

**MEETING MINUTES OF
THE CITY OF ELOY
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, July 20, 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 Daniel Snyder
- Alternate Commissioner Steven Paulson

Member(s) Absent:

- Commissioner Larry Brown (excused)
- Commissioner John Peterson (excused)
- Ex-Officio Micah Powell (excused)

Staff/Others Present:

- Jon Vlaming, Community Development Director
- Belinda Cruz, Planner
- Laura Lopez, Code Compliance Officer
- Jose Martinez, Chief Building Official

III. INVOCATION

Chairperson Marlo Schuh asked for a moment of silence.

IV. PLEDGE OF ALLEGIANCE

Chairperson Marlo Schuh led the Pledge of Allegiance.

V. MOTION TO APPROVE THE JUNE 15, 2016 MEETING MINUTES OF THE PLANNING AND ZONING COMMISSION.

Chairperson Marlo Schuh asked for a motion; Commissioner Daniel Snyder motioned, Alternate Steven Paulson seconded the motion; the motion was approved 4-0.

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.: TA16-016. 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.

Chairperson Schuh opened the public hearing. Mr. Vlaming explained to the Commission that this is a continuation of the discussion from last month relative to the potential text changes to the Manufactured Home Overlay. He noted the revised text was included in their packets to consider tonight and discuss any input from the public and possible action from the commission. Vice-Chairperson Jose Garcia asked if most of it is cleanup. Mr. Vlaming replied, yes and that he wanted to point out and bring to the attention of the Commission relative to subsection F, second page under Chapter 21, relative to this 10-year time period in terms of the age as far as the structure to form that replacement. There was a lot of discussion relative to changing the text to accommodate a request/recommendation that would allow the property owner to have a 1994 unit, which would exceed the 10 year requirement. However that property owner has resolved this issue with another unit and so that particular request has been resolved.. Since we are discussing this particular issue, staff wanted to see what the tenor is from the Commission relative to the 10 year requirement. Staff heard a lot of input from the public at last month's meeting and so now we are here and this issue is open for public comment and consideration. He wanted to know what the Commission's thoughts are about relaxing the 10 year requirement or did they want to keep it the same moving forward. If this texting item "F" remains the same, the zoning request from the applicant will be rescinded. However, the applicant would be interested in seeing what kind of discussion and or determination is made by the Commission tonight before he makes a firm decision on the rezoning. At this point, we will address the rezoning when that particular point and Mr. Vlaming indicated that he would let him know the outcome. Vice-chairperson Jose Garcia directed a comment to Chairperson Marlo Schuh that he recalled that the 10 year timeframe was recommended by the property owners at that time and that the Commission addressed this issue at that time. He indicated that he would hate to see this issue coming back every five years for an extension; as he was not comfortable changing the 10 year provision. Commissioner Daniel Snyder questioned if the current property owners were concerned with the 10 year requirement; recognizing that the 10 year requirement might have some form of upgrading to be sure that the tenants were being looked after and the property was being maintained. He indicated that if there was some other method that might be used and they (the property owner's

and Commission) suggest that there might be an appropriate way to allow something older than 10 years to ensure we are keeping in the spirit of the original 10 year requirement, whether it be off-site inspections or otherwise. Mr. Vlaming responded that one of the staff's intentions was to complete some minor cleanup of the text. He indicated that in the track changes of the text, we can move forward. He stated that the Commission could certainly discuss that specifically if they had any questions. It appeared to him that this was the "900 lb. gorilla", as the City will use this time frame due to the fact that it impacts two particular property owners, one of which was represented at the meeting. He noted that they (property owners) just wanted to get a sense of what the tenor is of the Commission to address this and potentially revise this or not. Their decision would give staff the direction needed to move forward. Alternate Steven Paulson asked Mr. Vlaming what is the history behind the 10 year requirement. Mr. Vlaming responded that both the cases would be addressed later in the meeting that evening. He described that there are two mobile home parks where the underlying zoning is C-1 which is Neighborhood Commercial. C-1 does not allow for residential as a permitted use. However these mobile home parks are basically grandfathered uses. There is a planning term called "legal non-conforming use", where these folks are allowed to continue with the use of their property in this way, unless there is a significant change to the overall development of the existing property. He indicated that Staff has tried to have some dialogue with both property owners to see if there was any interest on their part in terms of voluntarily going thru the rezoning process in an effort to rezone the property to match its existing use. He continued that it would appear the long term use of the property is a mobile home park and so with the underlying zoning as residential (R1-6), it would make it compatible with the existing use. He noted that Staff would then place the manufactured home overlay on the property, which is an existing zoning overlay used in other areas within the City. He continued that this effort has been an attempt to get voluntary compliance from a zoning standpoint; they are under their own free-will if they want to rezone or continue as a legal non-conforming use. He said that Staff will take into consideration the Eloy Mobile Home Park for a minor general plan amendment, as Staff has the ability to make the Eloy General Plan consistent with the existing use.. Mr. Vlaming noted that we wouldn't be able to do that tonight for the Hacienda Mobile Park because it wasn't noticed. He continued that at this point, the Eloy Mobile Home Park has decided to submit an application for rezoning for R1-6. They were doing this on the premise that they be allowed to bring in a 1994 manufactured home and place it on a vacant space. He described that one of the provisions the Staff was looking at focused on relaxing the 10 year requirement to allow this 1994 unit and attempt to establish a series of conditions on the property, to maintain the perimeter visual screening from the street and also to provide some landscaping and lighting improvements. They (Eloy Mobile Home Park) were interested in the fact that relaxing the 10 year requirement would allow the 1994 unit. He noted that while Staff can propose this, it would be up to the Commission and City Council to decide if this change is viable or not. Mr. Vlaming described the agenda generally, stating that the Commission would be talking about the text provisions first, then discussing the general plan amendments and then tabling the rezoning item. Alternate Commissioner Steven Paulson commented that it seemed arbitrary on the 10 year requirement stating; "we

all know you can have a 10 year old automobile that's in terrible shape and a 12 year automobile that's in perfect shape". He then inquired if there were steps to guarantee the structure. Mr. Vlaming then introduced Chief Building Official Jose Martinez to the Commission. Mr. Martinez informed the Commission that he could see both sides of the situation. He stated that he would not compare it to a vehicle, as it is more of a life/safety situation as far as electrical and fire egress. He indicated that he conducts an inspection on the mobile homes and that there are cases out there on older manufactured homes being in mint condition similar to the comparison Commissioner Paulson made with regards to vehicles. He indicated that it depends and that he has worked with the property owners of Hacienda in bringing units to substitute to perhaps enhance the property site. Mr. Vlaming asked Mr. Martinez to explain to the Commission the process by which a property owner would bring a mobile home into the City and at what junctures is the City involved in officially evaluating the unit and providing input with regards to correcting the unit. Chairperson Marlo Schuh asked that everyone refer to the term "manufactured homes" as we are no longer bringing in mobile homes. Mr. Martinez explained that the applicant will fill out a building permit; they will have a copy of the title of the manufactured home coming in, bring it on site, set it up, and call for an inspection. He'll come out and check the anchors and skirting. The second inspection will have temporary power, and he will inspect the panel box to make sure the wires are not hanging out. The final inspection would be for the Certificate of Occupancy. Commissioner Daniel Snyder asked that when inspections are conducted, are there issues that tend to be noticed, such as electrical. Mr. Martinez replied that the biggest percentage of outstanding issues are the electrical system and the decay of the home. If it's a structural problem and then he requires that they are repaired. He noted that when the project gets to that stage, then an engineer is needed. Commissioner Daniel Snyder asked the Hacienda Property Manager, Michael Johnson, "If he was sitting on the Commission and you wanted to change the 10 year requirement, what would you change it to? Mr. Johnson replied that it should be based on the appearance, and the structure of the unit itself. You could have a home that's three (3) years and trashed and an older unit in mint condition. It depends on who had the home before. When a building permit is obtained, photographs should be included in the plan showing the outside and inside of the unit. The units that are located within Hacienda are currently intact. Vice-Chairperson Jose Garcia asked how many units are not currently occupied. Michael Johnson replied that 72% percent of the project is currently vacant. He also added that since he has been managing the property, he has seen an improvement in the last nine months. Vice-Chairperson Jose Garcia asked if staff had time to check others city requirements regarding manufactured homes. Mr. Vlaming replied that Coolidge has a three year requirement. Vice-Chairperson Jose Garcia commented that's what the City originally adopted in 2011, before it was changed to the 10 year requirement. Would it be possible to include wording in the ordinance such as "proof of a structure and electrical inspection is required? Chief Building Official, Jose Martinez replied yes, that there are third party agencies that conduct those kinds of inspections.. Mr. Vlaming suggested having this type of inspection completed 60 days prior to bringing the unit on the lot. Chairperson Marlo Schuh asked "what is the benefit of having this type of prior inspection, because isn't the

unit already being brought in and then being inspected”? Mr. Martinez replied that even though an electrical inspection is conducted prior, it doesn’t mean that it will pass inspection once he looks at it. Alternate Commissioner Steven Paulson asked Mr. Vlaming, if this is primarily a safety issue and not an aesthetic reason for the change in the text. Mr. Vlaming responded that it is a safety issue, however there are screening requirements. Chairperson Schuh had a question “can you define significant change or changes based on the legal non- conforming use”. Mr. Vlaming replied that’s a great question, and the courts have weighed in on that and it seems that those changes are not based on a space by space basis in order to relinquish the legal non-conforming use. He said that it appears there isn’t any standing as to what would constitute a change in the legal non-conforming status that would affectively change a project’s status. He indicated that Staff would like voluntarily compliance from the property owners on rezoning their property. Chairperson Schuh inquired as to what benefit it would have for the property owners as far as rezoning their property. Mr. Vlaming replied that Staff would collectively have a better understanding to administer the property from a setback and development standpoint, moving forward. Reviewing permits would occur faster if they were under the R1-6 manufactured home overlay because the C-1 zoning does not have any residential standards which apply, so Staff has to assess each one based on their own merits. Michael Johnson would like to read a letter: See attached: Close the Public Hearing.

B. CONSIDERATION, DISCUSSION AND RECOMMENDATION TO THE ELOY CITY COUNCIL FOR APPROVAL, DISAPPROVAL OR OTHER ACTION ON CASE NO.: TA16-016. (PROJECT NAME: CITY INITIATED PROPOSED TEXT AMENDMENT TO THE MANUFACTURED HOME OVERLAY).

No recommendation was made. Mr. Vlaming added that since some ideas have been expressed, it would need to be researched. Commissioner Daniel Snyder commented that he would like the 10 year requirement left in place, but to stipulate a third party inspection is needed. 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.: 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 ACRE OF HIGH DENSITY RESIDENTIAL. SUBJECT PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF W. FRONTIER STREET AND N. JEFFERSON STREET, ACCESSOR’S PARCEL #405-05-212, 405-05-213, 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).

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.: GPA16-012. (PROJECT NAME: CITY INITIATED MINOR GENERAL PLAN AMENDMENT OF ELOY MOBILE HOME PARK).**

Chairperson Marlo Schuh asked for a motion, Vice-Chairperson Jose Garcia motioned, Commissioner Daniel Snyder seconded the motion. Motion to continue approved 4-0.

- E. 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 ACRE 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, 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 Agenda item was continued.

- F. 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)**

This Agenda item was continued.

- G. 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 addressed the Commission and stated that a blank annexation petition was filed last year. The property fronts on State Route (SR) 87 and the owners requested an evaluation from the City as to the proper uses. After review, it appears with the residential character established to the south and to the west; the future corridor of the North-South Freeway along SR 87; and the extensive amount of industrial property located between Frontier and Interstate 10 to the south, that a transition in the future land use of the property is warranted. Letters were sent out to property owners in this area to see if they had any interest in joining this major general plan amendment. There are two property owners that are interested in changing the land uses on their property; the Cooley family, State Land Department and Judy family. Staff will be transmitting the major amendments out for their 60 day review. Staff will then come back for formal approval from the Planning and Zoning Commission and then City Council.

H. DISCUSSION ONLY ON CASE NO.: GPA 16-014 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 THE EXISTING DESIGNATION OF EMPLOYMENT IN THE PINAL COUNTY COMPREHENSIVE PLAN. (PROJECT NAME: CITY INITIATED SUNLAND GIN MAJOR GENERAL PLAN AMENDMENT).

Mr. Vlaming addressed the Commission that the City had entertained a request from the property owner (The Quality Inn) indicating their desire to obtain water and sewer, as the property is not currently in the City limits. Staff sent letters out to surrounding areas, north of the Quality Inn, to include the Border Patrol Facility, Cotton Gin and a light industrial area which was suggested by Pinal County. Once input is received, staff will be requesting that they be allowed to file a blank annexation from City Council. Mr. Vlaming stated he would keep the Commission posted on the status of this annexation.

I. DISCUSSION ONLY ON CASE NO.: GPA16-015, CITY STAFF INITIATED REQUEST FOR A MAJOR GENERAL PLAN AMENDMENT 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 ELEMENT AND HOUSING ELEMENT. (PROJECT NAME: ELOY GENERAL PLAN MAJOR GPA)

Mr. Vlaming addressed the Commission as to the organization of these pieces accordingly. He noted that maps are available for review and text amendments will follow. Mr. Vlaming showed the Commission on an overhead map, the areas that

are included for updates; which are five areas for this major amendment. The Open Space and Trails Element looks at the existing parks, in terms if they are well located, are they serving the community, etc. There is an area, located at the northwest corner of Tumbleweed and Houser, which was donated to the City. It is 15 acres and is an ideal area for a park in the future. The Land Ownership Map identified the surface ownership of all lands within the city boundaries and planning area. Mr. Vlaming noted that there are a few minor changes that have been made to the Circulation map. These include a potential interchange location and spacing, and the Interstate 11(I-11) Corridor. He indicated here might be some federal highway funds to upgrade 1-10 within the City. For the land use map, he also noted that the language is not consistent with what is needed on the zoning map for the airport influence area. The amendment also includes the recommendation to void the current Downtown Development and Neighborhood Preservation map (due to its inconsistency with the land use map) and that element will rely on the land use map going forward.

J. DISCUSSION ONLY ON CASE NO. GPA16-020 CITY STAFF INITIATED REQUEST FOR A MINOR GENERAL PLAN AMENDMENT. (PROJECT NAME: CITY INITIATED PROPOSED MINOR GENERAL PLAN AMENDMENT TO THE HACIENDA MOBILE HOME PARK).

Mr. Vlaming informed the Commission that this agenda item is for discussion only. Staff is recommending revising the general plan land use designation for the Hacienda Mobile Home Park. The park is currently designated as Community Commercial and Staff is recommending the designation be changed to Medium Density Residential.

VII. COMMUNICATIONS

A. CITY HALL UPDATE

The City took ownership of the property in early June and started the process of selecting designers and contractors. There are three solicitations the City is seeking: project manager, architect and construction manager at risk. Twelve (12) bids for project manager were received and this has been shortlisted to four (4) firms. The firms will be presenting a power point to the City Hall Committee in August. Eleven (11) Statement of Qualifications were received for the Architect position. These also were shortlisted to four (4) with interviews also taking place in August. Lastly, submittal of statements of qualifications for the construction manager at risk will close on July 21, 2016 at 3:00 pm.

Ex-Officio Micah Powell was absent (excused), so no City Council Update was available.

VIII. MOTION TO ADJOURN

With no further business, Chairperson Schuh called for a motion to adjourn. Vice-Chairperson Garcia motioned, Commissioner Daniel Snyder seconded the motion. The

motion was approved unanimously with a vote of 4-0. The meeting adjourned at 8:30 p.m.