

**MINUTES OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, HELD THURSDAY, OCTOBER 29, 2015, TOWN COUNCIL CHAMBERS.**

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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>   | Errol Heslop     | <u>X</u>       | <u>    </u>   |
| Rob Ingels    | <u>    </u>    | <u>X</u>      | Adam Staley      | <u>X</u>       | <u>    </u>   |
| Richard Smith | <u>X</u>       | <u>    </u>   |                  |                |               |

STAFF PRESENT: Evelyn Racette, Town Manager, Kathrine Nunn, Planning Technician 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, APPROVAL OF THE REGULAR MEETING MINUTES FOR SEPTEMBER 10, 2015 AND SEPTEMBER 24, 2015:

**COMMISSIONER STALEY MOVED TO APPROVE THE REGULAR MEETING MINUTES FROM SEPTEMBER 10, 2015 AND SEPTEMBER 24, 2105. VICE CHAIRMAN SNITZER SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

ITEM NO. 5, INFORMATION/DISCUSSION/LEGAL ACTION RE: CONDITIONAL USE PERMIT – WILDLIFE REHABILITATION CENTER:

Chairman Jarchow said he would have to recuse himself from this agenda item because he is the applicant. Vice Chairman Snitzer said he would have to recuse himself from this agenda item because he is a Board Member at the Nature Center, and he said he also participates in fund raising for the Nature Center. Chairman Jarchow said Commissioner Smith would conduct this agenda item. Commissioner Smith asked Evelyn Racette, Town Manager, to give a staff report on this item. Evelyn Racette said there is a Conditional Use Permit for the Wildlife Rehabilitation Center located at the Nature Center. She said Kathrine Nunn had done the leg work for the permit. She said staff had reviewed the site proposals for the Wildlife Rehabilitation Center, and said the location is appropriate. She said the permit provided all of the necessary information to make the required decision for the Conditional Use Permit. She said to look at this properly and apply the Conditional Use Permit to Town Code; she said this was treated as a kennel or veterinarian hospital. She said this would be permitted in light Commercial Zoning District, but said a Conditional Use Permit was required. She said residents within three hundred feet of the property were notified by mail, and said there was an advertisement posted in the newspaper for fifteen days in advance of this meeting. She said this met all of the Town Code requirements. She said one comment was received by a resident, and said the resident's questions were answered, and said he is not opposed to the Conditional Use Permit. Ms. Racette said staff recommends approving the Conditional Use Permit. Commissioner Smith asked if the Commissioners or the public had any additional questions or discussion on this item. Commissioner Williams asked the time limit of

the Conditional Use Permit. Ms. Racette said the permit goes with the owner of the property, and said if ownership changes then the new owner would have to apply for a new Conditional Use Permit. Commissioner Williams asked what the rehabilitation center would entail. Ms. Racette said the facility would be for medium and small animals and said the animals would be taken care of by a consulting veterinarian. Commissioner Staley asked if the use would be appropriate, and asked under what criteria is this based upon. Ms. Racette said the zoning would be light Zoning Commercial District, and said this is allowed and permitted. She said a kennel or veterinary clinic type of use have to have a Conditional Use Permit. Commissioner Smith said he understood that the center would help mostly small mammals and birds. Commissioner Staley asked the applicants in the audience to give a more detailed explanation of the rehabilitation center. Diana Butler said she is the president of the Nature Center, and said this project had been in development for many years. She said it became obvious that the community needs a rehabilitation center. She said recently a young elk's mother had been killed by a car, and said Jeff Wolf took care of the elk and transported the elk to Bearizona. She said the Nature Center board realized there is a need for a rehabilitation center in our community. She said this is not meant for animals that would not survive back in the wild. She said the center would be for animals that would be rehabilitated and be returned to the wild. Commissioner Williams asked if the animals would be returned to the wild or would any of the animals go to a zoo. Ms. Butler said the animals would be returned to the wild unless an animal was not able to be rehabilitated and returned to the wild. Commissioner Staley said would this be an example of the elk that was taken to Bearizona. Ms. Butler said yes, and said this is not the intention of the center. She said human contact would be limited, and said eventually cameras would be installed for observation. Jeff Wolf, Nature Center Boardmember, said there are very strict guidelines for rehabilitation. He said there would be ninety days to rehabilitate the animal. He said currently any sick or injured animal is euthanized, and said the center would fill this need in Northern Arizona. He said the problem with the rescued baby elk was he had human imprint when rescued, and said he could not be released after this happened. He said the goal of the center is to rehabilitate, and said it would not be a zoo. He said the animals would be treated and released or euthanized. Commissioner Williams asked if bears or wolves would be treated. Mr. Wolf said there is a possibility, but said the US Fish and Wildlife governs and has programs for bears and wolves. He said most of the animals treated would be skunks, raccoons, owls, hawks and eagles. Commissioner Staley asked where the funding would come from. Ms. Butler said the Nature Center is a 501 C3, and said the community support and the Town of Pinetop-Lakeside support had been very generous. Commissioner Williams asked if the setbacks had been met. Ms. Racette said they had been. Commissioner Smith asked if live internet feeds are a possibility for the future. Mr. Wolf said the intent would be to do this right away. He said this would help with curiosity and education, and said the cameras would provide security. He said the facility would have chain link fence with razor wire.

**COMMISSIONER STALEY MADE A MOTION TO APPROVE THE CONDITIONAL USE PERMIT TO ALLOW THE WILDLIFE REHABILITATION CENTER AT THE NATURE CENTER. COMMISSIONER HESLOP SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY 4-0.**

ITEM NO. 6, STAFF REPORTS:

Chairman Jarchow asked Ms. Racette to give a staff report. Ms. Racette said currently the Sign Codes had not been enforced, and said this is due to the Gilbert, Arizona Sign Code that had been struck down by the Arizona

Supreme Court. She said the Town is in the process of rewriting the Sign Code, and said there is a draft the Planning and Zoning Commission would see soon. She said the sign ordinance would be on the December 10, 2015, Planning and Zoning Commission agenda, and said the Town Council would take action at the December 17, 2015 meeting. Ms. Racette said she would like a strong recommendation from the Planning and Zoning Commission to the Town Council. She said she is in support of the new Sign Code. Chairman Jarchow said he is looking forward to the Joint Meeting on November 12, 2015. Ms. Racette said the meeting on November 12, 2015, would be a joint meeting with the Planning and Zoning Commission and the Town Council. She said there would be a public safety and pedestrian meeting from 4:00 p.m. to 5:30 p.m., and said the joint meeting would begin at 6:00 p.m. She said this would be the third public input meeting, and said the premise of the project is to help with pedestrian safety, business parking and business visibility through traffic calming devices. She said this is in line with the General Plan. She said there would be another Conditional Use Permit in the future. She said the Residential Care Facility had been a hot topic, and said the Town Council had directed the staff to amend the code for the facility and add a Conditional Use Permit. She said this would be presented at the November 5, 2015, Town Council meeting. She said the Open Space ordinance would also be on the November 5<sup>th</sup> agenda. Chairman Jarchow asked if a Conditional Use Permit was part of the Residential Care Facility would it be under Title 16 or Title 17 of the Town Code. Ms. Racette said it would be Title 17. She said the Commission would receive the Conditional Use Permit, and said the Commission would be the decision making body on the Conditional Use Permit. Chairman Jarchow asked if this would apply to the Residential Care Facility currently under review. Ms. Racette said technically it would because the care facility had not applied for a business license as of this date. She said as long as the applicant for the Residential Care Facility provides all of the information required, is in good standing and meets all of the criteria, and said due to the Fair Housing Act staff would recommend the Planning Commission pass the Conditional Use Permit. She said the Conditional Use Permit is protection if something happens in the future, for example if the facility cannot provide a license upon demand, and said then the Conditional Use Permit can be pulled. She said it is more of a protection for the future. She said in her career these have always been a hot button issue in every community she had worked in, and said this is her third time in three different communities she has had this issue. She said the Conditional Use Permit would require a Public Hearing, and said there would be a large number of residents at the Public Hearing applying pressure to the Planning Commission to deny the Conditional Use Permit. She said the responsibility of the Planning Commission would be to make sure discrimination does not happen. Commissioner Williams asked if any work had been done to the house that had been purchased. Ms. Racette said some remodeling had been done, but said they had not yet applied for their business license. Commissioner Staley asked if a building permit had been pulled for the remodel. Ms. Racette said a building permit had been pulled. Chairman Jarchow said during the Town Council retreat in September, the Planning and Zoning Commission asked the Council to prioritize the implementation measures, and asked if the items were available. Ms. Racette said they are working on this, but said the Council did come up with the Goals but had not finished the implementation measures for the General Plan. She said they would not be on the November 5, 2015 Town Council meeting, and said she would anticipate December 2015 if not January 2016. Chairman Jarchow asked Ms. Racette to discuss the goals. She said the goals are streets and roads, technology plan at a regional level, finish Mountain Meadow Recreation Complex, relocation of Town Hall and the Police Department, purchase of Woodland Lake Park and mandatory curbside recycling and garbage collection. Commissioner Williams asked how soon Town Hall and the Police Department would be relocated. Ms. Racette said staff is recommending moving in to an existing Town facility, and said the move would take place in stages. Commissioner Williams asked what the existing Town facility would be. She said her proposal and staffs proposal would be to move in to the Public Works and Parks and Recreation building. Commissioner Williams asked if the entire Town Hall would fit. Ms. Racette said a

total of eleven offices are needed, and said Town Hall would fit. She said the current Town Hall building costs fifty thousand dollars each year for heating, cooling and utilities. Vice Chairman Snitzer asked what the plans would be for the current Town Hall building, and asked if the building would be demolished. Ms. Racette said it would be a Council decision, and said at this point it is only what staff recommends. She said there is discussion of selling the property or doing a public private partnership, and said are the details would be available in the proposal she will offer to the Town Council. Commissioner Williams asked where the Police Department would relocate too. She said the Police Department would locate to a different location, and said this would be a second phase in the proposal. She said the Police Department had several moving parts, and said dispatch and communication is the challenge. Vice Chairman Snitzer asked if the gym would stay or not. Ms. Racette said the gym would stay. Commissioner Williams asked for a status on the Taco Bell remodel. Ms. Racette said they had applied for a building permit.

The meeting adjourned at 6:32 p.m.

Dated this 2<sup>nd</sup> day November of 2015.

PINETOP-LAKESIDE PLANNING AND ZONING COMMISSION

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Jill Akins, Assistant to the Town Clerk