

**MINUTES OF THE REGULAR MEETING
OF THE TOWN OF PINETOP-LAKESIDE PLANNING AND ZONING
COMMISSION, HELD ON THURSDAY, JANUARY 24, 2019
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
Richard Smith	Vice Chairman
Tim Williams	Commission Member
Larry Agan	Commission Member
David Orris	Commission Member
Alison Stewart	Commission Member

The following Member was absent:

John Salskov	Commission Member
--------------	-------------------

Also Present:

Cody Blake	Community Development Director
Jill Akins	Deputy 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 January 10, 2019.

Commissioner Williams moved to approve the minutes of the regular meeting of the Planning and Zoning Commission held on January 10, 2019. Commissioner Stewart seconded the motion and by show of hands the following vote was recorded:

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

D. Staff Reports

Community Development Director Blake stated that he did not have anything new to report.

In response to Commissioner Williams, Director Blake explained that he has several items to present to the Town Council, some that are non-consequential items, and if the items before the Commission tonight are recommended to Council he will then forward everything to the Town Council.

E. Old Business

No old business to report at this time.

F. New Business

F.1 Information, Discussion and Recommendation to Town Council regarding revisions made to Chapter 5.08 Temporary Use Permits.

Community Development Director Blake explained to the Commission that there have been changes to State law regarding food trucks and similar activities and that is why the Commission has been asked to review Chapter 5.08 Temporary Use Permits. The Town cannot prohibit food trucks and other merchants that sell in parking lots or beside the highway but said that rules can be put in place. They have to be treated like any other mobile merchant that sets up on the side of the road. He explained that in the past a “Peddlers Permit” was required but said that permit no longer fits for food trucks and mobile merchants. The Town did not have anything that specifically addressed food trucks or mobile merchants. He said peddlers and solicitors permits are really for door to door sales and mobile merchants are for people setting up in a parking lot for a day or two. He said there was nothing in the Town Code to address this specific use.

In response to Commissioner Williams, Director Blake said he gathered information from the League of Cities and Towns for draft code information and language from City of Flagstaff and City of Show Low. He explained that he included the definitions in Chapter 5.08 Temporary Use Permits to provide clarity. He changed the title from “Peddler’s and Solicitor’s Permits” to “Temporary Use Permits”. He said both items would be in the same section but this would be more inclusive and said he needed to better address the mobile merchants.

He knows that Chapter 5 does not fall under the Commissions purview but said the Town Manager wanted the Planning and Zoning Commission opinion on the draft before it was presented to the Town Council on March 7, 2019. He explained the fee will be \$200.00 per month for use of ten days per month, not continuous days, and said this is in-line with what City of Show Low charges.

In response to Chairman Staley, Director Blake stated the fourteen days allows for less competition for the brick and mortar businesses. It limits the ability for someone to set up all summer long selling in a parking lot competing with the brick and mortar businesses that pay property taxes and rent and that are open year round.

In response to Commissioner Stewart, Director Blake said Stolen Recipe BBQ had a food wagon.

In response to Chairman Staley, Director Blake stated that every year people are removed from the Town that are selling by the side of the road. He explained that in the past they had to use the Peddlers and Solicitors Permits which was \$350.00, had to apply 45 days in advance, fingerprinted and was only good for ten consecutive days, limited to three per year. He explained that the fingerprinting is still required for the Peddlers and Solicitors Permits but not for the Temporary Use Permits.

In response to Commissioner Williams, Director Blake said based on the Code they will only be able to sell on days the permit is valid for and that a Police Officer can stop and check their license and the dates the permit is good for. He said, for example, this will cover the firewood vendors that will now be required to have a permit. Hopefully, some of them will get a permit since it is easier and more reasonable.

In response to Commissioner Orris, Director Blake said sales tax is required to be collected and paid, the food vendors will be required to have a Navajo County Health Certificate and required to be inspected by the governing Fire Department.

In response to Commissioner Orris, Director Blake said they will be asked to leave by an Officer if they do not have a permit.

In response to Commissioner Williams, Director Blake said the corn and chilies sold in the parking lot of It's Magic are run through It's Magic's cash register with tax being collected.

In response to Chairman Staley, Director Blake explained that if there are two or more vendors on a property, for example, the Art Show at In Bloom Nursery, a Special Event Permit would be required. The promoter of the show would have to apply forty-five days in advance for a Special Event Permit for \$100.00, and each vendor associated with that special event would pay a \$20.00 Vendor Permit fee, or \$75.00 per year for numerous shows to participate in. He said each promotor is only allowed four events per year in the Town limits.

Director Blake said the Town receives about two hundred vendors per year for the shows held in Town, and most of the two hundred vendors pay their sales tax.

PUBLIC COMMENTS

Robert Ingles, PO Box 625, Pinetop, AZ 85935, conveyed that the business owners that buy property, pay taxes and meet annual expenses do have a vested interest in protecting their right to do business in the Town. They have responsibilities, liabilities to meet annual expenses, people that are dependent on commissions and thinking of the health, safety and welfare of the Town. He said his quick review of the Temporary Use Permit helps to promote the health, safety and welfare of the community. He said a permit like this will help to have the right kind of uses in the community, in the right places and will help to avoid traffic issues on holiday weekends which tend to draw an abundance of people wanting to capitalize on the economic opportunities that exist in the community with that many people here. If there is not some way for the Town to try and regulate, this might help. He said he is not judging the entire document, but said the Town does need something and Director Blake’s testimony should help to guide, enforce and have people be compliant; and this will help guide the decision the Commission will be making tonight. He said the discussion tonight is good and being an owner of a business that is located in the county, he appreciates the value of things like this. He said during the past he has seen many vendors lined up like a swap meet every weekend and this will help with having control of trying to make our community better than the rest of rural Navajo County and this is an attempt to satisfy a lot of needs and help with the overall welfare and needs of the citizens of Pinetop-Lakeside.

Chairman Staley said the goal for the Commission tonight is to recommend or not recommend the revisions made to Chapter 5.08 Temporary Use Permits.

In response to Commissioner Orris, Director Blake directed the Commissioners to 5.08.050 Mobile Merchants section E. “The location of the mobile merchant’s equipment, structures and display(s) shall be a minimum of 10 feet inside the property line and shall conform to an approved site drawing.” He explained that the merchant will have to provide a signed statement from the property owner giving permission for the merchant to set up on the property and that this is part of the application process.

Chairman Staley moved to recommend to the Town Council the revisions made to Chapter 5.08 Temporary Use Permits. Commissioner Williams seconded the motion and by show of hands the following vote was recorded:

AYES
Adam Staley

ABSTAIN

NAYS

Richard Smith
Tim Williams
Alison Stewart
Larry Agan
David Orris

F.2 Information, Discussion and Recommendation to Town Council regarding revisions made to Chapter 17.104 Supplemental Provisions.

Community Development Director Blake said that Commissioners Orris and Stewart were not present for a large section of this chapter and this is a big chapter that the Commission has reviewed. He pointed out the following addition to the Commissioners:

- 17.104.020 Administrative Adjustment is a new section. This section was recommended and gives the Community Development Director some leeway to make some administrative adjustments by certain percentages, mostly 10% percent one way or another.

Chairman Staley said he found the document to be fluid and concise and said he is in support of the document.

Vice Chairman Smith moved to recommend to the Town Council revisions made to Chapter 17.104 Supplemental Provisions. 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		
Richard Smith		
Tim Williams		
Alison Stewart		
Larry Agan		
David Orris		

F.3 Review and Discussion of Changes to Title 17, Chapter 17.92 Landscaping Regulations.

Director Blake announced that he would like to revisit section in 17.92.050 Landscaping number 5. regarding additional tree requirements to a property. He said he would like to give the Commissioners some more information so that they

can make an informed decision regarding additional trees and shrubs per hard surface or paving or parking area. Under the current Code meeting the additional tree requirements is not hard to meet, but potentially having to add fifty shrubs could be difficult to meet. In his opinion, that is a lot of shrubs. He would also like to see some type of adjustment given to properties with grass and suggested for the amount of grass planted there is a reduction in the number of trees or shrubs required. He said grass also limits the number of bushes that can be planted.

Chairman Staley said he would like the Commission and/or the Director to have discretion in terms of making those decisions whether grass or a retaining wall will decrease the amount of shrubs planted and he would like to balance the totality of all of the landscape features into one decision.

In response to Commissioner Stewart, Director Blake stated there are not a lot of new businesses being built each year and said there had only been two new builds in the last ten years. He said he would like to have some minimum landscaping regulations, but said he likes the idea of having some adjustment criteria for grass or other architectural feature.

In response to Chairman Staley, Director Blake stated that he does not have anything in writing for the Commission to review and said it was just a topic that he wanted to discuss with the Commission.

It was the consensus of the Commission for Director Blake to provide language to the Commission at the next meeting regarding this change; and that it can be adjusted by the discretion of the Community Development Director and/or the Planning and Zoning Commission.

The following changes to Title 17, Chapter 17.92 Landscaping Regulations were discussed:

It was the consensus of the Commission to recommend the following changes:

C. Maintenance

1. Landscaped areas shall be reasonably maintained to create an attractive appearance.
2. Any plant material dead or dying shall be replaced within thirty (30) days.
3. Lack of maintenance shall constitute a violation of the zoning regulations, and property owners may be subject to a civil violation as described in subsection G of this section.

D. Abuse of Trees. No person shall post upon, cut, carve or otherwise damage any tree. Violators will be subject to civil violation as described in subsection G of this section.

E. Delete entire statement.

Table 2 – Tree Selection List – delete entire table.

Table 3 – Recommended Spacing List – delete entire table.

F. Delete entire statement.

Table 4 – Shrub Selection List – delete entire table.

G. Civil Violation and Penalty

1. Any person or entity who violates any provision of this chapter may be subject to a civil violation.
2. Each day that a violation is permitted to exist will constitute a separate offense. The amount of the civil penalty is as follows:
 - a. No change to the statement.
 - b. No change to the statement.
3. The imposition of a civil penalty shall not exempt the offender from compliance with the requirements of these regulations.
4. Delete the entire statement.
5. The Community Development Director may request that the court issue an injunction against a violator if warranted.

17.92.060 Walls and screening devices.

A. Definitions

“Height of screening devices” shall be measured from the highest finished adjacent grade of the element to be screened.

Figure 5 – Screening Wall Heights – no change to the illustration.

Figure 6 – Fence/Wall Heights - Delete the illustration. No change to the statement.

B. Standards of Design and Development.

1. No change to the statement.
2. Roof-mounted mechanical equipment shall be screened by parapet walls or other screening device.
3. All loading, delivery, and service bays shall be screened from street view or at least six (6) feet in height.
4. A screening wall approved by the Director shall be constructed on a site used for multi-family, or commercial use along any lot lines in common with, or separated only by an alley from residential property. Such walls shall be a suitable height. Requirements of landscaping in Section 17.92.050(A)(5) shall also be complied with.

5. Commercial property that directly abuts residential property must properly shield the commercial lot from the residential lots. This shall be accomplished through the use of trees and/or screening walls. Trees must be spaced a minimum of fifteen (15) feet from one another. The trees must run the entire length of the border shared with residential property. The screening wall shall be a minimum six (6) foot height and must run the entire length of the border shared with residential property.

Figure 7 – Delete the illustration.

6. Delete the entire statement.

Figure 8 – Delete the illustration.

7. Exterior boundaries of manufactured home parks and travel trailer parks shall be provided with a screening wall having a minimum height of five (5) feet and a maximum height of six (6) feet.


8. Delete the entire statement.

G. Discussion Regarding Any Future Agenda Items.

Community Development Director Blake said there will be more review of Chapter 17 at the next Planning and Zoning Commission meeting on Thursday, February 28, 2019.

H. Adjournment:

There being no further business at this time, the meeting was adjourned at approximately 8:15 p.m.


Chairman Staley
