



AGENDA
PLANNING AND ZONING COMMISSION
PUBLIC HEARING
JUNE 8TH, 2021 AT 6:00PM
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 into 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 LOYALTY OATH FOR NEW COMMISSION MEMBER JIMI HAMMOND

ITEM 7 CONSIDERATION OF THE MAY 11TH, 2021 MINUTES

CONVENE TO PUBLIC HEARING

ITEM 8 PUBLIC HEARING ON CONDITIONAL USE PERMIT CU2021-2; A Conditional use permit application for the property known as 251 E. 5TH ST. also known as parcel #104-22-012Q to allow for landowners to live in two recreational vehicles until Manufactured Homes can arrive and be installed on property.

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 9 DISCUSSION AND CONSIDERATION OF ITEM 8.

RECONVENE TO REGULAR MEETING

ITEM 10 REPORTS

ITEM 11 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 _____

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LOYALTY OATH

**STATE OF ARIZONA
COUNTY OF APACHE
TOWN OF EAGAR**

I, _____, DO SOLEMNLY SWEAR THAT I WILL SUPPORT
THE CONSTITUTION OF THE UNITED STATES, THE CONSTITUTION AND
LAWS OF THE STATE OF ARIZONA AND THE CODE OF THE TOWN OF
EAGAR; THAT I WILL BEAR TRUE FAITH AND ALLEGIANCE TO THE SAME,
AND DEFEND THEM AGAINST ALL ENEMIES, FOREIGN AND DOMESTIC,
AND THAT I WILL FAITHFULLY AND IMPARTIALLY DISCHARGE THE
DUTIES OF THE OFFICE OF PLANNING AND ZONING COMMISSIONER
ACCORDING TO THE BEST OF MY ABILITY, SO HELP ME GOD.

COMMISSIONER

CHAIR

DATE

DATE



PLANNING AND ZONING COMMISSION
PUBLIC HEARING
MAY 11th, 2021 AT 6:00PM
22 W 2ND ST. EAGAR

Chair Shawna Murphy called the meeting to order and welcomed those in attendance. Commissioner Joe Sitarzewski was excused from the meeting. Chair Murphy led the Pledge of Allegiance and Commissioner Muth offered the invocation.

Commission Present: Shawna Murphy
Brenda Ciminiski
Dave Kalinowski
Dan Muth
Ron Shepherd
Deanna Davis

Commission Absent: Joe Sitarzewski

Staff Present: Matthew Mears, Town Manager
Britney Reynolds, Community Development Coordinator
Brett Rigg, Town Attorney

ITEM #5 PUBLIC COMMENTS: None

ITEM #6 LOYALTY OATH FOR NEW MEMBER BRENDA CIMINISKI AND RETURNING COMMISSION MEMBER RON SHEPHERD

New commissioner Brenda Ciminiski read the loyalty oath followed by commissioner Shepherd. Obtained necessary signatures on documents.

ITEM #7 ELECTION OF VICE CHAIR

Commissioner Davis made a motion to appoint Brenda Ciminiski as Vice Chair. Commissioner Shepherd seconded; all were in favor, motion carried unanimously. 5-0

Vote: Ayes: Shawna Murphy
Dave Kalinowski
Dan Muth
Ron Shepherd
Deanna Davis

Nays: None

ITEM 8 CONSIDERATION OF THE JANUARY 12TH, 2021 MINUTES

Commissioner Dan Muth abstained from vote as he was not present for the January meeting. Commissioner Brenda Ciminiski made a motion to accept the January 12th, 2021 minutes with commissioner Deanna Davis second; all were in favor, motion carried unanimously 5-0.

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Commissioner Ron Shepherd stated that he does not believe this use is allowable in this area. Commissioner Brenda Ciminski asked if Mr. Whitmore was still running semi-trucks from the property as there are some on the property and pictures have depicted such activity occurring. Mr. Whitmore stated that the long-haul company still operates in 48 states and that there is currently heavy equipment on the property for updates. Commissioner Ciminski stated that due to previous knowledge she understands that there is 90 days of wait time for vehicles, but that there is an additional 90 days of wait time to obtain necessary titles for vehicles to be cleared from property. Mr. Whitmore then told the commission it is possible for the process to take 180 days (six months) to remove one vehicle from the property. Commissioner Dave Kalinowski stated that the area is not zoned for commercial operation.

During the closing statement, Mr. Whitmore pointed to Matthew Mears and Britney Reynolds saying that they had told him he had everything he needed for this and there were no further steps to complete this process. Mr. Whitmore stated he came in for the business license which was granted. Mr. Whitmore stated that he has spent \$140,000 on improving the property and creating the area for the impound lot. He believed that he had followed all requirements and that he cannot afford to buy another property for this venture. He believes the Town has dropped the ball on this matter. Mr. Mears stated that he and Britney Reynolds did discuss the Conditional Use process with Mr. Whitmore and he had completed the requirements for that process, but that Mr. Mears was not with the Town of Eagar when Mr. Whitmore began the process of a business license or asking about this operation. Mr. Rigg stated that the business license is a separate issue, and that Mr. Loyd may have been under the impression that the office would be at the home location and not the impound lot. Either way, if a business license is issued and it is later learned that the business is not in conformance with the Town zoning, the business license will then be denied. Commissioner Dan Muth stated that the zoning code for AR-43 does not allow this use even by conditional use and asked if it should have come to the commission as a rezoning request. Mr. Rigg did agree that this option would work, but Mr. Mears stated that situation would create a spot zoning which is not allowable. Commissioner Muth agreed. Mr. Rigg followed by stating that there is no way to allow this conditional use or this operation that will fall in line with Town Code.

ITEM #14 DISCUSSION AND CONSIDERATION OF ITEM 12

Commissioner Shepherd stated this does not fit into AR-43 zoning as it stands and cannot be allowed by conditional use. Commission was in agreement with this statement. Commissioner Brenda Ciminski moved to deny Conditional Use Permit CU2021-3; A Conditional Use Permit application for the property known as 788 W. School Bus Rd. also known as parcel 104-20-023G to allow for a towing and impound company to operate on the property as it is not allowable to be approved by zoning and town code. Commissioner Ron Shepherd seconded; all were in favor, motion carried unanimously 6-0.

Vote:	Ayes:	Shawna Murphy
		Dave Kalinowski
		Ron Shepherd
		Deanna Davis
		Brenda Ciminski
		Dan Muth

RECONVENE TO REGULAR MEETING

Chair Shawna Murphy closed the public hearing.

ITEM #15 REPORTS

Britney Reynolds informed the commission that Commissioner Dave Kalinowski would be resigning from the commission after this meeting. On behalf of the Town, Britney Reynolds thanks Commissioner Kalinowski for his service to the community. No other reports.

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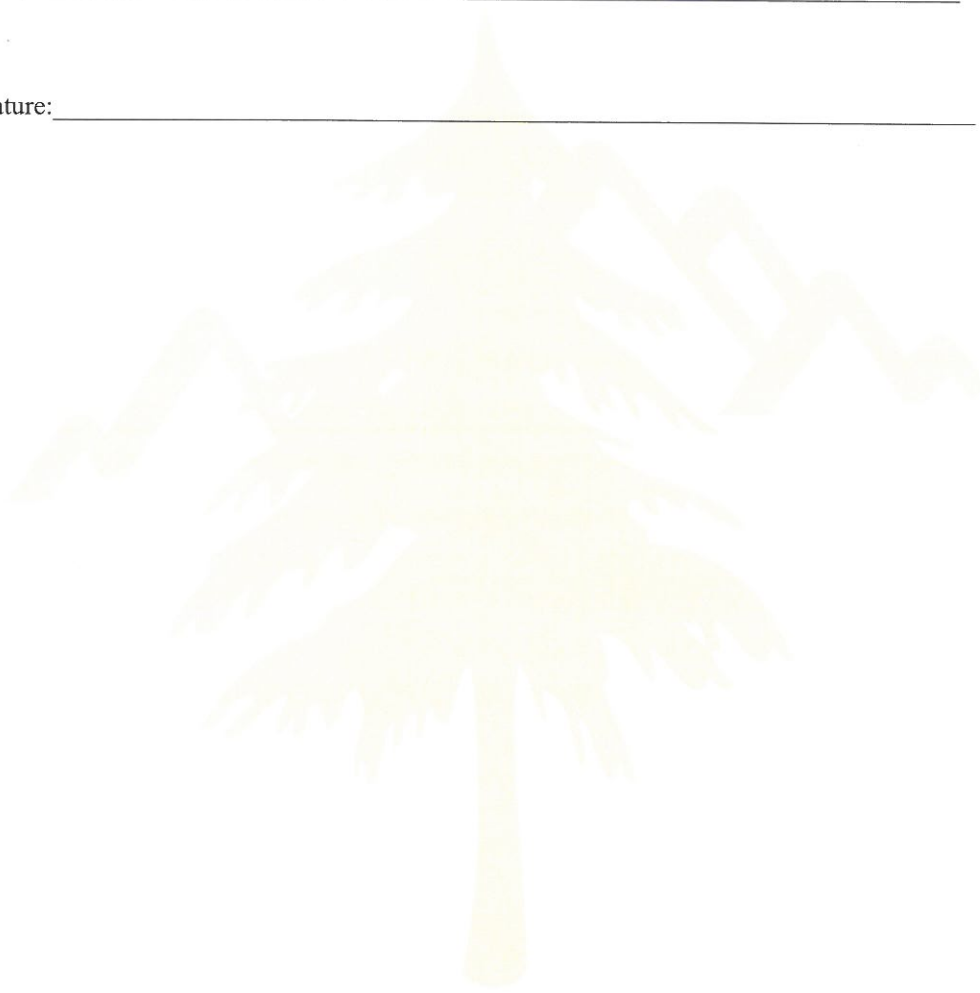


ITEM #16 ADJOURNMENT

Chair Shawna Murphy moved to adjourn the meeting [6:59 p.m.].

Chair signature: _____

Director signature: _____



June 8th, 2021 meeting

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

Permit No. Cu2021-2 Date: 4/1/2021

Name of applicant: David & Kellie Shinkle

Mailing Address P.O. Box 27 Grover WY 83122

Telephone: (307) 887-0100 Email Address Shinkle777@gmail.com

1. Location of Property: 251 E 5th St - 104-22-012Q + 104-22-012S

2. Current Zoning: RMH-7

3. Proposed Use (as listed under "Conditional Uses" in the above zoning district):

Two RV's on property till manufacture home are delivered

4. Reason for Proposed Use Home's out to 7 months out want to work on land prep and garage till that time

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

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

~~\$280.00~~

Filing Fee: \$100.00 Date Paid: 4/1/21 Transaction Receipt # 145693905PT - Debit payment

6. Signature of Applicant: David Shinkle Date: 4/1/2021

7. Signature of Zoning Administrator: Max W. [Signature] Date: 4/6/21

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

(Date) 4/8/21 (Time) 6pm

(Place) Town Hall

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.

**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