



AGENDA
PLANNING AND ZONING COMMISSION
SPECIAL MEETING
NOVEMBER 15th, 2022 AT 6:00PM
TOWN COUNCIL CHAMBERS
22 W 2ND ST. EAGAR

ITEM 1 WELCOME

ITEM 2 ROLL CALL

ITEM 3 PLEDGE OF ALLEGIANCE

ITEM 4 INVOCATION

ITEM 5 PUBLIC COMMENTS: Persons wishing to address the Commission on any item not already on the agenda may do so, although each speaker is limited to three minutes. The Chair, with the consent of the Commission, may limit the total time offered speakers, if necessary. All such remarks shall be addressed to the Commission as a whole, and not to any specific member. No person other than the speaker shall enter the discussion without permission of the Chair. The Commission may not address, discuss or vote upon any petition or comment raised by the public at any meeting. The item may be placed on a future agenda with direction from the Planning and Zoning Administrator on how to place an item on the agenda.

ITEM 6 DISCUSSION AND POSSIBLE ACTION TO APPROVE THE SEPTEMBER 13, 2022 MINUTES.

ITEM 7 PUBLIC HEARING ON CU2022-4; A CONDITIONAL USE PERMIT APPLICATION FOR THE PROPERTY ADDRESSED AS 822 S. JUNIPER ST. ALSO KNOW AS PARCEL 104-28-002S TO ALLOW PROPERTY OWNERS TO LIVE ON THE PROPERTY DURING CONSTRUCTION OF PRIMARY RESIDENCE.

Public Hearings are conducted in accordance with A R S 38-431 et seq (the "open meeting law") and the Planning & Zoning Commission Policies Procedures, Town of Eagar, Arizona Section VII-Public Hearing

- a. Calling Agenda Item: The agenda item shall be called by the Chair as any other agenda item.
- b. Declaration of Public Hearing: The Chair shall declare that the Commission is in public hearing
- c. Applicant Presentation: The Applicant may make an opening statement in order to explain the item to the commission and public. The Chair or Commission may limit the time for his/her statement as necessary
- d. Staff Reports/Recommendations: Staff shall have an opportunity to report on the issue and answer questions by the Commission
- e. Written Comments: Written Comments filed with the Town or staff shall be presented to the Commission and read into the record
- f. Public Comments: Testimony from members of the public shall be permitted and encouraged. *Anyone wishing to make a statement shall first stand and identify themselves by name and also identify where they reside.* Members of the public shall be limited to five minutes per person, or less as designated by the Chair or Commission. The total time allotted to the public on any issue may be limited or extended by the Chair or Commission
- g. Commission Interaction: Questions from Commissioners may be held at this time, or reserved until public hearing has closed. The Commissioners may address the applicant with any questions raised from the public and discuss the question
- h. Applicant Closing Statement: The applicant shall be allowed a brief closing statement in order to rebut the statements made by the public, to offer a compromise, or otherwise address the issue
- i. Declaration of closing the Public Hearing: Unless a majority of the Commissioners object, the Chair shall declare the public hearing as closed. At this time public and applicant participation is limited to questions from the Commission only
- j. Commission Discussion and Vote: The agenda item will then be discussed and action taken as on any other agenda item

ITEM 8 DISCUSSION AND POSSIBLE ACTION TO APPROVE OR DENY ITEM 7

ITEM 9 PUBLIC HEARING ON RZ2022-3; A ZONING AMENDMENT APPLICATION FOR REZONING OF PARCEL 104-14-006B ALSO KNOWN AS 266 S. HARLESS ST. FROM AR-20 TO R2-7.

ITEM 10 DISCUSSION AND POSSIBLE ACTION TO APPROVE OR DENY ITEM 9.

RECONVENE TO REGULAR MEETING

ITEM 11 REPORTS

ITEM 12 ADJOURNMENT

ANYONE WISHING TO ATTEND THIS MEETING AND HAS A SPECIAL NEED DUE TO DISABILITY, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT 928-333-4128 EXT. 222 FORTY-EIGHT HOURS PRIOR TO THE MEETING AND REASONABLE ACCOMMODATIONS WILL BE PROVIDED.

Date Posted _____ Time Posted _____ Posted by _____

Where Roads Hit the Trails

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MINUTES
PLANNING AND ZONING COMMISSION
WORK SESSION
September 13, 2022 AT 6:00PM
22 W 2ND ST. EAGAR

Commission Present: Renee Fowler
Becky Crosby
Brenda Ciminski
Derrick Kelly
Kristi Penrod

Commission Absent: Chad Finch
Macie Edwards

Staff Present: Britney Reynolds, Community Development Coordinator

ITEM #6 LOYALTY OATH – BECKY CROSBY READ ALOUD THE LOYALTY OATH

ITEM #7 DISCUSSION AND CONSIDERATION OF THE JULY 12, 2022 AND AUGUST 9, 2022 MINUTES

Commissioner Becky Crosby abstained. Commissioner Kristi Penrod motioned to approve the July 12, 2022 meeting minutes. Commissioner Derrick Kelly seconded; All were in favor, motion carried unanimously 4-0.

Vote: Ayes: Kristi Penrod
Renee Fowler
Derrick Kelly
Brenda Ciminski

Commissioner's Kelly and Penrod abstained. Commissioner Renee Fowler motioned to approve the August 9, 2022 meeting minutes. Commissioner Becky Crosby seconded; All were in favor, motion carried 3-0.

Vote: Ayes: Becky Crosby
Renee Fowler
Brenda Ciminski

CONVENE TO PUBLIC HEARING

Commissioner Kristi Penrod Motioned to convene to public hearing [6:06 pm]. Commissioner Derrick Kelly seconded; all were in favor, motion carried unanimously 5-0.

Vote: Ayes: Becky Crosby
Renee Fowler
Derrick Kelly

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Brenda Ciminski
Kristi Penrod

ITEM #8 – PUBLIC HEARING ON RZ2022-1; A ZONING AMENDMENT APPLICATION FOR REZONING A PORTION OF PARCEL'S 104-19-001F & 104-18-004C FROM AG AND I-1 TO I-1 .

Randy Nicoll who represents Arizona Log & Timber Works explained that Arizona Log & Timber Works has run out of space to operate. They want to purchase the property in question which is approximately 1,000 feet from Arizona Log & Timber Works current location. Mr. Nicoll stated that this expansion to his business will create jobs and economic increase. Mr. Nicoll also stated that if denied to re-zone he would have to relocate his business to a different town. A new entrance will be created and Mr. Nicoll will be applying for an ADOT encroachment permit. Mr. Nicoll only wants to purchase the property if it can be re-zoned to I-1. Chair Ciminski wants to make this request contingent upon sale. In other words re-zoning will be granted so long as Arizona Log & Timber Works purchases the property.

Commissioner Kelly motioned to approve contingent that Arizona Log & Timber Works purchase the property. Commissioner Penrod seconded the motion; all were in favor, motion carried unanimously 5-0.

Vote: Ayes: Renee Fowler
 Becky Crosby
 Brenda Ciminski
 Derrick Kelly
 Kristi Penrod

ITEM #10 – PUBLIC HEARING ON RZ2022-2; A ZONING AMENDMENT APPLICATION FOR REZONING PARCELS 104-52-017 & 104-52-024 FROM C-1 TO R2-7.

Chair Ciminski called for correction of item for permit RZ2022-1 to the correct permit number RZ2022-2. Applicants were not present. Staff recommendation from Britney Reynolds recommended that it be approved as the properties are still in a sub-division area and the owners did not know it was zoned as commercial when they bought it. Debra Seeley asked if west property is commercial and north property is still commercial for the Beehive Home. Raymond Rugg asked why they are wanting to rezone to R2-7 when R2-7 allows for multi generational housing. Britney explained that R2-7 was the residential zoning in that area and explained that the owners want to build a single-family dwelling there. Mr. Rugg also stated that the ditches on brown need to be maintained. Finally, Mr. Rugg had a concern about mud on the road during construction. Britney assured him that she would address that. Concerns were mentioned about deed restrictions and Britney said she would look into any deed restrictions.

Commissioner Crosby motioned to approve the application for rezoning. Commissioner Penrod seconded the motion; all were in favor, motion carried unanimously 5-0.

Vote: Ayes: Renee Fowler
 Becky Crosby
 Brenda Ciminski
 Derrick Kelly
 Kristi Penrod

Commissioner Kristi Penrod motioned to reconvene to regular meeting [6:32 pm].
Commissioner Derrick Kelly seconded; all were in favor, motion carried unanimously 4-0.



ITEM #12 – REPORTS

Community Development Director, Britney Reynolds, stated there would be no meeting in October as she would be out of state.

ITEM #13 – ADJOURNMENT

Commissioner Derrick Kelly motioned to adjourn the meeting [6:33 p.m.]. Commissioner Renee Fowler seconded; all were in favor, motion carried unanimously 5-0.

Vote:	Ayes:	Becky Crosby
		Renee Fowler
		Derrick Kelly
		Kristi Penrod
		Brenda Ciminski

Chair signature: _____

Director signature: _____

TOWN OF EAGAR COMMUNITY DEVELOPMENT
REQUEST FOR CONDITIONAL USE PERMIT
(REFER TO CHAPTER 18.84 OF THE ZONING CODE)

Permit No. CUP 2022-4 Date: 10/20/22

Name of applicant: Amber Debord & Richard Debord

Mailing Address PO Box 374, Springerville, AZ 85938

Telephone: (928) 254-5459 Email Address debordam81@gmail.com

1. Location of Property: 822 S. Juniper, Eagar, AZ 85925 104-28-0025

2. Current Zoning: AG-43

3. Proposed Use (as listed under "Conditional Uses" in the above zoning district):
To temporarily live in 2 travel trailers on the property while building 1 residential home.

4. Reason for Proposed Use Living in our travel trailers on the property while building
1 residential home would allow ease & timeliness, as well as financial support for the build.

5. Attachments: a. Plot Plan (to Scale)

b. Pertinent data as required by the Zoning Administrator or Planning
and Zoning Commission

Filing Fee: \$100.00 Date Paid: 10/20/22 Receipt # 1.292040

6. Signature of Applicant: _____ Date: _____

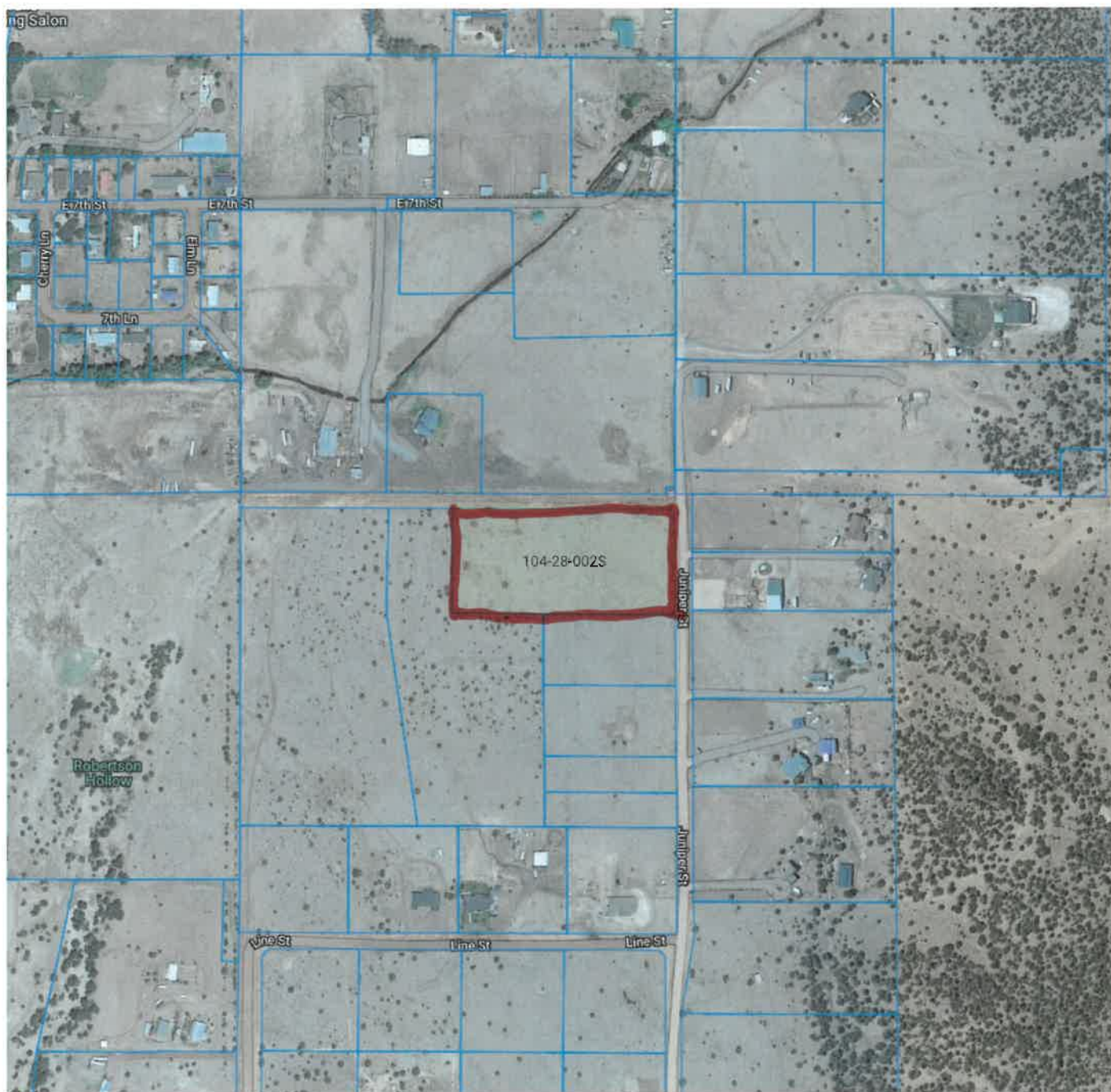
7. Signature of Zoning Administrator: Brian Rynds Date: 11/1/2022

8. Application shall be forwarded to the planning and Zoning Commission on:

(Date) 11/15/22 (Time) 6:00 pm

(Place) Town hall council chambers

Notice of the nature of the Conditional use Permit and the date of the meeting at which it will be considered will be posted on the affected property 15 days prior to the public hearing. The property owners within a 300-foot radius of the applicant's property will be notified by first class mail.



Measure Tool



Map data ©2022 Imagery ©2022, CNES / Airbus, Maxar Technologies, NMRGIS, USDA/FPAC/GEO 200 ft

[Report a map error](#)

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Parcel Number: 104-23-008C

34.0994, -109.2719

Re: Confirmation of building on parcel 104-28-002S

sprv@frontiernet.net <sprv@frontiernet.net>

Wed 10/19/2022 2:10 PM

To: Britney Reynolds <b.reynolds@eagaraz.gov>

Britney,

I agree with Amber and Richard , to move forward with building their home and give my okay for them to proceed. If the Town of Eagar requires anything further give me a call or an email.

Thanks, Bill Lucs

On Wednesday, October 19, 2022 at 01:27:05 PM MST, Britney Reynolds <b.reynolds@eagaraz.gov> wrote:

Afternoon,

Per our conversation on the phone a moment ago I am writing to receive confirmation of approval for Richard and Amber Debord to build a home on the above referenced property as this is an owner/carry situation with the property. If you could please respond with your response for our records I would greatly appreciate your time.

Have a wonderful day,

Britney Reynolds
Community Development Director
Town of Eagar
P.O. Box 1300
Eagar, AZ. 85925
928-333-4128 ext. 221



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**ZONING AMENDMENT CONDITIONAL USE PERMIT
BACKGROUND CHECKLIST**

- 1. Responses from adjacent property owners**

In Favor

Opposed

- 2. Checklist complete**
- 3. Building plans, pictures of property, specifications, etc.**
- 4. Zoning and building approval**
- 5. Special conditions, approvals, etc.**
- 6. Copies of ordinance allowing use**



November 9th, 2022

To: Chair and Commission

From: Britney Reynolds
Community Development Director

RE: Conditional Use Permit CU2022-4; living in travel trailers on property while building home.

Background:

Ms. Debord and her father originally appeared before the planning and zoning commission on November 10th, 2020 to ask for the same use of the property. The commission at that time approved the conditional use with stipulations that significant progress on the home would be made within a year's timeframe as the Debord's had already installed utilities to the property. On November 9th, 2021 the commission stated that an extension of the original conditional use would not be granted as no progress was made on the home and a building permit had not been secured. Ms. Debord returned earlier this year to inquire about the potential for reapplying for this permit. She was told that the matter could not return to the commission until this time per code section 18.84.100 C. No person shall reapply for the same or substantially the same use permit on the same or substantially the same plot, lot or parcel of land within a period of one year from the date of denial or revocation of said use permit.

Recommendation:

The following is from code regarding AR-43 zoned areas:

The code for temporary dwellings is in code section 18.24 (AR-43 zoning) and is as follows:

L. Temporary/Secondary Dwellings 2. Approval of a conditional use permit for a proposed temporary dwelling is subject to the following: a. An approved conditional use permit for the temporary dwelling shall be granted to the applicant and shall not be deemed to run with the land; and b. An approved conditional use permit for the secondary or temporary dwelling is valid for a period as deemed appropriate; provided, however, the community development director shall revoke such permit at any time, if any of the reasons for which the permit was granted are no longer applicable, or if any imposed conditions are violated. I would recommend for commissioners to review code section 18.84 Conditional Uses as well to assist in the making of this decision. Ms. Debord began the building permit process on 8/25/2022 and was approved for a permit on 9/19/2022. As of the date of this letter, no inspections have been called for or completed.

Respectfully,

Britney Reynolds
Community Development Director

TOWN OF EAGAR
REZONING APPLICATION
(REFER TO CHAPTER 18.80 OF THE ZONING ORDINANCE)

Permit No. RZ2022-3
Name of Applicant: Joseph & Leanne Roznovak
Address: 266 S Harless St. Eagar AZ 85925
Telephone: (480) 223 2574 Date: 9/21/22
Parcel Number(s): 104-14-006B (3.6 Ac)

1. Legal description of property and current and proposed zone which request to rezone is being made:

Current Zone:	Proposed Zone:	Adjacent Zoning (all sides)
<u>AR-20</u>	<u>R2-7</u>	<u>R2-7 / AR-20</u>

Current Use:	Proposed Use:	Adjacent Use (all sides)
<u>Un Used</u>	<u>Developed</u>	<u>Residential & Multi</u>

2. Reason for request of zoning change: To develop the property and allow for the availability of Multi dwelling occupancy.

3. Attachments (for rezoning of specific area):

- a. Plot plan to include rezoning area & location and zone of adjacent parcels
- b. Names and addresses of all landowners within the rezone area and 300 foot radius around the affected property.
- c. Stamped addressed envelopes of all those who notification of public hearing must be made.
- d. Signed petition of 50% of above landowners

4. Filing Fee: 250.00 Date Paid: 10/19/22

5. Signature of Applicant: [Signature] Date: 10/19/22

6. Zoning Administrator: [Signature] Date: 11/1/22

7. Application shall be forwarded to the planning and Zoning Commission on:

(Date) 11/15/22 (Time) 6pm

(Place) Town Hall Council Chambers

PETITION TO THE TOWN OF EAGAR FOR ZONING AMENDMENT

We the undersigned verify that we are the real property owners of land within the area which rezoning is being requested as indicated on the attached map. We petition the Town of Eagar Planning and Zoning Commission and Council to change the current zoning of AR-20 to R2-7.

[illegible]

This petition is in accordance with Section 18.80.30 of the Town of Eagar Zoning Code.

**ZONING AMENDMENT/CONDITIONAL USE PERMIT
BACKGROUND CHECKLIST**

1. Responses from adjacent property owners

In Favor

Opposed

Alan + Judy Slade

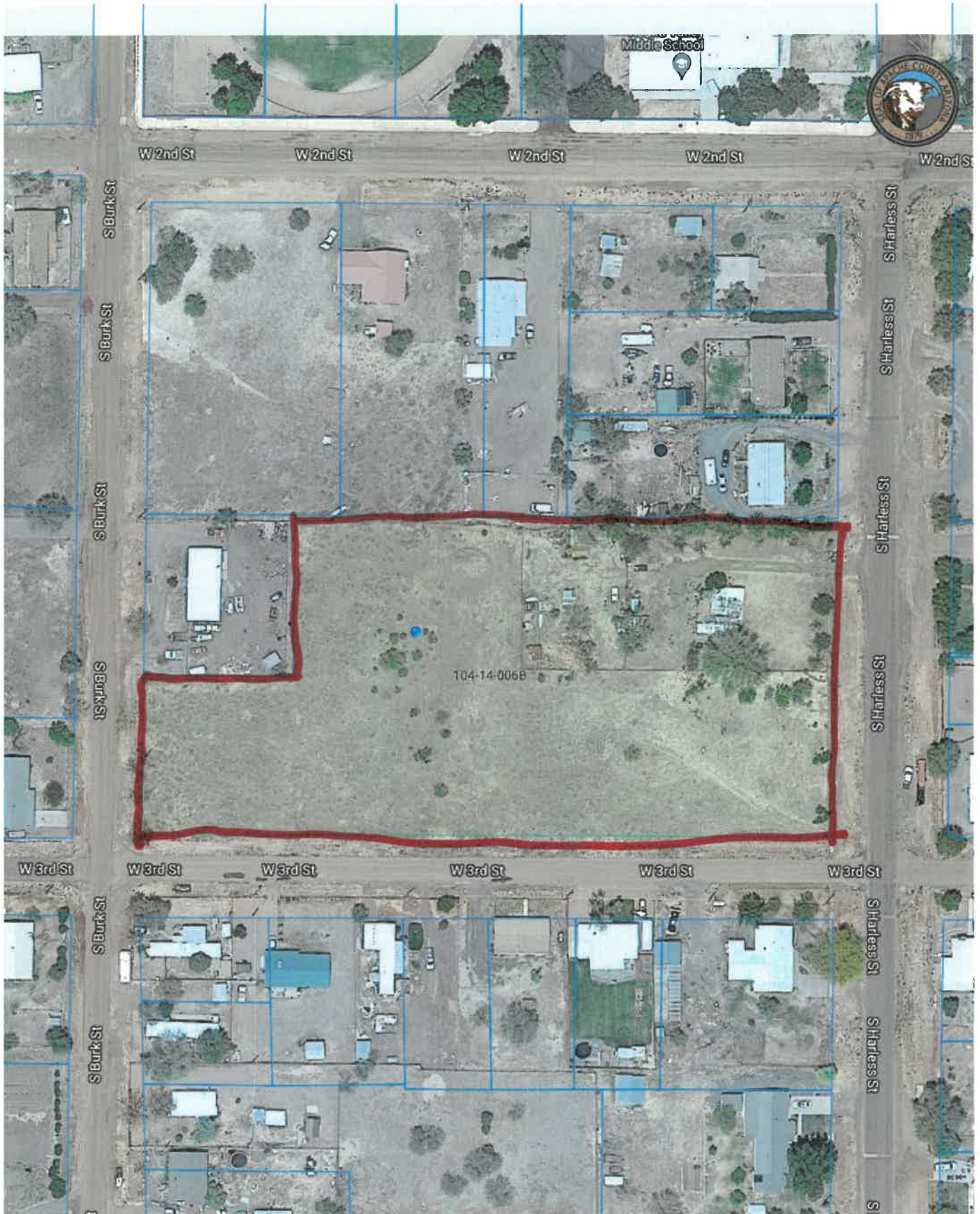
2. Checklist complete

3. Building plans, pictures of property, specifications, etc.

4. Zoning and building approval

5. Special conditions, approvals, etc.

6. Copies of ordinance allowing use



Measure Tool

Google

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Map data ©2022 Imagery ©2022, CNES / Airbus, Maxar Technologies 50 ft

Report a map error

Parcel Number: 104-14-007C

34.1069, -109.2932



November 9th, 2022

To: Chair and Commission

From: Britney Reynolds
Community Development Director

RE: RZ2022-3; Rezoning application for rezoning from AR-20 to R2-7

Background:

The Roznovak's own the property known as 266 S. Harless St. parcel #104-14-006B which is roughly 3.6 acres. This area is currently zoned AR-20 which covers their current residence and its use. The Roznovak's are looking to have the availability to offer multi-family dwellings which would be allowed in the R2-7 zoning being requested.

Recommendation:

Town of Eagar staff request that the commission approve this Rezoning application as there is currently a need for housing in our community and as the Roznovak's property is currently touching this zoning which avoids spot zoning. It is natural as a town progresses for properties to be rezoned to smaller area size requirements to allow this growth.

Respectfully,

Britney Reynolds
Community Development Director