

MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, HELD TUESDAY, MARCH 17, 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>	_____	Timothy Williams	<u>X</u>	_____
James Snitzer	<u>X</u>	_____	Ken Haught	<u>X</u>	_____
Rob Ingels	<u>X</u>	_____	Adam Staley	<u>X</u>	_____
Richard Smith	<u>X</u>	_____			

STAFF PRESENT: Paul Esparza, Community Development Director, Evelyn Racette, Town Manager 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 MARCH 3, 2015:

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

ITEM NO. 5, INFORMATION/DISCUSSION/LEGAL ACTION RE: BUFFERING DEFINIATION AND OPEN SPACE AS IT APPLIES TO TITLE 16 IN THE TOWN CODE:

Chairman Jarchow said the Commission needs to take legal action on the definition of buffering. Mr. Esparza said he had prepared two definitions. He said he reworked the definition as follows “Buffering is intended and may include an area of land and other measures used to mitigate negative impacts between land uses and adjacent parcels of different character or density.” Chairman Jarchow said the Commission needs to approve a definition so the definition could be sent to Town Council and the Town Attorney for approval. Chairman Jarchow said he would like to add and/or other measures to Mr. Esparza’s definition. He said it would read “may include an area of land and/or other measures.” Commissioner Staley said he likes the definition with Chairman Jarchow’s revision.

COMMISSIONER WILLIAMS MADE A MOTION TO APPROVE THE BUFFERING DEFINITION WITH THE CORRECTED WORDING “AND/OR” AND FOR THE DEFINITION TO BE INCLUDED IN TITLE 16 AND TITLE 17. COMMISSIONER SMITH SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.

Chairman Jarchow said Open Space as it applies to Title 16 in the Town Code would be discussed. He said the Commission had not taken action on Open Space in Title 16. He asked Mr. Esparza if he had the Town Attorney's comments back regarding Open Space. Mr. Esparza said the Attorney had reviewed Title 16 and Title 17. He said the Attorney said to look at it from the perspective of someone who would utilize our Town Code. He said the Attorney suggested defining what is not Open Space. He said the Attorney said a developer would be familiar with the term Open Space, but said unbuilt or undeveloped lot areas are not familiar terms. He said the Attorney said it would be confusing for a user outside of the Commission or who is not a developer. He said the Attorney said to look at other communities and how they address Open Space areas. Ms. Esparza said he and staff are willing to look at other communities. Mr. Esparza said a document has to be created that would be clear to a user that is coming from outside of the Pinetop-Lakeside area. Chairman Jarchow said at this point the Attorney's recommendation is to reconsider the suggested terms. Mr. Esparza said that would be correct, and said to look at other communities and how they address open space. Mr. Esparza said the Attorney said to keep Open Space because it is a well utilized term in the industry, but said he had not seen definitions of unbuilt or undeveloped lot areas. Vice Chairman Snitzer said the Commission spent a long time to cure a problem and to go back and reintroduce the problem just because it is really understandable but easily misinterpreted by everybody that uses it he said would be a step in the wrong direction. He said they have something that may be hard to understand but he said it cannot be misinterpreted. Ms. Racette said it is important to understand and create longevity. She said if it is hard to understand tonight, imagine how hard it would be to understand twenty years from now. She said it is worth taking the time to solve the problem correctly. She said when this comes before the Town Council it needs to make sense and is complete before being presented to the Town. Commissioner Haught asked if there is a deadline for this item. Chairman Jarchow said there is not a deadline. Vice Chairman Snitzer said the Commission gave a definition for unbuilt lot area and undeveloped lot area, and said they are very clear definitions. He said it takes very little time to look up the definition of unbuilt lot area or undeveloped lot area in the appendix. Chairman Jarchow said the next Planning and Zoning meeting is April 7, 2015 and he asked Mr. Esparza to report on how other communities deal with Open Space. Mr. Esparza confirmed that he and staff would call other communities and have information for the April 7, 2015 meeting. Commissioner Ingels said he respects the work the Commission had done on the definitions. He said he believes the definitions give a clear understanding of the words. He said the Commission continually met during the General Plan process and he said Open Space was something the Commission really struggled with. He said he is very pleased with the outcome and with the General Plan Publicity Pamphlet. Chairman Jarchow said at the next meeting the Open Space and definitions for Title 16 would be listed as information, discussion and legal action.

ITEM NO. 6, STAFF REPORTS:

Paul Esparza said the Town Attorney reviewed and approved the content of the General Plan Publicity Pamphlet. Commissioner Haught asked who would receive the pamphlets. Ms. Racette said all registered voters in the Town limits would receive a pamphlet along with the mail in ballot. She said the ballots and pamphlets would be mailed out around April 27, 2015 and the Special Election would be held May 19, 2015.

Mr. Esparza said there are no new Tenant Improvements to discuss since his update at the Planning and Zoning meeting two weeks ago. Chairman Jarchow asked Mr. Esparza to update on Building Permits for new construction at each meeting. Commissioner Williams asked for an update on having a representative from Navajo County attend a Planning and Zoning meeting to give an update on County projects. Mr. Esparza said the RACD meeting in Snowflake was cancelled. He said he would call Trent Larson at Navajo County and ask him to attend a meeting. Chairman Jarchow said in the past Mr. Larson had not been very responsive to meeting with the Commission. Mr. Esparza said he would like to try contacting Mr. Larson one more time. Chairman Jarchow asked Mr. Esparza to give an update on Code Enforcement. Mr. Esparza said he and Cody Blake had contacted the owner of the El Patron restaurant and the owner of the property. He said the property owner would like the building restored to its original state. Commissioner Ingels asked if property owners are notified if permits are taken out on their property. A very long discussion and explanation ensued regarding permits, property owners, building permits and tenants. Mr. Esparza said in the Town Code there is a Building Permit section. Commissioner Ingels said there had been Code violation and Code enforcement issues going on for some time at El Patron and he asked if there is a deadline for the issues to be resolved. Mr. Esparza said the property owner told the tenant to restore the property to its original state and he said he does not know the timeline given by the property owner. He said the Town has not given the tenant a timeline at this point. He said the tenant had already begun to dismantle. Mr. Esparza said staff is taking a more aggressive stand on Code Enforcement in the Town. Additional discussion ensued regarding permits and Code enforcements. Chairman Jarchow said there is concern from citizens on how enforcement is being handled in the Town. He asked what do the Mayor and Council feel about how Code enforcement is supposed to be handled. Ms. Racette said the Commission is getting in to administrative roles and she is not comfortable with the discussion, and said is not comfortable using specific project names and owner names in the discussion. She said the Town Manager directs how Code enforcement is handled. She said the policy of the Town Code is followed and if the Commission is not happy with the policies then the Codes would need to be changed. She said the Commission is a policy making body and staff is for implementation of the Codes. Chairman Jarchow asked if it is reasonable to assume that we have policies in place and we have the ability to enforce them. Ms. Racette said that is correct. More discussion ensued regarding enforcement for building Codes and permits. Chairman Jarchow asked Mr. Esparza for an update on the Bingo Hall. Mr. Esparza said he has discussed the Bingo Hall with the Town Attorney. He said the Attorney said it would be governed by State statute and he said the Town does not need to develop regulations for Bingo because it is governed by the State.

Chairman Jarchow said the Bingo Hall would go in to the former Lakeside Market Building. Mr. Esparza said tenant improvement plans had been submitted to the Town for review. He said the fire department and Town staff had been in the building for review. He said staff would be meeting on Thursday, March 19, 2015 discussing the Bingo hall. Chairman Jarchow asked how parking requirements would be handled. Mr. Esparza said he had looked at the Code requirements for parking spaces. He said there are enough parking spaces available. Chairman Jarchow asked if the Commission would see a site plan. Mr. Esparza said if plans were turned in for the exterior of the building he would show the Commission. Vice Chairman Snitzer said it would be a significant impact to the community and should come before the Commission. Chairman Jarchow said it is the most historic structure remaining in Town. He said is it a mud adobe building built in 1936. He said the Commission would like to see any treatments being done to the building. He said he is concerned about the parking being adequate. Ms. Racette said staff is abiding by what the Code states. A long discussion ensued regarding parking requirements. Commissioner Ingels asked if there would be a typical site plan presentation to the Planning Commission. Mr. Esparza said it is a tenant improvement and he said they are not building anything. He said they are reutilizing a vacant building. Chairman Jarchow said it is a change of use for the building. Vice Chairman Snitzer said it would be wise to bring any changes to the Commission since it is a change to a historic building and change in use to an assembly hall. A discussion followed regarding change in use to other properties and impact of use. Commissioner Ingels said the Commission should review to avoid negative impact and consequences. Chairman Jarchow said the project could be done, but said the Commission should do some due diligence. Ms. Racette asked Mr. Esparza if this would be an exception to what is normally done and asked if staff is being micromanaged in this circumstance. Chairman Jarchow said when the property went from Pinetop Office and Art Supply to the Liquidators it was similar and said it was still a retail function, but said now it is going to an assembly function and that is a significant change in use. He said when there is a change in use should the Commission be involved? He said design review would need to be looked at and followed. Ms. Racette said in terms of use of the property the only changes, as of now, are parking and the building being used as an assembly. Chairman Jarchow said the occupancy from a retail space to an assembly hall is a significant change. Ms. Racette said she wants to make sure that treatment is fair, but she would direct staff to do an additional review. Chairman Jarchow said it is the consensus of the Commission that they would like to review the plans for the bingo hall. He said under Implementation Measures under Land Use Goals it says "review and clarify the zoning Code" and he said this falls under that implementation measure.

ITEM NO. 7, FUTURE AGENDA ITEMS:

Chairman Jarchow said the Commission would take action on Open Space. He said the Commission would look at design review and implementation measures of design review. Vice Chairman Snitzer said he would do a word search on "design review" in the Zoning Code.

The meeting adjourned at 7:10 p.m.

Dated this 19th day of March 2015.

PINETOP-LAKESIDE PLANNING AND ZONING COMMISSION

Jill Akins, Assistant to the Town Clerk