

**MEETING MINUTES OF  
THE CITY OF ELOY  
PLANNING AND ZONING COMMISSION  
Regular Meeting  
Wednesday, June 15, 2016  
7:00 P.M.**

**I. CALL TO ORDER**

Chairperson Schuh called the meeting to order at approximately 7:00 p.m.

**II. ROLL CALL**

**Members Present:**

- Chairperson Marlo Schuh
- Vice Chairperson Jose Garcia
- Commissioner Larry Brown
- Commissioner John Peterson
- Commissioner Daniel Snyder
- Ex-Officio, Micah Powell

**Member Absent:**

- Alternate Commissioner Steven Paulson

**Staff/Others Present:**

- Jon Vlaming, Community Development Director
- Belinda Cruz, Planner
- Eloy City Council Member, J.W. Tidwell

**III. INVOCATION**

Chairperson Schuh asked for a moment of silence.

**IV. PLEDGE OF ALLEGIANCE**

Chairperson Schuh led the Pledge of Allegiance.

**V. MOTION TO APPROVE THE APRIL 20, 2016 MEETING MINUTES OF THE PLANNING AND ZONING COMMISSION**

Vice Chairperson Jose Garcia made a motion to approve the April 20, 2016 meeting minutes of the Planning and Zoning Commission. Commissioner Snyder seconded the motion. The motion was approved unanimously 5 to 0.

**VI. NEW BUSINESS: POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:**

- A. PUBLIC HEARING TO ALLOW COMMENT FROM THE PUBLIC AND INTERESTED PARTIES ON THE PROPOSED CASE NO.: GPA16-012. APPLICATION INITIATED BY THE CITY OF ELOY FOR A MINOR GENERAL PLAN AMENDMENT ON 3.47 ± ACRES FROM COMMUNITY COMMERCIAL TO 2.47 ACRES MEDIUM DENSITY RESIDENTIAL AND 1.00 ACRES OF HIGH DENSITY RESIDENTIAL. SUBJECT PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF W. FRONTIER STREET AND N. JEFFERSON STREET, ASSESSOR'S PARCEL NUMBERS: 405-05-212, 405-05-213 AND 405-05-214 IN A PORTION OF SECTION 6, TOWNSHIP 8 SOUTH, RANGE 8 EAST OF G&SRB&M, PINAL COUNTY, ARIZONA (PROJECT NAME: CITY INITIATED MINOR GENERAL PLAN AMENDMENT OF ELOY MOBILE HOME PARK).**

Chairperson Schuh opened up the public hearing. Mr. Vlaming gave a brief description of the agenda item and explained that it was a staff initiated minor general plan amendment that is supporting agenda item C as previously described. At this particular time, as this agenda item is associated with the rezoning, the applicant has requested to continue both cases so this would be for information only-his rezoning is contingent on the approval of the zoning text amendment. The basis of the request is to change the general plan land use designation that is contained in the Commission's staff report. Mr. Vlaming provided a power point presentation and identified the subject property and its location. He identified the current land use designation on three identified parcels as Community Commercial and noted the request is to change the parcel located at the northwest to High Density Residential and the two parcels directly to the south to Medium Density Residential. These three parcels would then be in conformance with the request for rezoning if the request for rezoning was approved by the Commission moving forward.

Chairperson Schuh asked if anyone had any questions. Commissioner Snyder recalled the Commission having previous discussions amending the age restriction of mobile homes and asked if this would have any affect. Mr. Vlaming replied that one of the pieces of information that has been provided in their packet is a provision to the zoning code with the initial thoughts about what those amendment text changes might be. Again what we have on the docket, is not in the right order, we have potential changes associated with the rezoning request and a potential minor general plan amendment that is all part of this request. Mr. Vlaming gave a brief introduction of the rezoning request as an existing mobile home park and RV park with a C-1 (Neighborhood Commercial) underlying zoning designation. What it does it raise the issue of the project as to its legal non-conforming status. What staff is trying to do is match up the existing land use which is the long term intent with the appropriate zoning. Mr. Vlaming mentioned that the property owners of the two mobile home parks are here tonight to talk more about each of their parks, but in

the long term, the goal is to continue with the mobile home parks as such so that they match up the existing use and the projected long term use with the underlying zoning. This would assist not only them, but also staff for reviewing and issuing permits. That is kind of the “umbrella” as we are dealing with the general plan amendment currently, where we would be basically remove the commercial land use designation and replace it with the residential zoning the would match the existing use on the property. It would then be compatible with the general plan and with the proposed rezoning. Mr. Vlaming asked if the Commission had any questions about the recommendations to transition these parcels from commercial to residential. He then asked if anyone had comments at that time.

Chairperson Schuh asked who was present from the mobile home parks. Mr. Kris Monte introduced himself as the owner of the Eloy Mobile Home Park and RV and pointed to the other person sitting next to him as the other park representative. Chairperson Schuh asked if there was anything Mr. Monte would like to add. Kris Monte commented he is looking into rezoning to be in compliance to start bringing homes to his park. As of right now, he is not allowed to bring slightly used homes to the site from the 1990’s and older (which would be more than twenty years newer than the unit that is existing on that space in the park. He explained that he would agree to move forward with his rezoning request, if it was acceptable and expressed when he reviewed the existing language of the Mobile Home overlay requirements and regulations that it didn’t meet the park as it currently exists. He explained his park does not meet the minimum property size required for a park. He also indicated that for a lot of reasons, the existing park is not capable of being paved. He stated that he met with Mr. Vlaming on site of his park and talked about what they would like to do. He stated he understood the Commission would like the park to keep improving and they were in agreement.

Chairperson Schuh inquired if Mr. Monte was one of the gentlemen who came before the Commission in the past who had a property owner with a manufactured home owned by a women who had an issue with the minimum year requirement. Mr. Monte responded that would have been the previous owners of the Hacienda Mobile Home Park. Ms. Cruz clarified it was the Hacienda Mobile Home Park who had a client whose home was older than the minimum year allowed. during the time the City reviewed the manufactured home overlay ordinance (where they relaxed the year requirement from three (3) years to ten (10) years) Commissioner Schuh asked how Hacienda compares to what Mr. Monte is requesting. Mr. Monte stated he went to reach out to the owners of Hacienda. Mr. Monte mentioned that he had just bought a manufactured home that is now sitting in another park. He needs to bring it in and he could not bring it in because of this issue. So he reached out to the Hacienda park owner, as he knew they are zoned the same as his park. They haven’t had any issues with the City until now. Chairperson Schuh commented that the Commission had long discussions, meetings, work sessions with property owners, and asked how this didn’t come up then. She stated she does not recall Mr. Vlaming being here during that time and stated it was Mr. Rick Miller. Mr. Vlaming clarified that he was not here at that time but just a little bit of background information he stated that both park properties are zoned C-1 (Neighborhood

Commercial) since at least 2004 and previous hard copy versions of the Eloy Zoning Map show these properties as C-1. From his review of Google maps, he believes these parks have been in existence at least since 1996. Mr. Monte commented they have been in existence since the 1970's. Mr. Vlaming continued and questioned why this issue was not resolved previously and stated both parks have an existing legal non-conforming use. Chairperson Schuh added that this condition would preclude them from bringing anything in and asked would a rezoning be the only option. She also asked if they could obtain a conditional use permit. Mr. Vlaming responded the C-1 zoning does not have any residential provisions and uses are limited for them. He added that the staff thoughts were to get them to voluntarily rezone (with the long term use) with the appropriate zoning. He believed there are some conditions that are needed for each property, and that they would have to work with the property owners. Mr. Vlaming added staff is in the initial stages of discussion and provided a list of preliminary draft conditions that will be part of the staff recommendations to be considered at the next regular Planning and Zoning Commission meeting in July. He indicated that there are three actions associated with this property: review and approval of the minor General Plan Amendment, the actual rezoning of the property and taking a look at the provisions of the code that relate to the mobile home overlay. Mr. Monte stated he will not agree to the rezoning until "we" can change the manufactured home overlay zoning. The current zoning states the manufactured home can't be older than ten (10) years old and it is very unfeasible for a mobile home park. He added he is looking at a nineteen-ninety-four (1994) mobile home that he purchased for fifteen thousand (\$15,000) dollars and there is going to be a few thousand dollars and repair and ten thousand (\$10,000) to move it in and mentioned that he is into it a total of twenty-seven thousand (\$27,000) dollars and that's years of lost income. Vice-Chair Garcia asked if Mr. Monte was looking to replacing the mobile homes or filling in the empty spaces...."both" Mr. Monte replied. Council Member J.W. Tidwell asked if all three parcels are being used. Mr. Vlaming replied yes. Mr. Tidwell said he had a second question; "Why High Density Residential on only one parcel?" Mr. Monte replied that was the RV section of the park. Chairperson Schuh had additional questions. Chairperson Schuh asked why the City was initiating this instead of the property owners. Mr. Vlaming replied that the City is only initiating the general plan amendment and the property owners are initiating the rezoning. Chairperson Schuh asked why the property owners wouldn't be responsible for all of it as it's their property. Mr. Vlaming replied that when the general plan amendment was created in 2011, the correct designation was not placed on the overall property to reflect it's existing and expected longtime use. Chairperson Schuh replied that it is the property owners' responsibility to do their due diligence. She has purchased property and performed her due diligence as to what can be done on the property. She inquired that additionally, that with this 1994 model, she thought the City had the 10 year rule on mobile homes. She asked where she missed out. Mr. Vlaming replied, that the City has the 10 year rule. Mr. Monte replied that having a 2006 model is not affordable. Mr. Vlaming asked Mr. Monte to give an overview of the park's rate structure. Mr. Monte stated that the park rent is \$245.00 per month; it is very affordable.

A representative from the Hacienda Mobile Home Park (MHP), located at the southeast corner of Eleven Mile Corner Road and Battaglia Road, introduced himself as Michael Johnson and is the manager of the Hacienda MHP. He read a statement from the owners. *“The city of Eloy has been very forthcoming of their needs of a community. You have made leaps and bounds in improvements to encourage new enterprise and have progressed so much in so little time until recently. Recently, you changed your by-laws without informing those who have been and are affected. New ordinances in effect that have compromised families, businesses and livelihoods. In 2012, you allowed our park to operate and move and replace old homes under a set of guidelines. We had followed those instructions. We inserted fencing, a landscaping plan and improved the appearance per Mr. Rick Miller, and he was happy. Per Jose Martinez, we built a split face block wall, added landscaping rock around the perimeter and planted some more trees. We abided by the grading concern of Mr. Robert Poindexter with the Fire Department and he was also happy with the outcome and continued to issue out permits to further install homes. However, after we did all these things we corrected without hesitation, the City just recently found us and Mr. Chris K. to have non-conforming zoning and not allow us to move and install any further homes. Did you change your mind? Did you act unjustly and unfairly? Why the bully tactics, haven’t we abided each and every one of your requests? Well what the City of Eloy is doing can be labeled as against Arizona State Legislature which is illegal and subject to a lawsuit per Arizona legislation. Quote: “ In Arizona, when a use of property predates the adoption of a zoning regulation prohibiting it, such use known as a legal non-conforming use and is entitled to certain constitutional and statutory protections. Under A.R.S. 9-462.02(A), a zoning regulation may not be applied retroactively to extinguish a preexisting use of property “for the purposes used at the time the ordinance regulation takes effect”; nor may a regulation affect the owner’s right to make “any reasonable repairs or alterations in buildings or property used for such existing purpose,” unless the municipality purchases or condemns the property.” We kindly ask City staff, to approve the zone change and allow for all MHPs to continue with the provisions from Ordinance 13-807 on 02-27-2012. Please treat us differently than you do single family lots. We are a mobile home park and should have “grandfathered” with the same use as when it was first built.”*

Chairperson Marlo Schuh commented that this is distressing to be discussing amending the 10 year rule. This issue was addressed for a long time when it was revised from the three year rule because it was too stringent. She indicated that she knew that these mobile homes were the topic and it had to do specifically with them.

**B. CONSIDER, DISCUSSION, AND RECOMMENDATION TO THE ELOY CITY COUNCIL FOR APPROVAL, DISAPPROVAL OR OTHER ACTION ON CASE NO.: GPA16-012. (PROJECT NAME: CITY INITIATED MINOR GENERAL PLAN AMENDMENT OF ELOY MOBILE HOME PARK).**

No recommendation was made. This item has been continued until the next regular Planning and Zoning Commission Meeting.

- C. PUBLIC HEARING TO ALLOW COMMENT FROM THE PUBLIC AND INTERESTED PARTIES ON THE PROPOSED CASE NO.: RZ16-013. THE ELOY MOBILE HOME PARK ON BEHALF OF KRISTOPHER MONTE, THE OWNER, IS REQUESTING APPROVAL TO REZONE APPROXIMATELY 3.47± ACRES FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO 2.47 ACRES OF R1-6 (MEDIUM DENSITY RESIDENTIAL) WITH A MANUFACTURED HOME (MH) OVERLAY AND 1.00 ACRES OF R-4 (HIGH DENSITY RESIDENTIAL). SUBJECT PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF W. FRONTIER STREET AND N. JEFFERSON STREET. ASSESSOR'S PARCEL NUMBERS: 405-05-212, 405-05-213 AND 405-05-214 IN A PORTION OF SECTION 6, TOWNSHIP 8 SOUTH, RANGE 8 EAST OF THE G&SRB&M, PINAL COUNTY, ARIZONA (PROJECT NAME: ELOY MOBILE HOME PARK REZONING).**

This Public Hearing has been continued until the next regular Planning and Zoning Commission Meeting.

- D. CONSIDERATION, DISCUSSION, AND RECOMMENDATION TO THE ELOY CITY COUNCIL FOR APPROVAL, DISAPPROVAL OR OTHER ACTION ON CASE NO.: RZ16-013. (PROJECT NAME: ELOY MOBILE HOME PARK REZONING).**

No recommendation was made. This item has been continued until the next regular Planning and Zoning Commission Meeting.

- E. DISCUSSION ONLY ON CASE NO.: GPA16-010. CITY STAFF INITIATED REQUEST FOR A MAJOR GENERAL PLAN AMENDMENT FOR VARIOUS PROPERTIES BOUNDED BY HIGHWAY 87 TO THE EAST, CORNMAN ROAD TO THE NORTH, HOUSER ROAD TO THE SOUTH AND SUNSHINE BOULEVARD TO THE WEST. GENERALLY, LAND USE DESIGNATIONS ARE CHANGING FROM GENERAL INDUSTRIAL (GI) AND ESTATE DENSITY RESIDENTIAL (EDR) TO MIXED USE (MU), COMMUNITY COMMERCIAL (CC), MEDIUM DENSITY RESIDENTIAL (MDR) AND HIGH DENSITY RESIDENTIAL (HDR). (PROJECT NAME: MAJOR GPA HWY 87 300 WEST).**

Mr. Vlaming opened the discussion with a power point of the proposed properties for the major general plan amendments. Several property owners have shown an interest. There is a deadline for all major general plan amendments for this year, which would be the 24<sup>th</sup> of June 2016. Mr. Vlaming asked the Commission members if they have any comments or questions. Ex-officio Micah Powell indicated that he would like to see the housing development south of the prisons to be annexed into the City. He has received a lot of input from residents in that area that they would like to be part of Eloy. Coolidge is across State Route 87

from this housing development and the City would benefit from annexing this area before Coolidge steps in again.

- F. DISCUSSION ONLY ON CASE NO.: GPA16-014 CITY STAFF INITIATED REQUEST FOR A MAJOR GENERAL PLAN AMENDMENT TO DESIGNATE PROPERTIES ALONG THE EAST AND WEST SIDES OF SUNLAND GIN ROAD FROM WEST ADAMS ROAD ALIGNMENT ON THE NORTH TO W. NELSON FARM ROAD ALIGNMENT ON THE SOUTH. THE PROPOSED LAND USE DESIGNATIONS ARE LIGHT INDUSTRIAL, HIGH DENSITY RESIDENTIAL AND COMMUNITY COMMERCIAL FROM EXISTING DESIGNATION OF EMPLOYMENT IN THE PINAL COUNTY COMPREHENSIVE PLAN. (PROJECT NAME: CITY INITIATED SUNLAND GIN MAJOR GENERAL PLAN AMENDMENT).**

Mr. Vlaming informed the Commission members that the Quality Inn, located on Sunland Gin Road, is requesting annexation so that he can connect to the City sewer and water systems. Staff checked the location and indicated that this is currently part of Casa Grande's planning area. Property owners were identified and contacted. Only one property owner, Mr. Sutton has not shown any interest. Discussion closed.

- G. DISCUSSION ONLY ON CASE NO.: GPA16-015. CITY STAFF INITIATED REQUEST FOR A MAJOR GENERAL PLAN AMENDMENTS TO UPDATE MAPS AND TEXT IN THE EXISTING ADOPTED ELOY GENERAL PLAN. THESE COMPONENTS INCLUDE THE LAND OWNERSHIP MAP, CIRCULATION MAP, GROWTH AREAS ELEMENT, PARKS, OPEN SPACE AND TRAILS AND HOUSING ELEMENTS. (PROJECT NAME: ELOY GENERAL PLAN MAJOR GPA).**

Mr. Vlaming informed the Commission members that this incremental update was started last year. Part of the task has been translating the maps into GIS. Another three elements will be added to the cycle this year, with six remaining. These will be submitted on June 24<sup>th</sup>, 2016. He identified the proposed Growth Areas map, which includes focusing growth where infrastructure exists. The Toltec-Robson Area is # 1, the Airport Area is # 2, the Sun Corridor is # 3 which is the Interstate 10 area, including the Downtown, and scattered houses, the SR87 Corridor is #4 and, the Red Rock Area is # 5.

- H. DISCUSSION ONLY. STAFF INITIATED REQUEST TO AMEND THE ELOY CITY CODE, CHAPTER 21-ZONING, ARTICLE XI OVERLAY ZONING DISTRICT, DIVISION 3. MANUFACTURED HOME (MH). (PROJECT NAME: CITY INITIATED PROPOSED TEXT AMENDMENT TO THE MANUFACTURED HOME OVERLAY)**

Mr. Vlaming advised the Commission that in their packets is the text from Chapter 21- Zoning. At this time, based on the comments received tonight, this will be a

work in progress as to how we will move forward with the applicant and necessary revisions needed for the zoning.

## **VII. COMMUNICATIONS**

### **A. DOWNTOWN ADVISORY COMMISSION UPDATE**

Mr. Vlaming commented that the walking tour in downtown Eloy gave the City good exposure, hopefully to get more people interested. Twenty-one (21) people attended including staff in conjunction with the Eloy Chamber of Commerce. There are plans for a next tour the first week of November. Overall, there was a good turnout and interest was generated.

Commissioner Snyder asked if Staff or the Eloy Chamber of Commerce received any feedback.

Mr. Vlaming responded that those in attendance expressed they appreciated being able to visit some of the buildings. He stated he will keep the Commission posted.

### **B. OPERATION ELOY CLEAN UP SUMMARY**

Mr. Vlaming communicated that at the Operation Eloy Clean up held on Saturday, May 21<sup>st</sup>, there was a total of seventeen (17) volunteers and a total of 1.5 tons of trash was collected. There was good participation by staff, the Eloy Fire District and folks running for office.

### **C. ELOY VETERAN'S HERITAGE PARK UPDATE**

Mr. Vlaming communicated that on Monday, May 30<sup>th</sup>, it was the ribbon cutting ceremony of the Phase I of the new Eloy Veteran's Heritage Park located at the SWC of Main Street and 4<sup>th</sup> Street. We are looking forward to Phase II.

### **D. COMMUNITY SIGNAGE UPDATE**

Mr. Vlaming communicated that it is very unfortunate that he has to report that some of the lighting that had already been installed to light the signs at night have been removed. Staff has worked diligently to install the lighting, so this is disappointing.

Commissioner Snyder asked if everyone was aware of the same situation that happened at Robson Ranch. Commissioner Peterson added that it has occurred more than once.

Mr. Vlaming stated that lighting was a nice supplement to the signage and will be replaced and secured again.

### **E. CITY HALL PROJECT UPDATE**

Mr. Vlaming gave a brief update on the progress for the New City Hall project. He communicated that last Friday, June 10<sup>th</sup> the City received a total of twelve (12) submittals for Project Management/ Construction Management Consultant. He is in

the process of compiling packets for the Selection Committee. A short list will be created and a recommendation will be given to City Council.

#### **F. CITY COUNCIL UPDATE- EX OFFICIO MEMBER REPORT**

Vice-Mayor Powell communicated that the Alsdorf project has been completed. That it was a three-hundred thousand (\$300,000) dollar project and that the Eloy City Council has received great response from families and those who reside in the area. Vice-Chairperson Garcia asked about the status of the Starbucks building on Sunland Gin Road. Mr. Vlaming responded that Staff had received initial phone calls from Starbucks about their interest for opening the store again, and upgrading the existing sign. However, shortly thereafter (as per one of Starbucks representatives) they indicated that they were going to hold off with no timetable to submit plans.

#### **VIII. MOTION TO ADJOURN**

With no further business, Chairperson Schuh called for a motion to adjourn. Commissioner Brown motioned to adjourn. Vice-Chairperson Garcia seconded the motion. The motion was approved unanimously with a vote of 5-0.

The meeting adjourned at 8:34 p.m.