

**MINUTES OF THE REGULAR MEETING AND PUBLIC HEARING
OF THE TOWN OF PINETOP-LAKESIDE PLANNING AND ZONING
COMMISSION, HELD ON THURSDAY, JUNE 25, 2020
AT TOWN OF PINETOP-LAKESIDE COUNCIL CHAMBERS
325 W. WHITE MOUNTAIN BOULEVARD, LAKESIDE, AZ 85929**

A. Call to Order

Chairman Staley called the meeting to order at 6:00 p.m.

Roll Call:

The following Members were present:

Adam Staley	Chairman
John Salskov	Commission Member
Tim Williams	Commission Member
Larry Agan	Commission Member
David Orris	Commission Member
Alison Stewart	Commission Member <i>participated telephonically</i>

The following Member was absent:

Richard Smith	Vice Chairman
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Also Present:

Cody Blake	Community Development Director
Keith Johnson	Town Manager
Jill Akins	Town Clerk
Kristi Salskov	Assistant to the Town Clerk

B. Call to the Public

Chairman Staley called for public comments. No comments were offered to the Commission.

C. Minutes

C.1 Minutes of the Regular Meeting of the Planning and Zoning Commission held on June 11, 2020.

Chairman Staley moved to approve the minutes of the regular meeting of the Planning and Zoning Commission held on June 11, 2020. Commissioner Orris seconded the motion and by show of hands the following vote was recorded:

	<u>AYES</u>	<u>ABSTAIN</u>	<u>NAYS</u>
Adam Staley			
John Salskov			
Tim Williams			
Larry Agan			
Alison Stewart			
David Orris			

D. New Business:

D.1 Information, Discussion and Recommendation to Town Council and Public Hearing regarding Z-078 Zone Change Request from Open Space (OS) to Light Commercial Zoning District (C-1) APN 212-01-036J totaling 10.17 acres; located at the corner of White Mountain Blvd and Wagon Wheel Road, Lakeside, in Section 16, Township 9 North, Range 22 East, Navajo County.

Community Development Director Cody Blake said that the applicant, BC2, LLC. (Brett Cote) is requesting a zone change on 10.17 acres on parcel number 212-01-036J. The property is located at the corner of Wagon Wheel Road and White Mountain Blvd. and adjacent to Camp Grace. Currently, there is no specific use intended for the property. Mr. Cote wants the zone change to make the land more marketable for potential buyers looking for commercial property. He said that staff recommends approval of the zone change since the property is highway frontage and best suits commercial use.

Director Blake explained this parcel was part of the Forest Service exchange and it was Forest Service land up until two years ago and said that Mr. Cote bought the land and split it off into sections. Currently Mr. Cote does not have specific use for the parcel and said that the zone change is for marketability. Mr. Cote hopes to market this into a hotel or resort. Mr. Cote has been dealing with a property owner across the street from this parcel, Mr. Kim Mattice, because Mr. Mattice is

concerned because there is no defined use at this time. Mr. Mattice and Mr. Cote have been corresponding regarding the businesses that are allowed on C-1 and have agreed upon removing certain types of uses that Mr. Mattice is objectionable too; such as bars, liquor stores, bowling alleys (except that a resort hotel facility which has bowling lanes for guest use shall be acceptable); miniature golf courses (except that a resort facility which has a miniature golf course for guest use shall be acceptable); and pools halls (except that a resort hotel facility has a pool hall for guest use shall be acceptable). Director Blake explained that Mr. Mattice wanted a few other items excluded, but Mr. Cote wanted to include them; drive through restaurants, grocery stores and a few others.

In response to Commission Orris, Direct Blake explained that Mr. Mattice's owns twenty acres of property across the street which includes his home and a pond. His property is zoned commercial/residential which can be used for commercial or residential.

Director Blake said the county would require the road to be widened, depending on how the property would be accessed. He said this is a county maintained road.

Director Blake said that Mr. Cote wants to donate a fifteen-foot section of the land to the Town as additional right-of-way for the purpose of widening Wagon Wheel Road.

In response to Commissioner Williams, Director Blake said no, it would be up to the property owner to widen the road.

In response to Commissioner Stewart, Director Blake said it is true, that in the past there had been times when the Town had approved zone changes without an approved use. He said it was done similar to this with suggested uses being agreed upon to eliminate.

In response to Commissioner Stewart, Director Blake explained that the Commission would make a recommendation to Town Council to approve the zone change with those exceptions. He said the recorded document would be part of the zone change approval that would limit the uses on that property.

Chairman Staley said that would be enforceable and the limitation would have to be complied with.

In response to Commissioner Slaskov, Director Blake said on the corner of Wagon Wheel Road and Highway 260 is commercial and the properties going back are residential behind the commercial property. He explained that Mr. Mattice's property backs up to the Pepsi distribution and The HUB and on the other side of Mr. Mattice is a trailer park. He said along the highway in Wagon Wheel is primarily commercial along the front and residential behind.

In response to Commissioner Orris, Director Blake said this particular parcel goes back a little deeper than most of the other commercial properties, except The HUB goes back far also.

Director Blake said they are three properties between The Atrium on the corner and Mr. Mattice's property and said they are smaller pieces, approximately half acre pieces, and the trailer park are ¼ acre lots.

Chairman Staley opened the Public Hearing to allow comments on this matter.

Mr. Kim Mattice, 5804 Wagon Wheel Road, Lakeside, addressed the Commission: *"I would like to review quickly with you some of the rules we are all governed and in the zoning guidance with the Town under 17.64-016 this chapter is not intended to allow uses which would impose hazards, or a nuisance to adjacent or other properties by reason of smoke, soot, odor, noise, glare, fumes or other conditions that would adversely affect the health, safety and welfare of others and then it quotes three separate sections of the Town ordinances. Essentially that is one of the primary purposes of the Town is to watch out and protect for contamination of other properties by odor, noise, glare and light. The General Plan that was passed and approved by the voters in 2015 has Plan Use goals and the Plan Use goals state to protect existing properties from adverse impact created by new, adjacent uses. That is about as direct as I could possibly be and this was approved by the voters and that we are all bound by today. In the packet that is used by a zoning applicant, and is used by the Town of Pinetop-Lakeside is extremely well done and basically says that an application must be completely filled out and signed and dated. You have a copy of Mr. Cotes application and you can see there are many items that are not completed. It also states that a complete application shall be accompanied by a site plan for review by the Community Development Department, we have not site plan here because we have no use. So, we have not complied with the requirements of the Planning and Zoning Commission or the Community Development Department. It also says all zoning map amendments shall, in bold, black capital letters, be consistent with the General Plan, which we just looked at. The assumptions of the General Plan have changed significantly*

enough to warrant the request and not create an isolated district, unrelated to adjacent nearby districts. Let's just throw out here on the table, I have a ten acre piece of land in Pinetop-Lakeside that is probably one of a kind, it is very unique, it is very beautiful and probably about 700 feet of frontage on Wagon Wheel Road, Normally this would not be a problem if you look at the plat map that has been submitted, The Atrium building that you all are familiar with is 186 feet deep and this property on Wagon Wheel Road goes back almost 700 feet, at the farthest point from the front corner to the back goes back 965 feet. Almost 1000 feet. Most of the commercial zoning in Pinetop-Lakeside is 200 feet, all up and down the highway is 200, maybe up to 300. The Maverick store is 248 and the only one that is different perhaps is, mentioned by Mr. Blake, is The Hub, which is a unique property located in the County. Properties in the Town of Pinetop-Lakeside are generally 200 feet deep and very rarely do you see one deeper than that. With respect to the application, which was extremely well written by the Town, letter B on the application, compatibility of surrounding land uses and zoning patterns, list the surrounding land uses and the zoning designations and does this proposal create a transition between incompatible land uses? If you look at the C-1 list it basically encompasses everything, so other than the restrictions that Mr. Cote, who has been a perfect gentleman and I admire him for his efforts, you can put anything you want onto C-1 and if you zone this property C-1 you have no control, anything can go there that is on this list and you have no ability to control except for the Site Plan. Will the proposed change create traffic congestion? You know Wagon Wheel Road, it is extremely congested already, it is almost impossible to make a left hand turn. I am trying to get the traffic counts from the county but they are back logged, but I bet there is a thousand cars that go up and down that road every single day because of the large share of properties in the back. Noise, vibration, lighting and other considerations, will the proposed changes have effect the living conditions in the surrounding neighborhoods? Drainage problems. Will the proposed change adversely affect property values in the neighborhood? We have several professional realtors here, I don't need to tell you what is going to happen to my twenty acre parcel in terms of the value (if zone Mr. Cote's property as C-1). The code basically requires that you not give preference or privilege to one citizen or one owner of a property versus another. If you classify this property as C-1 you will devastate the value of my property and on the other hand you will increase the value of Mr. Cote's property.

Mr. Michael Zimmerman, 5678 Wagon Wheel Road, Lakeside, addressed the Commission: "I am here for an anonymous owner of the properties on the north side of Wagon Wheel Road behind The Atrium. Either myself or my family owns all of that property between The Atrium and Mr. Mattice. It is all used for

residential, we have no intent nor have we asked for it to be changed from residential zoning. We do believe that this kind of development poses and huge burden on the area. We go from black sky at night to completely lit up with a commercial proposal. And let me be clear, we are not opposed to development of the property, we are opposed to a blank check where anyone can put anything they choose to put in there. I commend Mr. Mattice for negotiating with Mr. Cote on the exclusions, we support those, but that goes back to where residential is and is going to be used for a specific community support zoning for commercial use would not necessarily be the best for it, but absent that we are very opposed to a blank check to any developer that wants to come here.”

There being no further comments, Chairman Staley declared the public hearing closed.

Chairman Staley asked Mr. Maloney to address the Commission regarding zoning and future development.

Mr. James Maloney, Genesis Realty, represents the owner, Brett Cote, BC2, LLC. He said that there is no future development intention. Looking at the property, it goes as deep as it does, is as you can see, from one side of the road to the other is an actual barrier, with Camp Grace on the other side. It actually creates a bit of a pocket right there. He said he understands other commercial properties in Town might not be as deep as this property. When looking at what is the best use for a ten-acre parcel on Highway 260, Mr. Cote believes the best use of this property would be commercial. He said most everything on 260 is Commercial. He would like the C-1 zoning now so that as the property is marketed a developer could know the property is zoned C-1. He said from his experience a developer is not going to want to purchase the property without the zoning in place and potentially have issues with the Town. A developer would not want to spend a lot of money and then find out that the Town would not approve a zone change. He says he understands some of the neighbor's concerns and I understand that the neighbors have been working with Mr. Cote and going through a list of all of the things that would be allowed to be on the property. He said a site plan would still have to be presented to the Commission for review and approval and to Council. Even if it is an excluded item, someone could still go and buy the land, do a site plan, regardless of what happens to the property, even with C-1 zoning, and go before the Commission, at least that is his understanding.

Director Blake said excluded items, as stated in the document from Mr. Cote, if it is an excluded item it would be required to go before the Council for approval

versus just a site plan review. For any items allowed only a site plan review would be needed, but any excluded items would require a further approval by Council, giving the neighbors an opportunity to respond.

In response to Chairman Staley, Director Blake said we have C-1 and C-2 are the commercial zone the Town has and C-2 is considered heavy industrial, which makes C-1 the best fit for this site.

Chairman Staley said for the owner to market to developers it makes sense to have the zoning in place, but is it true, historically that the Town has required zone change along with a design plan.

Director Blake answered yes, and it has only been done a few times without some type of design plan.

Chairman Staley asked what is the position of the Town on granting a zone change without a site plan?

Director Blake said the position of the Town is that the property makes sense to be zoned commercially because it is highway frontage. He said that the depth is negotiable and based on conversations with Mr. Cote he would like to have some sort of hotel or resort that would require a little more acreage than say two hundred feet deep. Mr. Cotes has talked with the owner of Camp Grace and he likes the idea of a high-altitude training center with connection to the trail and feels that a hotel or resort would go along with that. He said that is ultimately what Mr. Cote would like to see developed on that property, but clearly, if he cannot find someone to meet those needs, it will be market driven as to who or what goes in there and who approaches him for that large piece of land. He said that Mr. Cotes acknowledges that could change in the future as the market will drive the sale of the property. He said that Mr. Cote does not want to limit himself too much and said we all understand Mr. Mattice and the neighbor's concerns as well.

Chairman Staley stated that part of our authority with the Town would be to evaluate Mr. Mattice's concerns relative to 17.64 purpose where the chapter is not intended to allow uses that are hazardous, etc., and those can be addressed at the zone change but they can also be evaluated in the Design Review process. He said that the Town has the authority to implement design plan restrictions that would keep it reasonable to avoid a nuisance to the adjacent property owners.

Director Blake stated that in the code C1 addresses landscaping and buffering between commercial and residential in the Site Plan. There are so many variations that we do not know at this time, accessing off of Highway 260 or Wagon Wheel Road, what type of landscaping will be required, what type of buffering will they need will depend on the use.

Commissioner Salskov said we are diving out of a change from the status to Site Plan and smashing the two things together again. He said we have wild assumptions from all side as to what will happen with the property and nobody knows, and that is the problem. He feels that this is premature and if someone wants to make this a commercial property they would come to us with a plan and then we would rezone the property. He said it should not be rezoned because a developer would have to bring a plan to the Commission and this process is just duplicative.

Chairman Staley said if it is rezoned to C-1 with restrictions it could be more marketable.

Commissioner Slaskov said that it would still come before the Commission for Site Plan approval so why not wait until someone wants to use it for something and then cover all of the issues at one time. There are too many unknowns at this time.

Chairman Staley stated at what point might we be failing the property rights of indivial property owners when something comes forth in terms of the development or rezoning.

Commissioner Salskov stated that he is all for zoning it C-1, but wants to know what will be developed and feels that is reasonable, and not guess what will happen. He said he is not opposed to C-1, just C-1 with no idea what will go there and he feels it will not hurt the marketability that much.

Chairman Staley asked Mr. Maloney for his opinion what is the differences in marketing in terms of an open space parcel in terms of one that is C-1 zoned.

Mr. Maloney explained that the biggest thing would be the marketing and advertising of the property as C-1 zoning land that has been approved by the Town and showing the property as C-1. The alternative would be a piece of property that the Town has already rejected and neighbors say they do no want it zoned as C-1 the developer would already have opposition and they might look at another piece of property. He said he agrees with Commission Salskov, I agree with Mr. Mattice

and it is probably good to know what is going on the property, because not all commercial is bad and would be flushed out in the site review. Whether or not you agree tonight to leave it as open space or zone to C-1, no matter what use comes down the road, the buyer is going to have to come forth knowing this property is intended for C-1 use and the buyer will have to know that the first time the Commission did not approve the C-1 zoning.

In response to Chairman Staley, Director Blake said that the General Plan map lists the land use as forest, but said that it is no longer forest and said there is no direction on the General Plan map as to the intended uses of this land. It is listed as open space but it can not actually be called open space because now it is private property where as before it was federal land and that is something the Town has to look at. He said right now there is no underlining zoning for this property, because of the change from Federal land to private land and under the General Plan it says that we cannot designate open space without written permission from the property owner designating it as open space. When it changed to private land it became an unzoned piece of land that Mr. Cote owns with no underlining zoning and under state law it falls under at minimum as one-acre pieces of residential land.

Chairman Staley said to be clear open space designation does not intend to be undeveloped ever and said it just means it has not had a plan brought forth to zone it appropriately. He said it makes sense to have it zoned commercial someday, but said he would feel more comfortable having a plan at the same time as a zone change application.

Commissioner Stewart agrees with Commissioner Salskov and Chairman Staley and said it is unfortunate, because it can be stigmatized as Mr. Maloney pointed out, and wondered if the zone change could go away so that the property is not stigmatized. She said she thinks it is too early and opposed to the blank check, but stated she is very conflicted here. She agrees that the corner would be commercial at some point, but it is a concern when it goes as back as far as it does affecting that residential subdivision. She said that if we knew a use I would want a potential buyer to think of the Planning and Zoning Commission as being friendly and to listen as to what the use is and would likely approve it but we just need to know what it is.

Commissioner Salskov moved to deny the approval and not recommend to the Town Council to approval of the Z-078 Zone Change request from Open Space to C-1 Light Commercial Zoning District; APN 212-01-046J located at the corner of White Mountain Blvd. and Wagon Wheel Rd., Lakeside, in Section 16, Township 9 North, Range 22 East, Navajo County. Commissioner Orris seconded the motion and by show of hands the following vote was recorded:

AYES

ABSTAIN

NAYS

Adam Staley
John Salskov
Tim Williams

Larry Agan

David Orris
Alison Stewart

The recommendation to the Town Council was denied with 5 yes votes, 1 abstain by Commissioner Agan and Commissioner Smith was not in attendance.

Chairman Staley stated that the Commission did not deny the site for C-1 zoning and said they think it is appropriate zoning for that parcel, but said they just want to know what type of business would be going in before approving the zone change request instead of doing a blank zoning change which is challenging for the Commission and for the Town.

D.2 Information, Discussion and Recommendation to Town Council and Public Hearing regarding a Conditional Use Permit (CUP-130) to erect a telecommunication tower located at Mountain Meadow Park, 1101 S. Woodland Rd., Lakeside, in the SE ¼ Section 36, Township 9 North, Range 22 East, Navajo County, APN 212-39-002.

Director Blake stated that the applicant, Cellular One, is requesting to place a cellphone/EMS tower on Town property located at 1101 Woodland Road within Mountain Meadow Recreation Complex. The Tower will be located at the back of the parking lot, next to existing garbage enclosure. Per the Town code chapter 17.106 Wireless Communications Facilities, the property is considered a preferred location and allows for cell towers of up to 100 feet. There are two actions taking place tonight. First, the CUP will allow for the cell tower and the second action will be to review a variance application to allow for an additional 80' in height on the tower. He said that if approved, the Town will enter into a lease agreement with

Cellular One that must be approved by the Town Council. The lease agreement currently is estimated at \$800.00 per month.

Director Blake said that staff recommends approval of the CUP with the following recommendations:

1. The facility must have a split faced concrete block wall to fence in the area.
2. Trees must be planted no more than 10 feet apart outside the fenced area to provide screening to the wall within 6 months of the completion of construction.
3. Cellular One will be responsible to move an existing Frisbee golf basket to a new location as directed by the Town's Park staff.

Director Blake explained that letters were sent to homeowners within 400 feet, typically sent to the surrounding 300 feet, because of the tower being so large. He said a couple of letters of objection to the tower have been received and one letter stated that they are okay with the location of the tower and the height. He explained that several locations of the property were looked at and said that the north part of the property has some riparian areas, there is also a future parking lot to be installed and there was not a good spot in the north area because of accessibility issues for tower maintenance.

In response to Commissioner Stewart, Director Blake said that the tower off of Bucksprings Road in the Country Club is 198 feet and is a similar type of tower. He said that the Wise tower, behind Realty Executives, is approximately 150 feet and is similar in structure and also a lattice tower.

In response to Chairman Staley, Director Blake said that the block fence around the tower would be seven foot and there would be landscaping around the base of the fence. The fence is for security purposes also.

In response to Commissioner Stewart, Director Blake said they do not have any safety concerns having the tower in the park where there are often carnivals, kids and hot air balloons. He said they had spoken to the hot air balloonists that said that they are not concerned with the location of the tower because they always go to the north after they launch. He said that structurally all of the code requirements will have to be met and will require a massive foundation and will follow all of the engineering standards and there would not be a fall hazard.

In response to Commissioner Orris, Director Blake said there are a lot of dropped calls in that area and said that they are designing this for a co-location to allow

other companies onto the tower. He said a number of EMS and 911 calls are dropped in that area and will help the cell phone service in that area.

Mr. Dennis Baker, Cellular One, said he lives in Pinetop and currently Cellular One has a site at Cuppa Joe and it was constructed as a flag pole in 2007 and that is what technology could do at that time. He said the technology needed now cannot go into the small poles. Antennas are 8 to 10 feet tall now. Pinetop-Lakeside is not a big community compared to Mesa or Phoenix and said that they have towers in the Pinetop Country Club, Coldwell Bank, Blue Ridge High School and Cuppa Joe. He those are smaller towers and said that they now need to get above the trees and said there are issues with that area of Town. They need the tower to be taller than the surrounding trees and terrain. He said in regards to the fencing it is because of the expensive equipment on the tower but also because of safety. He said that barbed wire has to be installed on the fence to prevent people climbing the tower. He said Verizon will be offered space onto the tower along with AT&T Firstnet.

In response to Commissioner Williams, Mr. Baker said for a 190 foot tower there will be about a 17 foot span between each pillar and the block fence would be about 40 feet by 40 feet.

Chairman Staley called for public hearing to allow comments on this matter.

Mr. Paul Adams, 1209 W. Zuni Lane, Lakeside, offered the following comments: *“I own property at the south border of the park on Zuni Lane, I am concerned and do we really need a cell tower in that area? Is a tower that tall really needed? Also, it is in the middle of a park where there is a lot of stuff going on. During monsoon season there are lightening strikes and it will be much taller than anything in the area around it, even the trees. The 180 feet will make it that much higher than the risk for it. I don’t want to look at a 180 foot tower for the rest of my life and there is no esthetic value to it. Whether it is really needed I don’t know. A lot of people drop calls in that area, how many is a lot, 10, 20? I have cell service just fine there.”*

Ms. Maureen Serrano, 1169 Woodland Road, Lakeside, addressed the Commission: *“My property is right next to the tower, the property that my husband and I own which is 15 acres and we have been there for 25 to 30 years and we are not happy about a tower going in right next to us and it will affect adversely our property value. This is zoned R-Low, I am a realtor and I can’t sell properties that are under power lines or near cell towers and I am not planning to*

turn my property into a low residential use, but we do plan to do something with it in the future. But the fact that there will be a 180 foot right there, I mean look at the map, look at how big the park is. I'm not opposed to the tower, I get cell service just fine, but as I was discussing earlier with Cody, maybe there is a better place in the park for this tower, that is maybe a little further north. I know there are some issues with the riparian area that could potentially be affected by it. I also concerned with the health risks associated with the tower and are there any health issues being that close to the tower, so I am concerned about that. We really don't mind the park being next to us, there is a lot of commotion there, a lot of activities there, but having this tower there now offers a whole lot of dimensions to it and I am not going to want to look at this big tower. Especially with it being right on our border. I know where the trash can is because I can smell it when I go over on that side of the property. Right now the use of our property has one house on it and used for our five horses and that has been the use of the property for the past five years and it has not changed. If this tower goes in, we are certainly going to want to change the use of that property and not use it as residential because I won't be able to sell a house there that is that close to the tower. Obviously I was hoping if there was a tower there it would look aesthetically pleasing and I am not sure how you can make a tower of 180 feet look aesthetically very nice. I was looking at areas on the map where it looks like a more industrial things that are happening just north of it and it seems to me if we are going to have the tower in the area to help get better cell service, especially with people needed ambulance service and medical service, I can certainly understand that, but I have never had a problem with service there, but I do have a problem with a 180 foot tower. I am not sure how many feet away from my border that is, but it looks to me like it is less than ten"

Director Blake stated that it is twenty to thirty feet away.

Ms. Serrano continued: *"I think this affects us the most because we are on the border of the park right now and we put up with the Ferris wheels and carnivals and it will really affect our property adversely."*

In response to Chairman Staley, Ms. Serrano said they have horses in the pasture and she has one house on the property. She said they were there before the Town was there. The land for the park was donated to the Town by Lucille Hansen, she is the one that donated the twenty acres to the Town and we bought the property from Willa Mae Hansen and we have been there almost thirty years. She said she wants to work with the Town, that she is not opposed to the tower, just opposed to the location.

There being no further comments, Chairman Staley declared the public hearing closed.

Director Blake said other locations in the park were looked at and this was the most desirable spot for the tower. Cellular One needs to have access to the tower. Other locations have ballfields, walking path, future ball fields or soccer fields.

In response to Commissioner Orris, Director Blakes said that Cellular One would lease the land from the Town and the lease amount paid to the Town would be \$800.00 per month with a five-year renewable term. He said that he walked the park with Cellular One and different areas had been looked at and said that originally Cellular One wanted to located further north but the Town leases part of that land to the Nature Center, with a pond on that location and some other issues. The Town is planning on putting in a parking lot on the north side of the soccer fields and the Town is planning on installed watering tanks to replace the pond currently used for water. He said the riparian cannot be affected either. He said that on the east side of the property there are drainage issues.

In response to Chairman Staley, Director Blake said that the northwest side near the soccer fields has Town storage buildings and that is the location that the Town wants to put in the new above ground water tanks which will allow the Town to remove the watering pond that is currently in use.

Town Manager Johnson said that the balloons take off through that area and said that entire area would not work.

Commissioner Stewart said that four years ago the Commission approved a tower on her property and said that the Planning and Zoning Commission approved the tower and then the Town Council did not. They felt that any tower by Verizon should be added to the Wise's tower along Highway 260 and asked why is that not available in this case and are talking about a tower that is 90 feet taller than the one that was already denied servicing the same neighborhood but on the other side.

Director Blake said that Verizon is still actively looking for a site for a tower in this area and said another site was approved for them, but the property owner backed out. He said that a permit was issued to them to go onto the Wise tower, but they have not gone on yet. He said that Verizon does not think that the Wise tower would be sufficient to cover that entire area and that they will need something in this area for capacity and coverage.

Commissioner Orris said that we want to help improve cell service in that area but are concerned about where it is being located.

In response to Commissioner Williams, Mark with Cellular One said that the location is about one hundred feet lower than Highway 260 and some of the height of the tower has to account for that along with trees that are 60 to 100 feet and the tower needs to be above the tree line and Highway 260. He said they are also looking at coverage and service radius with coverage. Regarding potential harm and health risks studies have shown that there are no harmful effects and there are more harmful effects from a hairdryer and he knows of no studies that show physical harm by being near a cell tower and there are more adverse affects by using a cell phone than being near a cell tower.

Commissioner Slaskov said that everyone has a cell phone and everyone wants service they just do not want a cell tower in their neighborhood.

Director Blake said that there are limited possibilities for another location, we cannot go north, east has drainage issues creating access problems creating limited areas with the ball fields and the future ball fields that are planned.

In response to Chairman Staley, Director Blake said that the Serrano property house is farthest away from the cell tower location.

Commissioner Slaskov moved to approve the Conditional Use Permit (CUP-130) to erect a telecommunication tower located at Mountain Meadow Park in the SE ¼ Section 36, Township 9 North, Range 22 East, Navajo County, APN-212-39-002; explore other locations and with Cody recommendations added:

1. The facility must have a split faced concrete block wall to fence in the area.
2. Trees must be planted no more than 10 feet apart outside the fenced area to provide screening to the wall within 6 months of the completion of construction.
3. Cellular One will be responsible to move an existing Frisbee golf basket to a new location as directed by the Town' Park staff.

Commissioner Slaskov amended his motion to include exploring other potential locations on the parks property as previously stated in the discussion before the July 2, 2020 meeting.

Commissioner Stewart seconded the motion and by show of hands the following vote was recorded:

AYES

Adam Staley
John Salskov
Tim Williams
Larry Agan
David Orris
Alison Stewart

ABSTAIN

NAYS

The Conditional Use Permit was approved by the Planning and Zoning Commission with 6 yes votes and Vice Chair Smith was absent.

D.3 Information, Discussion and Recommendation to the Board of Adjustment and Public Hearing regarding a Variance (V-134) to erect a 180-foot telecommunication tower located at Mountain Meadow Park, 1101 S. Woodland Rd., Lakeside, in the SE ¼ Section 36, Township 9 North, Range 22 East, Navajo County, APN 212-39-002.

Director Blake explained that the applicant, Cellular One, is requesting to place a cellphone/ EMS tower on Town property located at 1101 Woodland Road inside Mountain Meadow Recreation Complex. The Tower will be located at the back of the parking lot, next to an existing garbage enclosure. Per the Town code, chapter 17.106 Wireless Communication Facilities, the property is considered a preferred location and allows for a cell tower of up to 100 feet. There are two actions taking place tonight. First, the Conditional Use Permit (CUP) to allow for the cell tower and the second action will be to review a variance application to allow for an additional 80' in height on the tower. He said that staff recommends approval of the Variance with the following recommendations:

1. A split faced cement block wall fence must be built around the facility.
2. Trees must be planted no more than 10 feet apart outside the fenced area to provide additional screening within 6 months of the completion of construction.
3. Cellular One will be responsible to move an existing Frisbee golf basket to a new location as directed by the Town's Park staff.

Director Blake said that the Town will enter into a lease agreement with Cellular One that must be approved by the Town Council. The lease agreement currently is estimated at \$800.00 per month. The height of the tower is to provide coverage above the trees and because White Mountain Blvd. sits higher than that location of

the park. This will help to achieve the desired results to provide coverage to the entire area.

Chairman Staley called for public hearing to allow comments on this matter. There being no comments, Chairman Staley declared the public hearing closed.

Chairman Staley moved to recommend to the Board of Adjustment to approve Variance (V-134) to erect a 180-foot telecommunication tower located at Mountain Meadow Park, in the SE ¼ of Section 36, Township 9 North Range 22 East, Navajo County, APN 212-39-002. Commissioner Salskov seconded the motion and by show of hands the following vote was recorded:

AYES

Adam Staley
John Salskov
Tim Williams
Larry Agan
David Orris
Alison Stewart

ABSTAIN

NAYS

The recommendation to the Board of Adjustment passes with 6 yes votes, with Vice Chair Smith being absent.

E. Staff Reports:

E.1 Report and Update from Community Development Department.

Director Blake said Commissioner Agan and Commissioner Stewart each have terms that expire on July 24, 2020 and said if they would like to stay on the Commission to submit a letter of interest to Town Clerk Akins. He said that anyone else wanting to serve on the Commission can submit a letter of interest to Town Clerk Akins for consideration to fill the two seats. The Town Council will approve at the August 6, 2020 meeting. Director Blake said that the July 9, 2020 meeting will be cancelled since there are no pending agenda items and the next meeting will be on July 23, 2020.

F. Future Agenda Items

Director Blake said that there are no future agenda items at this time other than code updates.

There being no further business at this time, the meeting was adjourned at approximately 7:50 p.m.



Chairman Staley