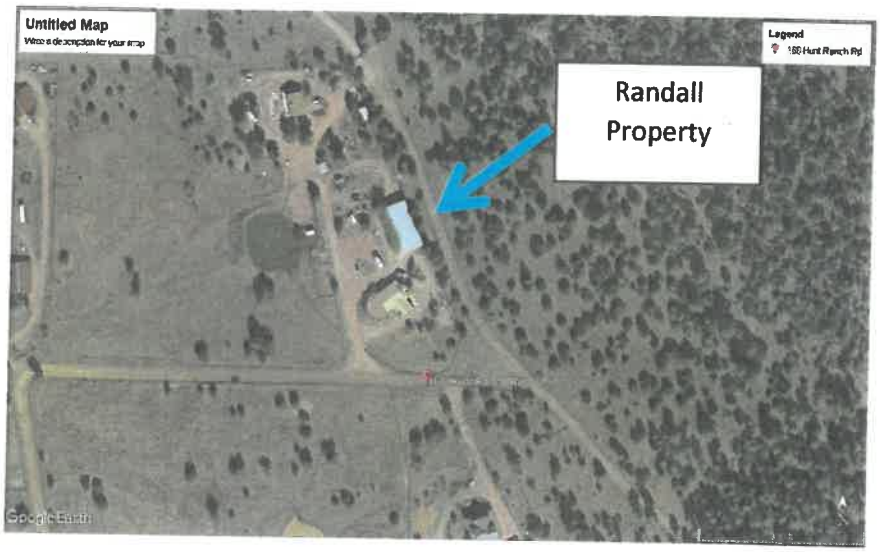
STAFF REPORT
TO THE
PLANNING & ZONING COMMISSION

APPLICATION Z-19-01

APPLICATION TO REZONE TO RI-D70



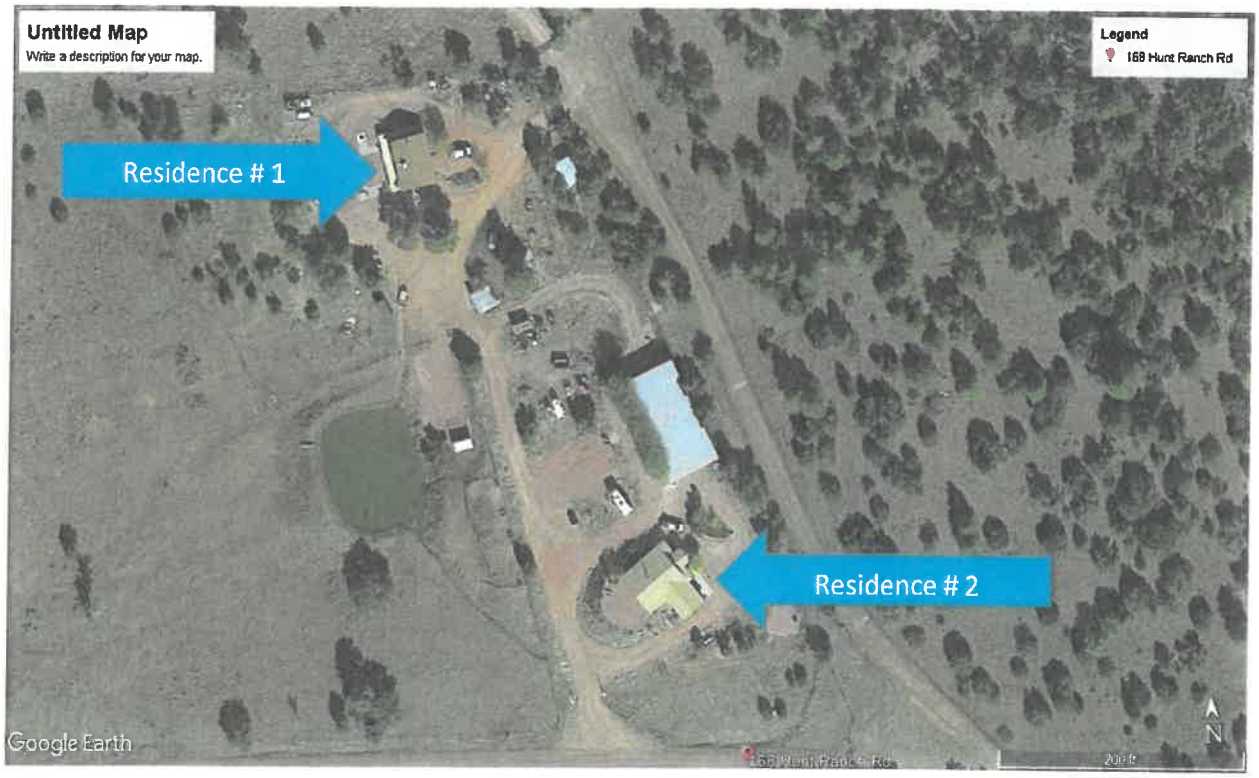
Rezoning Z-19-01
Public Hearing
April 18, 2019
610 E. Highway 260
Payson, AZ

I APPLICATION

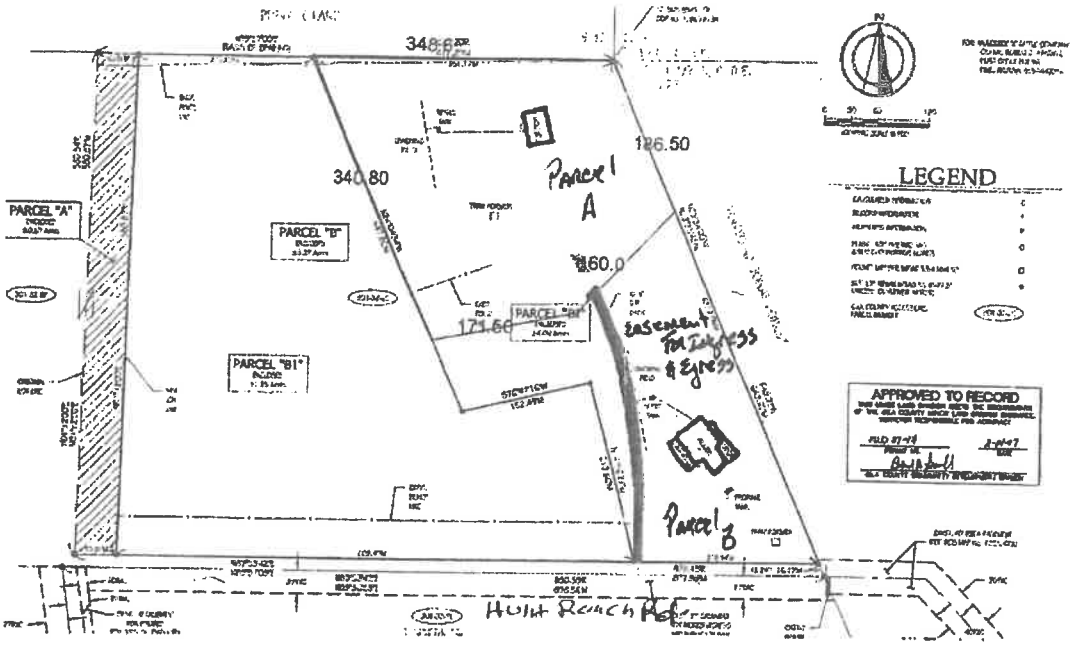
Applicant Name	Autumn Kinzer
Applicant Address	P.O. Box 218, Pine, Arizona 85544
Property Owner	Don Randall
Site Address	168 West Hunt Ranch Road, Pine, Arizona
APN Number(s)	301-32-002R
Current Zoning	R1-D175
Current Comp Plan	Residential (1 to 2 dwelling units per acre)
Application Number	Z 19-01
Proposed Zoning	R1-D70

II Purpose & Description

On behalf of the property owner, the applicant is proposing to rezone the subject property from R1-D175 to R1-D70. Currently, the subject property consists of two single family residences occupied by separate families. The purpose of the rezoning is to split the subject property into two separate lots with one residence on each parcel. There is not enough acreage to split the subject property and meet the minimum required lot area of 175,000 square feet for each parcel per R1-D175 zoning district requirements.



The current parcel will be split according to Gila County Minor Land Division requirements. The general configuration of the split is as shown below.



III Surrounding Land Uses

North: R1-D175
South: R1-D175
East: R1-D175
West: R1-D175

IV Neighborhood Outreach

On February 10, 2019 the applicant held a neighborhood meeting to inform adjacent property owners about the rezoning request. The applicant met separately with an additional neighbor later in February to discuss their plans. According to the information provided by the applicant, the adjacent property owners have not expressed any concerns regarding the rezoning. To date, no telephone calls, emails or letters have been received by the County staff regarding the rezoning request.

V. Background

Per County records, one residence was constructed in 1920 while the other one was built in 2005. There are no other records available.

VI. Analysis

Staff does not believe the rezoning of the subject property to R1-D70 will be out of character with the surrounding area nor will it have a detrimental impact on adjacent properties. The parcels will be in conformance with the Comprehensive Plan land use designation of Residential (1-2 du/ac) which dictates one to two dwelling units per acre, and through the Minor Land

Division process; the County will ensure the resulting parcels will meet the minimum requirements of the R1-D70 zoning district. Additionally, there will be no visible change on the subject property from what currently exists after the parcels are split. The access will be the same and no new structures are currently proposed. Any new structures must meet the County Zoning Ordinance requirements and building permits, where required, must be obtained.

VII. Recommendation

Staff recommends approval of the rezoning request. Should the Commission wish to recommend approval to the Board of Supervisors, the following motion is suggested:

Motion to approve Gila County Rezoning Case Number Z-19-01, a request to change the zoning designation on the subject property from R1-D175 to R1-D70 subject to the following condition:

1. The applicant shall obtain Minor Land Division approval from the Gila County Community Development Department.

Emailed to TC 2-12-19

Gila County Community Development Division
Planning & Zoning Department

745 N Rose Mofford Way,
Globe, AZ 85501
(928) 402-8512
FAX: (928) 425-0829

608 E Highway 260,
Payson, AZ 85541
(928) 474-9276
FAX: 928-474-0802

REZONING APPLICATION

Date: 1-20-2019 File No.: Z-19-01
Applicant Name: Autumn Kinzer Phone No.: 928-978-4649
Mailing Address: P.O. BOX 218 Pine AZ 85544
Signature: ~~Clinton~~ Kinzer
Email Address: Autimae@Gmail.com

Owner's Name: Don Randall Phone No.: 928-970-0856
Mailing Address: P.O. BOX 218 Pine AZ. 85544
Signature: Don Randall

(If the applicant is not the owner of the subject property, the owner must sign the application authorizing the applicant to apply.)

If the subject property is part of a homeowner association (HOA):

Name of HOA: N/A
Contact Person at HOA:
Email Address: Phone No.:

Property Address: 168 W. HUNT RANCH RD,
Property Parcel No.: 301-32-002R Legal Description:
Current Zoning: R1-D175 Requested zoning: R1-D70
Current Comprehensive Plan Designation:

Applicant's Description and Purpose of Rezoning Request (the applicant may include this information in the required project narrative): TO BE ABLE TO SPLIT MY PROPERTY.

FOR OFFICE USE ONLY
$365 Fee Paid Check No.: 142 Credit____ Cash: ____ Date: 2-13-19 P1902-037
PZC Legal Publication and Posting Date: Hearing Date:
PZC Recommendation:

BOS Legal Publication and Posting Date: Hearing Date:
BOS Decision:

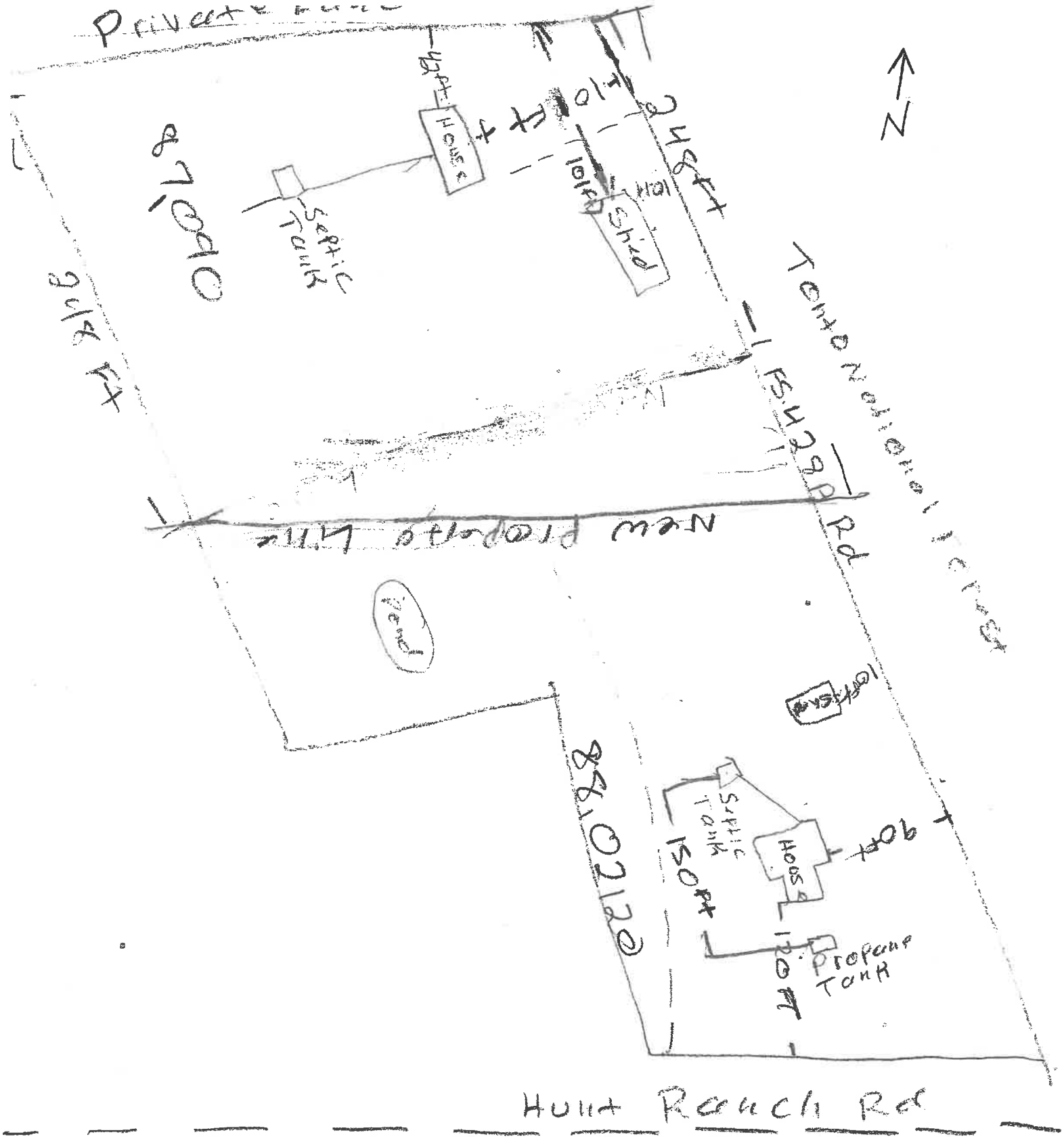
Don Randall, Donny and Becky Randall, and Sam and Autumn Kinzer.

Parcel # 301-32-002R

We want to change the density of our property from D175 to D70 after that we will change ownership from Don Randall to Donny and Becky Randall and Autumn and Sam Kinzer.

Our reason is, Autumn and Donny, (sister and brother) share the property at this time with two residences on it. We need it split to separate ownership.

Thank You.



Private Land
N
House
Septic Tank
Shed
248 Ft
Tonto National Forest
FS 429A Rd
New Property Line
Pond
Septic Tank
House
Propane Tank
Hunt Ranch Rd

To whom it may concern at Gila County Planning and Zoning,

Date: 2-10-2019

Home owners meeting 2-10-2019

For parcel density change 301-32-002R

Attending was Kent and Lori Chandler and Robert and Sally Randall.

We explained to them that we changing the parcel density to D70 and all attended where more than happy to sign our papers and said if we need any help with anything else to have anyone call them.

Kent and Lori Chandler 928-476-2263

Robert and Sally Randall...928-978-0298

Thank you, Don Randall, Donny and Becky Randall, and Sam and Autumn Kinzer

John Walter,

We are writing you this letter to inform you that we are working trying to change the density of our property to D70. Donny and Becky Randall and Sam and Autumn Kinzer are wanting to split the parcel that we are on in half and to do that we have to change the density to D70.

We met on Thursday 3-7-2019 on John Walter property and I am ok with everything mentioned above.

JOHN E. WALTER

PO BOX 394

PINE, AZ, 85544

602-377-3088

7 MARCH 2019

Dear, Randall's

We are writing you this letter informing you that Don Randall, Donny and Becky Randall and Sam and Autumn Kinzer are going to split our property and with the zoning we do not have enough land to split it. We have been working with Gila County and we want to change the density of only our partial to D70. The reason we are doing this is because right now both houses are on the same mortgage, and we are splitting it into Donny and Becky Randall and Sam and Autumn Kinzer name.

Thanks so much Don Randall, Donny and Becky Randall and Sam and Autumn Kinzer

Robert G Randall
PO Box 185
Pine, Az 85544

Dear Kent and Lori Chandler,

We are writing you this letter informing you that Don Randall, Donny and Becky Randall and Sam and Autumn Kinzer are going to split our property and with the zoning we do not have enough land to split it. We have been working with Gila County and we want to change the density of only our partial to D70. The reason we are doing this is because right now both houses are on the same mortgage, and we are splitting it into Donny and Becky Randall and Sam and Autumn Kinzer name.

Thanks so much Don Randall, Donny and Becky Randall and Sam and Autumn Kinzer

Lori Chandler
Colin Kent Chandler
131 W Hunt Lamb Road
PO Box 325
Pine, AZ 85544

(8)

PROPERTIES 300'

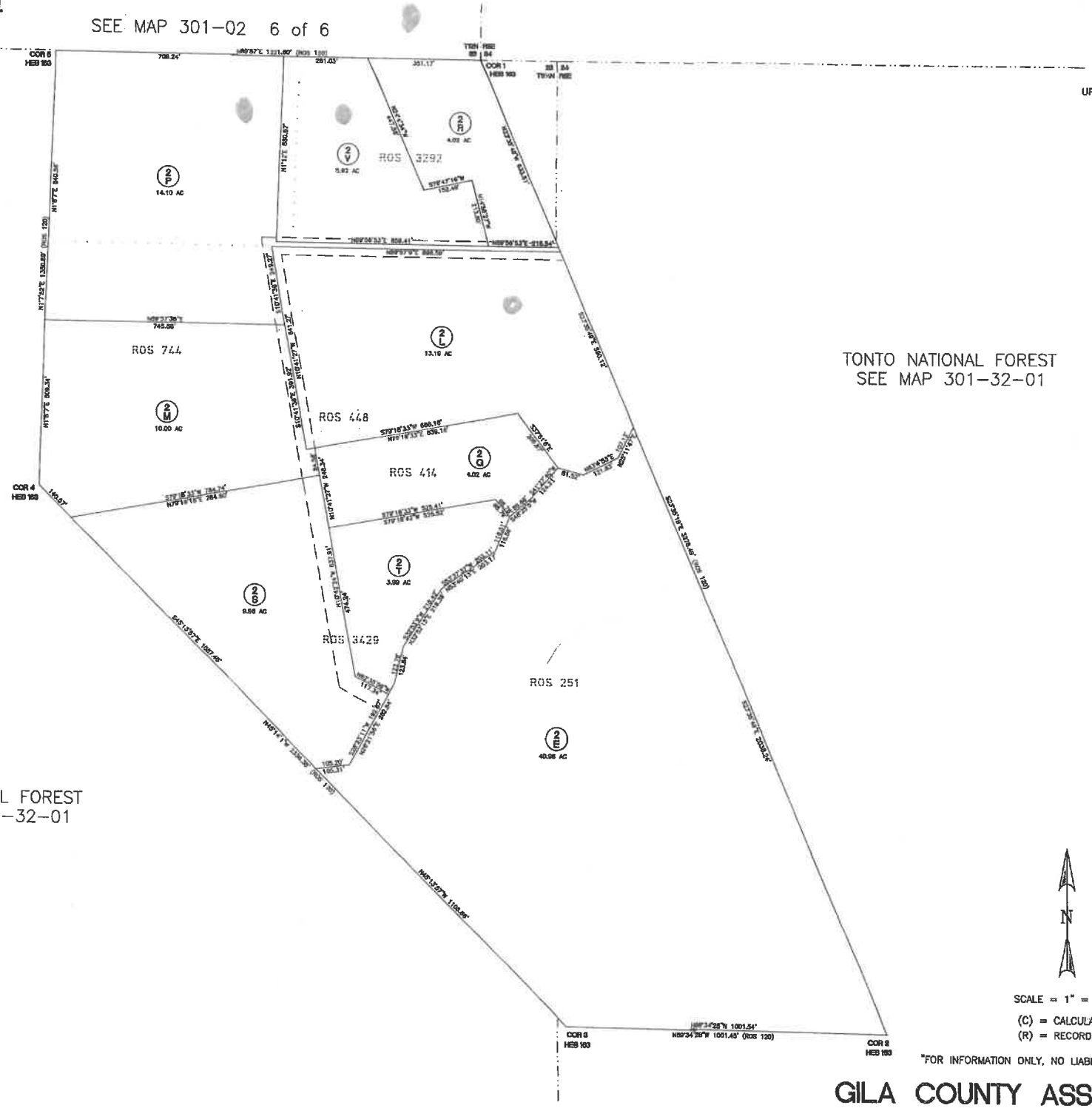
Z-19-01

Randall / Kinzer

PT SECS 23 AND 24
T11 1/2N R8E

SEE MAP 301-02 6 of 6

301-32
2 of 2
CODE 1276
UPDATED 7-19-16



SCALE = 1" = 200'

(C) = CALCULATED
(R) = RECORDED

"FOR INFORMATION ONLY, NO LIABILITY ASSUMED."

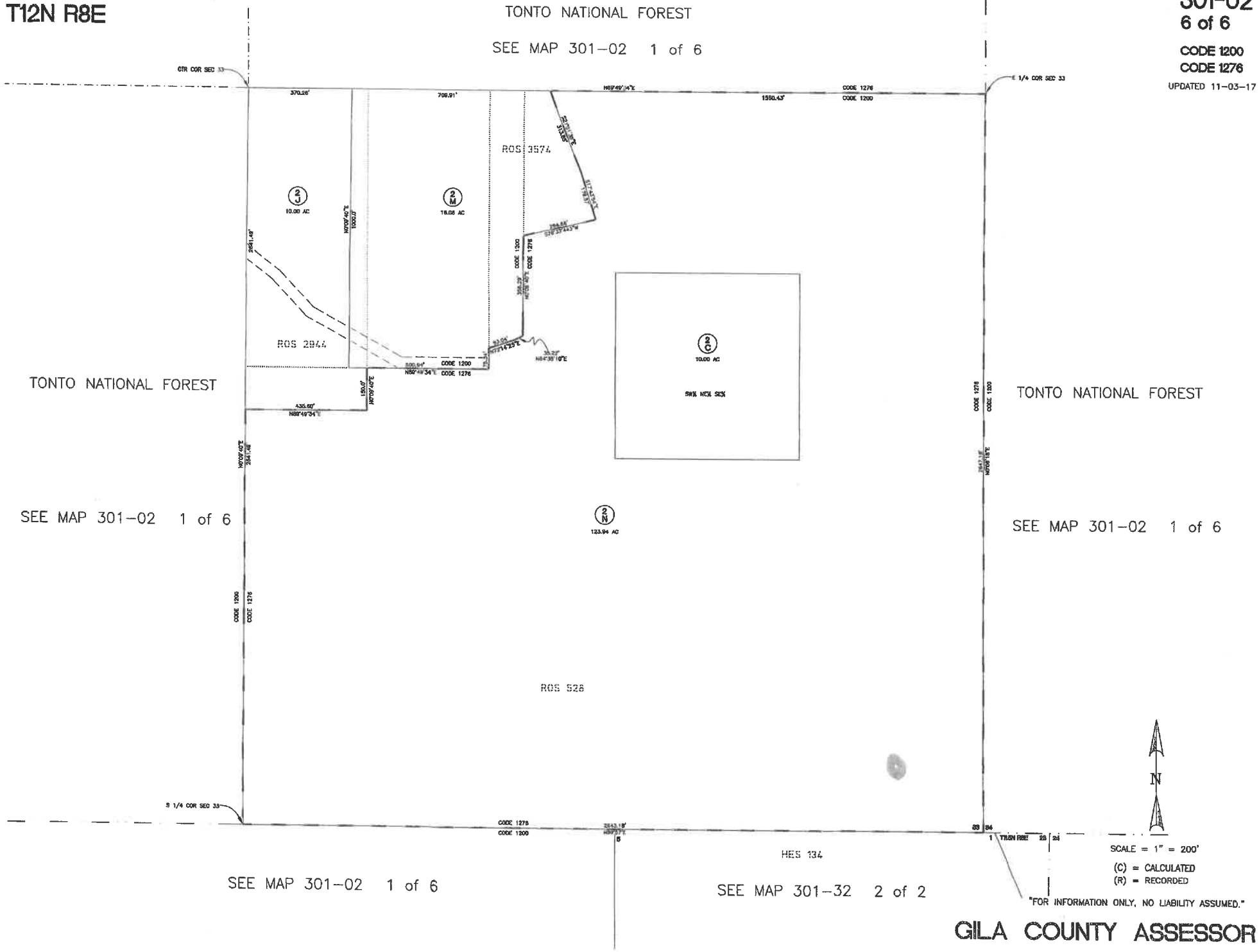
GILA COUNTY ASSESSOR

PT SE 1/4 SECTION 33
T12N R8E

301-02
6 of 6

CODE 1200
CODE 1276

UPDATED 11-03-17



GILA COUNTY ASSESSOR

Pine Holdings LLLP
C/O Payson Concrete
1900 E Hwy 260
Payson, AZ 85541
301-32-002V & 301-02-002N

John Walter
PO Box 394
Pine, AZ 85544
301-32-002P

Kent & Lori Chandler
PO Box 325
Pine, AZ 85544
301-32-002L

ZONING HEARING

GILA COUNTY

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the Gila County Planning and Zoning Commission will hold a public hearing on Thursday, April 18,2019 at 10:00 a.m. to hear citizens who may wish to comment on Case No. Z-19-01; Don Randall & Autumn Kinzer (Applicant), located at 168 W. Hunt Ranch Rd Pine, AZ 85544 (APN# 301-32-002P). The applicant is requesting a zoning change from Residence One District Density 175 (R1-D175) to Residence One District Density 70 (R1-D70),

The hearing will take place in the Gila County Board of Supervisors' Conference Room located at 610 E. Highway 260, Payson, AZ; and will be simultaneously telecast to the Community Development Conference Room located at 745 N. Rose Mofford Way, Globe, AZ.

Case No. Z-19-01 are available for review at the offices of Gila County Community Development located at 745 N. Rose Mofford Way, Globe, AZ or 608 E. Highway 260, Payson, AZ between 8:00 a.m. to 5:00 p.m.

DATED AND POSTED this 3rd Day of April, 2018

Gila County Planning and Zoning Commission

_____

Michelle Dahlke

Senior Planner

Gila County Community Development

PENALTY FOR DEFACING POSTER PRIOR TO DATE OF HEARING

13

POSTING CERTIFICATE

File Number & Name Z-19-01 Randall/Kinzer

Meeting of: ☑ P & Z Commission ☐ Board of Supervisors ☐ Board of Adjustment & Appeals

Meeting Date: April 18

Number of Postings: (3)

Date to be Posted: 4/3/19

Date Posted: 4/3/19

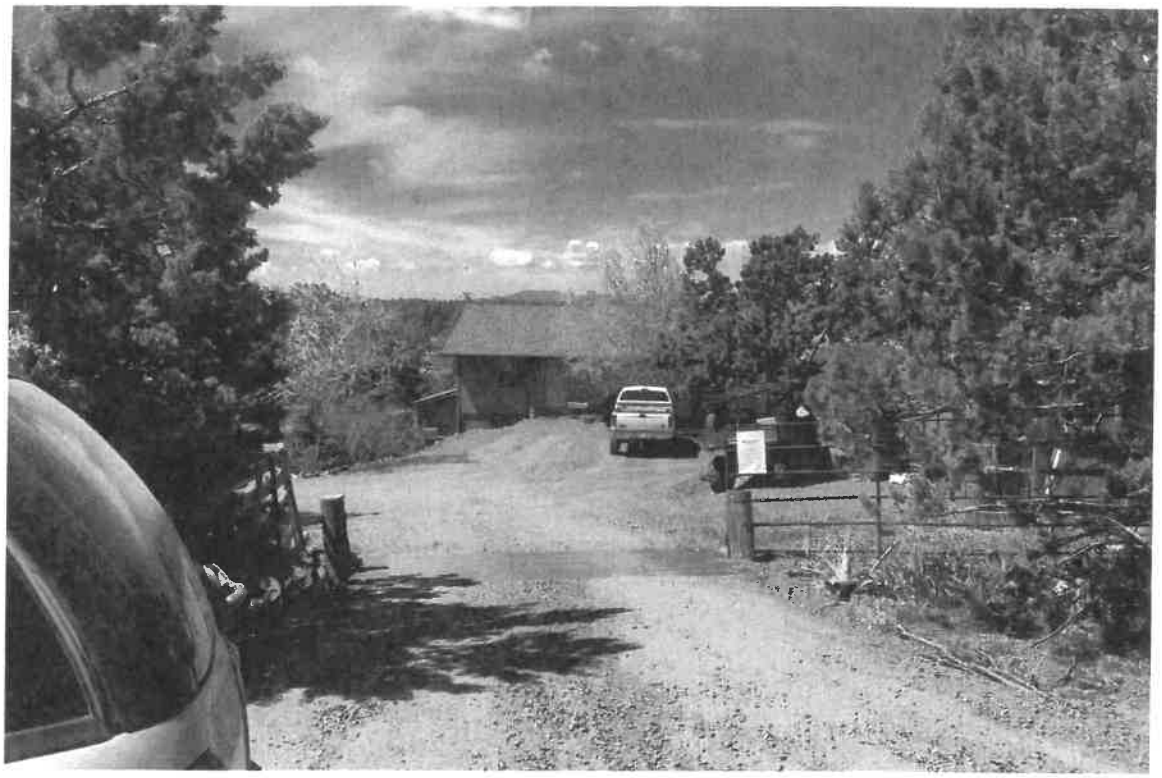
Location:

1. TOP OF HARDSCRABBLE (END OF ASPHALT) pic (1)
2. AT ENTRANCE TO SUB DIVISION pic (2)
3. AT RESIDENCE pic (3)
4.
5.

By: J. MOORE

POSTING INSTRUCTIONS (Per Par. A, A.R.S. Sec. 11-814)

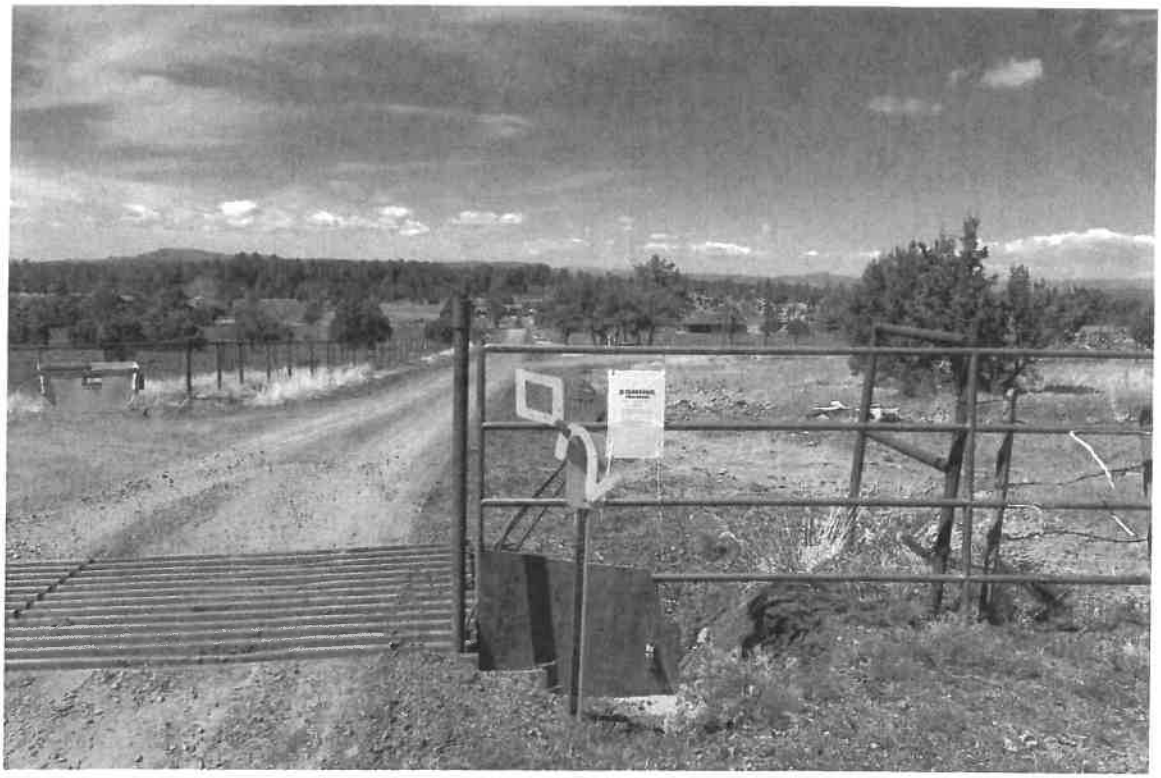
Posting is to be no less than two places with at one notice for each ¼ mile of frontage along perimeter public rights-of-way, so notices are visible from the nearest public right-of –way.



Z-19-01 RANDALL/KINZER 4.3.19 PICTURE (3)

POSTING AT RESIDENCE

J. MOORE

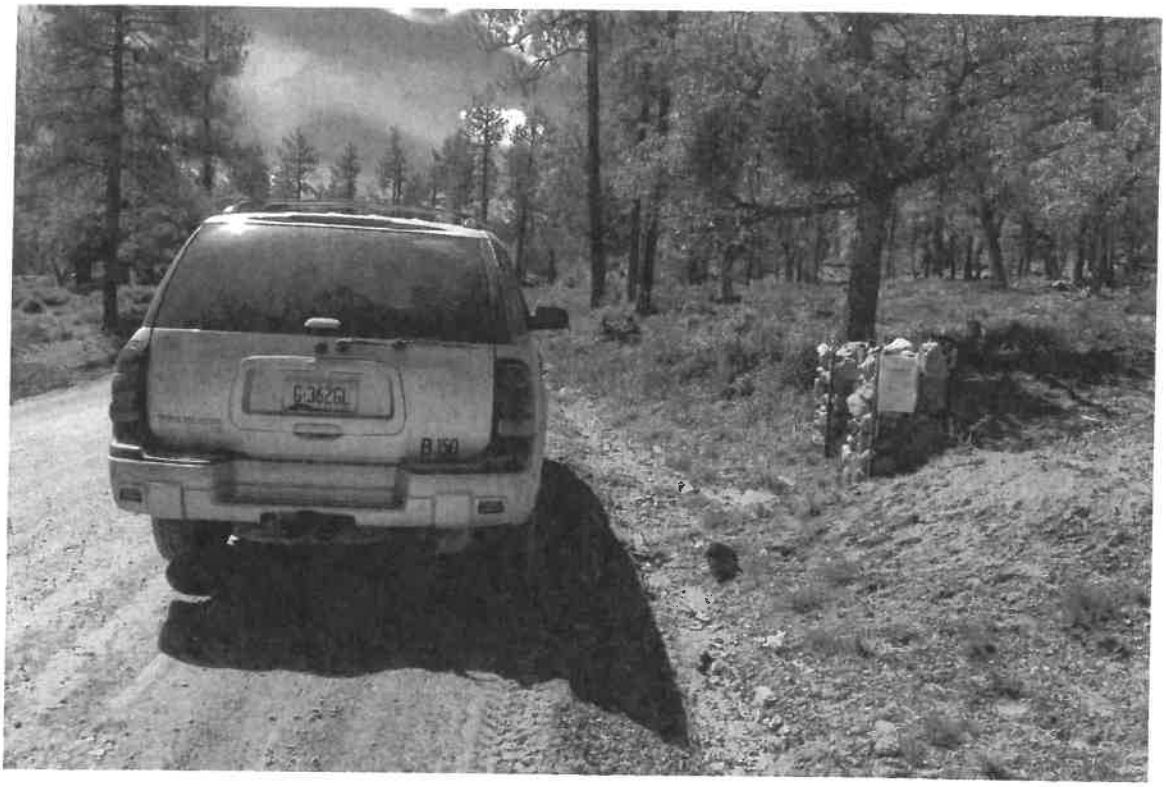


Z-19-01 RANDALL / KAZER 4-3-19 Pic (2)

AT ENTRANCE TO SUBDIVISION

J. MOORE

16



Z-19-01 RANDALL/KAIZER 4-3-19 PICTURE (1)

POSTING ON END OF HARDSCRABBLE

J. MOORE

POSTING CERTIFICATE

File Number & Name

Meeting of: ☑ P & Z Commission ☐ Board of Supervisors ☑ Board of Adjustment & Appeals

Meeting Date: 4/18/19

Number of Postings: _____

Date to be Posted: 4/3/19

Date Posted: 4/3/19

Location:

1. Public Works Admin DB
2.
3. Gila County Court house
4. Gila County Complex
5.

By: DB + BH

POSTING INSTRUCTIONS (Per Par. A, A.R.S. Sec. 11-814)

Posting is to be no less than two places with at one notice for each ¼ mile of frontage along perimeter public rights-of-way, so notices are visible from the nearest public right-of –way.