

MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, HELD TUESDAY, MARCH 3, 2015, IN THE TOWN COUNCIL CHAMBERS.

Chairman Jarchow called the Regular Meeting to order at 6:00 p.m. Roll call was as follows:

ROLL CALL:	<u>Present</u>	<u>Absent</u>		<u>Present</u>	<u>Absent</u>
John Jarchow	<u>X</u>	<u> </u>	Timothy Williams	<u>X</u>	<u> </u>
James Snitzer	<u>X</u>	<u> </u>	Ken Haught	<u> </u>	<u>X</u>
Rob Ingels	<u>X</u>	<u> </u>	Adam Staley	<u>X</u>	<u> </u>
Richard Smith	<u>X</u>	<u> </u>			

STAFF PRESENT: Paul Esparza, Community Development Director and Jill Akins, Assistant to the Town Clerk.

ITEM NO. 3, CALL TO THE PUBLIC:

There were no requests from the public to address the Commission at this time.

ITEM NO. 4, INFORMATION/DISCUSSION/LEGAL ACTION RE: APPROVAL OF REGULAR MEETING MINUTES FOR FEBRUARY 3, 2015:

COMMISSIONER WILLIAMS MOVED TO APPROVE THE MEETING MINTUES FROM THE FEBRUARY 3, 2015 MEETING. COMMISSIONER STALEY SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

ITEM NO. 5, INFORMATION/DISCUSSION RE: CITY OF TUCSON NEIGHBORHOOD PRESERVATION ORDINANCE AS REFERENCE; DISCUSSION REGARDING EFFECTIVE BUFFERING:

Chairman Jarchow said Vice Chairman Snitzer did a word search of the existing Town Zoning Code for the word "buffering." Vice Chairman Snitzer hi-lighted in red the word buffering where it appeared in the Zoning Code. Chairman Jarchow said the Commission would look at the definition of the word buffering as it appears in the Zoning Code or if the definition would be expanded to include additional items. Chairman Jarchow said this is an implementation measure from the General Plan. Vice Chairman Snitzer said he went through the entire Zoning Code and searched for the words "buffer," "buffering" and "buffered" wherever it appeared in the Zoning Code and said he hi-lighted the words in red. He said the word buffer first appears in Title 15 Building and Construction item B. He said the next place buffering appears is Title 16 number 16 "Buffering means an area of land, including landscaping, berms, walls and fences but not building setbacks, which is located between land uses of different character or density and is intended to mitigate negative impacts of the more intense use on residential or vacant parcels." A discussion ensued regarding the definition of buffering in Title 16 of the Town Code. Vice Chairman Snitzer said buffering appears next in 16.24.030 General site design standards in

items A, B, and B.1. He said so far that is buffering as he understands it. He said buffer next appears in 16.24.030 item D "Tracts or parcel of land proposed for subdivision development that are adjacent to U.S. forest land shall provide a buffer area adjacent to the forest land." He said buffer appears next in 17.80.050 Conditions of approval item C. number 2. "Requirements for additional landscaping or open space buffers." He said buffering appears next in 17.92.010 Purpose "Walls and screening devices allow for the separation of incongruous uses and for the buffering of intensive activities." He said this statement is talking about landscaping. Chairman Jarchow said he recommends a definition of buffering in Title 17 since there is a buffering definition in Title 16. He said the Commission needs to define the characteristics, purposes and intent the Commission wants to see for the definition of. Commissioner Ingels asked if it would be better to have only one definition of buffering that would apply to all of the sections. Chairman Jarchow said some contractors do not work in Title 16 and having a definition in only Title 16 does not clearly apply to Title 17 and he said the Commission should be very explicit in Title 17 with what buffering means. Chairman Jarchow said the current definition in Title 16 is "Buffering means an area of land, including landscaping, berms, walls and fences but not building setbacks, which is located between land uses of different character or density and is intended to mitigate negative impacts of the more intense use on residential or vacant parcels." The Commission agreed to change the wording of the last part of the definition as follows: "which is located between land uses of different character or density and is intended to mitigate negative impacts of the more intense use on adjacent parcels." Chairman Jarchow said the reason he wanted to discuss the neighborhood preservation ordinance was because historically buffering had been seen only as walls, land and landscaping, and said a lot of communities are seeing it going well beyond those items. He said there is now light pollution issues, delivery times to restaurants and noise pollution to name a few. He said the Commission needs to think as a body are we willing to recommend the intention of increasing buffering beyond walls, land and landscaping to noise, light and detrimental use? Commissioner Williams said White Mountain Summer Homes and other HOA's have already implemented some of these items. Vice Chairman Snitzer asked what the Town's light regulations are currently. Mr. Esparza explained the Town's light codes. Commissioner Ingels said he knows the Town light code is very specific. Commissioner Ingels said at his residence he deals with lights, sounds and delivery traffic. He said he does not have a lot of structure where he resides behind Eddies Country Store and Charlie Clarks. He does not have buffering objects in that particular part of his house. He said he accepts the additional noise from the Spring and Summer months when there are many visitors and part-time residents. He said he likes the idea of the Commission looking at these items and making implementations that are not to restrictive, but are still respectful to the historic use of property and residences that abut commercial developments. Commissioner Staley asked Mr. Esparza what restrictions are currently in place for noise and light control. Mr. Esparza said the Town did adopt a noise ordinance based on time of day and decimals. Chairman Jarchow said the Commission would look at new development and redevelopment and established areas would be grandfathered in. He said the current buffering definition is "Buffering means an area of land, including landscaping, berms, walls and fences but not building setbacks, which is located between land uses of different character or density and is intended to mitigate negative impacts of the more intense use on residential or vacant

parcels.” He asked the Commission if they want to keep the current definition or broaden the definition to include additional items. Commissioner Smith said he is inclined to stay with the current definition. Commissioner Ingels said he would like to see it include lighting, sounds and traffic. Commissioner Williams said the Town has Ordinances for those items and he does not see how they can be incorporated in the definition. Chairman Jarchow said in terms of looking at subdivisions, new development or redevelopment the Commission has the right and the authority to make recommendations. Commissioner Staley said he is having trouble with understanding buffering because it is usually a proactive effort, but said the Commission is talking about prohibitions that are subject to the buffering zone. Chairman Jarchow asked if the Commission was going to consider broadening the definition of buffering or not? Vice Chairman Snitzer said he would like to broaden the definition. Commissioner Ingels said he is still concerned with the intent and purpose. He asked if it was to minimize by forethought the potential negative problems that adjoining properties experience and dealing with them upfront. He said property owners need to know lighting and noise requirements and codes during the site plan and building permit process. Commissioner Staley suggested leaving the definition more generic, and said the Town would control buffering zones. Chairman Jarchow said if the definition of buffering is in Title 17 a statement could be put in before the definition. He said the statement could read, for example as follows: “The intent of the buffering is to mitigate negative impacts from the more intense use on adjacent parcels.” It was a consensus of the Commission to have a general statement in Title 17 as is stated in Title 16. He said it would state “Buffering means an area of land, including landscaping, berms, walls and fences but not building setbacks, which is located between land uses of different character or density and is intended to mitigate negative impacts of the more intense use on residential or vacant parcels.” A discussion ensued regarding the wording of this statement. Chairman Jarchow said he does not want to leave the statement as is, and he suggested “Buffering is intended to mitigate negative impacts of the more intense use on adjacent parcels. It may include an area of land, landscaping, berms, walls and fences or other measures.” Commissioner Ingels said Chairman Jarchow is on the right track, but said how long of a list of items would be included. Chairman Jarchow suggested “Buffering is intended to mitigate negative impacts of the more intense use on adjacent parcels. It may include an area of land, landscaping, berms, walls and fences or other measures.” He asked is this statement enforceable in terms of light, light shielding and designs to mitigate sound dispersion, etc? A long discussion ensued regarding the definition of “buffering.” Chairman Jarchow asked Mr. Esparza what would work in regards to plan review. Mr. Esparza said he likes what is contained in the buffering definition statement, and said it might only be a replacement of some of the sentences. Chairman Jarchow said the buffering definition statement would be added to Title 17 and for Title 16 and Title 17 the buffering definition statement would be reworded. Chairman Jarchow said no legal action would be taken at this time. Mr. Esparza said staff would draw up some definition statements for legal action at the March 17, 2015 meeting.

ITEM NO. 6, STAFF REPORTS:

Chairman Jarchow said it is his understanding Open Space has been sent to the Town Attorney for review. Paul Esparza said he did forward the Open Space changes to the Town Attorney. Mr. Esparza said he hopes to have the review back from the Town Attorney before the next Planning and Zoning meeting on March 17, 2015. Chairman Jarchow said legal action would have to be taken on Title 16 after recommendation from the Town Attorney. Paul Esparza said the General Plan Publicity Pamphlets had been sent to the printer by the Clerk's Department. He said the pamphlet was approved by the Town Attorney. He said he would provide a copy of the pamphlet at the next Planning and Zoning meeting. Mr. Esparza said current tenant improvements are as follows: Fair View Apartments are progressing with building number three; R and R Pizza Express will be opening in front of the theater complex; Barnet Delaney Dr. Lee is relocating to the Safeway plaza; Sit and Sleep is opening next to Little Caesar Pizza; Silvercreek Mortuary is moving into the building behind the Picnic Basket; the ten acres on Bucksprings Road are working on the preliminary plat and design; a pediatric office is moving into the Maverick Center; a bingo hall would be opening in Lakeside; a café would be opening up next to Spa Estique; the Community Presbyterian church is building a Ramada; The Humane Society of the White Mountains is building a reception building addition; Federal Government Agency in Pinetop is making tenant improvements; the White Mountain Nature Center is remodeling and doing tenant improvements. He said AT&T is looking into installing cell phone towers in the Pinetop-Lakeside area.

ITEM NO. 7, FUTURE AGENDA ITEMS:

Chairman Jarchow said action would be taken on the definition of buffering at the March 17, 2015 meeting. Commissioner Ingels would like staff to give an update on Code Enforcement issues, property maintenance and Code Enforcements at the Planning and Zoning Meetings. Mr. Esparza said staff is being more observant and working on code enforcements along the commercial areas along the highway. He said residential areas are also being enforced. Chairman Jarchow said Code Enforcement and property maintenance compliance would be a future agenda items for information and discussion. Commissioner Ingels said he would like to have a Navajo County representative attend a Planning and Zoning meeting for a County update. Mr. Esparza said he would contact a representative to attend the meeting. Chairman Jarchow said to have the Town Manager contact Jimmy Jayne.

The meeting adjourned at 7:12 p.m.

Dated this 5th day of March 2015.

PINETOP-LAKESIDE PLANNING AND ZONING COMMISSION

Jill Akins, Assistant to the Town Clerk