



AGENDA  
PLANNING AND ZONING COMMISSION  
PUBLIC HEARING  
MAY 11<sup>th</sup>, 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 MEMBER BRENDA CIMINISKI AND RETURNING COMMISSION MEMBER RON SHEPHERD

ITEM 7 ELECTION OF VICE CHAIR

ITEM 8 CONSIDERATION OF THE JANUARY 12<sup>TH</sup>, 2021 MINUTES

CONVENE TO PUBLIC HEARING

ITEM 9 PUBLIC HEARING ON CONDITIONAL USE PERMIT CU2021-3; A Conditional use permit application for the property known as 795 N. Main St. also known as parcel #104-09-001 to allow for the storage and selling of firewood.

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 10 DISCUSSION AND CONSIDERATION OF ITEM 8.

ITEM 11 PUBLIC HEARING ON CONDITIONAL USE PERMIT CU2021-4; A Conditional Use Permit application for the property known as 489 E. 7<sup>th</sup> St. also known as parcel #104-23-006M to allow for landowners to live in two recreational vehicles until home can be completed.

ITEM 12 DISCUSSION AND CONSIDERATION OF ITEM 10

ITEM 13 PUBLIC HEARING ON CONDITIONAL USE PERMIT CU2021-5; 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.

ITEM 14 DISCUSSION AND CONSIDERATION OF ITEM 12

Where Roads Hit the Trails



RECONVENE TO REGULAR MEETING

ITEM 15 REPORTS

ITEM 16 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 \_\_\_\_\_



## 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





MINUTES  
PLANNING AND ZONING COMMISSION  
JANUARY 12<sup>th</sup>, 2021 AT 6:00PM  
TOWN COUNCIL CHAMBERS  
22 W 2ND ST. EAGAR

Chair Deanna Davis called the meeting to order and welcomed those in attendance. Commissioner Dan Muth was excused from the meeting. Commissioner Shepherd led the Pledge of Allegiance and Commissioner LeSueur offered the invocation.

Commission Present: Joe Sitarzewski  
Ron Shepherd  
Deanna Davis  
Dave Kalinowski  
Aaron LeSueur  
Shawna Murphy

Commission Absent: Dan Muth

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

**ITEM #5 PUBLIC COMMENTS:** None

**ITEM #6 CONSIDERATION OF THE DECEMBER 6<sup>TH</sup>, 2020 MINUTES**

Commissioner Aaron LeSueur made a motion to accept the minutes from the December 6<sup>th</sup>, 2020 meeting. Commissioner Dave Kalinowski seconded; all were in favor, motion carried unanimously. 6-0.

Vote: Ayes: Joe Sitarzewski  
Ron Shepherd  
Deanna Davis  
Dave Kalinowski  
Aaron LeSueur  
Shawna Murphy

**ITEM #7 UNFINISHED BUSINESS**

- A. CONDITIONAL USE PERMIT CU2020-6; A CONDITIONAL USE PERMIT APPLICATION FOR THE PROPERTY KNOWN AS PARCEL 104-20-001A AT THE CORNER OF WEST CENTRAL AVE AND NORTH RIVER ROAD TO ALLOW CREATION OF AN RV PARK AND PERMANENT PAD CANVAS TENT SITES ON PROPERTY. COMMISSION REQUESTED FUTHER INFORMATION FROM APPLICANT AT PREVIOUS MEETING WHICH COMMISSION WILL BE REVIEWING.

Commission had reviewed further documents that had been supplied by Jesse Rogers. Jesse Rogers was unavailable for this meeting so he appointed Ethan Eagar to address the commission on his behalf. Commisison discussed concerns of area and the list of requirements that was generated using town codes. Ethan Eagar was given a copy of the list and was given the opportunity to address each item on the list. Items on the list were not addressed by the updated plans received from Jesse Rogers so the commission and Ethan agreed that another meeting would be needed. Ethan Eagar was informed he would have until February 3<sup>rd</sup> to submit updated information to allow time for packet compilation before the February 9<sup>th</sup> meeting. He believed this would not be an issue and agreed to the terms.



**Planning and Zoning Commission Meeting**  
**January 12<sup>th</sup>, 2021**

**ITEM #8      REPORTS                      None**

**ITEM # 9      ADJOURNMENT                      Chair Deanna Davis adjourned meeting [6:50 p.m.].**

**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. Cu2021-3 Date: 4/6/21

Name of applicant: Jorge Luis Torres Ortiz

Mailing Address 795 795 N Main St P.O.B. 1372 Eagar

Telephone: (928) 245 3680 Email Address \_\_\_\_\_

1. Location of Property: 795 795 N Main St

2. Current Zoning: Commercial

- 104-09-001

(104-09-004?)

3. Proposed Use (as listed under "Conditional Uses" in the above zoning district):  
develop wood yard for storage and selling  
of wood

4. Reason for Proposed Use storing and selling  
of wood.

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: \_\_\_\_\_ Receipt # \_\_\_\_\_

6. Signature of Applicant: Jorge Torres Ortiz Date: 4/6/21

7. Signature of Zoning Administrator: Maria M... Date: 4/6/21

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

(Date) 5/11/21 (Time) 12 pm

(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.

Cu 2021-3

**ZONING AMENDMENT CONDITIONAL USE PERMIT  
BACKGROUND CHECKLIST**

**1. Responses from adjacent property owners**

**In Favor**

**Opposed**

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- 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**





May 3<sup>rd</sup>, 2021

To: Chair and Commission

From: Britney Reynolds  
Community Development Coordinator

RE: Conditional Use Permit CU2021-3; Storage and sell of firewood

Background:

Mr. Ortiz owns a section of commercially zoned property between North Country HealthCare and OK laundry known as parcel 104-09-001. Mr. Ortiz wants to use this property to store firewood until it is ready to be sold from the property.

Recommendation:

Town of Eagar staff request that the commission approve this Conditional Use Permit, but place conditions that will encourage the shielding of firewood being stored on this property as this is along Main Street.

Respectfully,

Britney Reynolds  
Community Development Coordinator

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

Permit No. Cu2021-4 Date: 4/7/2021

Name of applicant: Cameron & Heather McCall

Mailing Address PO Box 1035

Telephone: (928) 245-0683 Email Address chmccalls@gmail.com

1. Location of Property: 489 E 7th St. Eagar 104-23-006M

2. Current Zoning: AR-43

3. Proposed Use (as listed under "Conditional Uses" in the above zoning district):  
Living in RV's until home build is complete

4. Reason for Proposed Use Because we need a place to live  
while we build a home

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: 4/7/21 Receipt # \_\_\_\_\_

6. Signature of Applicant: Heather McCall <sup>per phone</sup> Date: 4/7/21

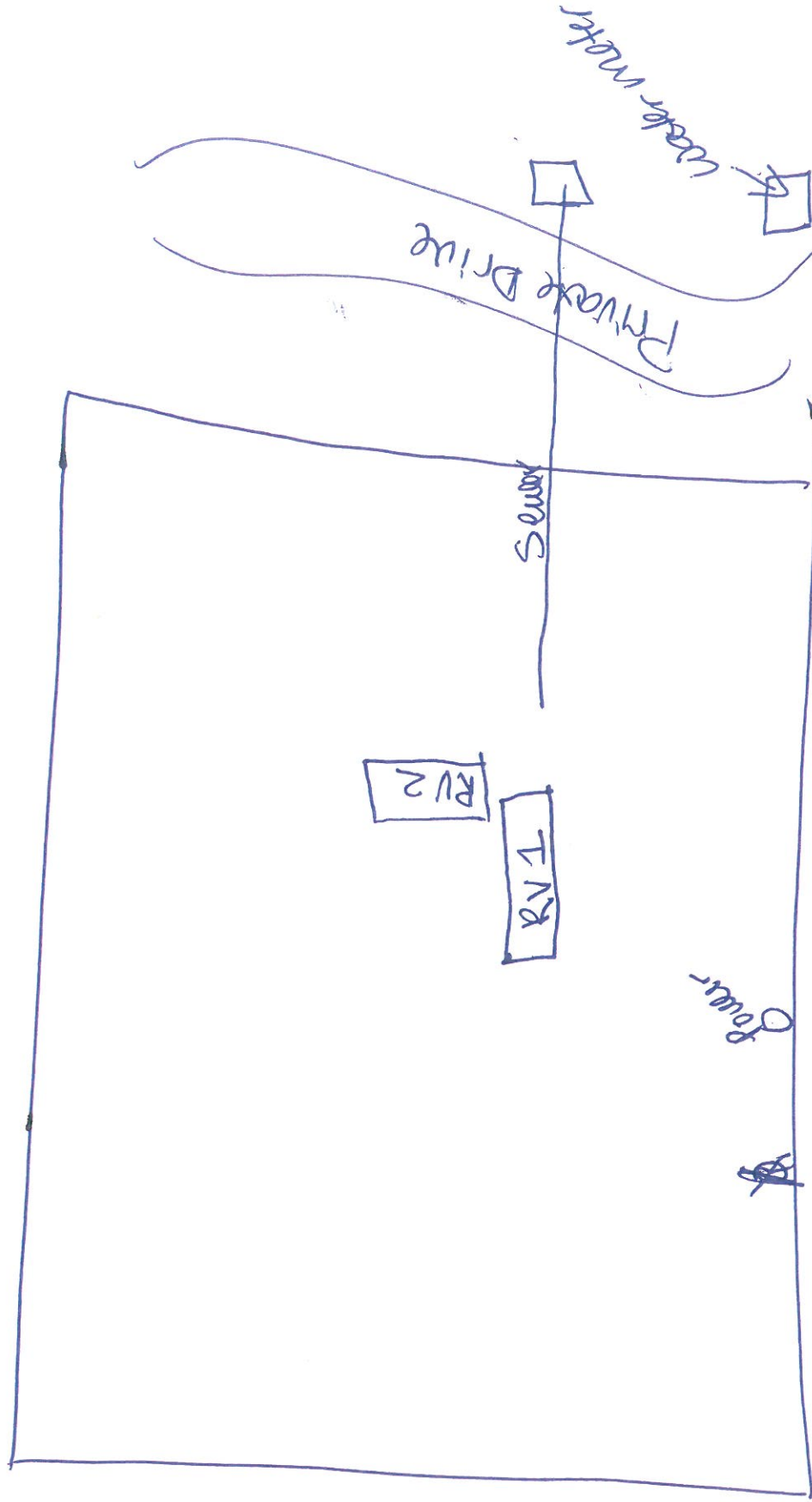
7. Signature of Zoning Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

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

(Date) 5/11/21 (Time) 4 pm

(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.



7th St.



Cu 2020-4

**ZONING AMENDMENT CONDITIONAL USE PERMIT  
BACKGROUND CHECKLIST**

**1. Responses from adjacent property owners**

**In Favor**

**Opposed**

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- 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**



May 3<sup>rd</sup>, 2021

To: Chair and Commission

From: Britney Reynolds  
Community Development Coordinator

RE: Conditional Use Permit CU2021-4; Recreational Vehicles living until home completed

**Background:**

Mr. & Mrs. Cameron McCall began the process of obtaining land from his parents several months ago with the intention to build as soon as their home sold. The McCall's have already paid for and installed water and sewer service as well as electrical power on the property. The McCall's are now waiting on plans for their home and to find materials to complete the build. They are asking to live in two Recreation Vehicles until the time they can complete the home and hope to be completed within a year timeframe.

**Recommendation:**

Town of Eagar staff request that the commission approve this Conditional Use Permit but with a timeframe that the commission can find agreeable for this process. A building permit, once approved, can be used for one year with the possibility to renew. Commission could ask for a review of this Permit at that time as well if home has not been completed.

Respectfully,

Britney Reynolds  
Community Development Coordinator

**Where Roads Hit the Trails**

P.O. Box 1300 • Eagar, AZ 85925-1300 • (928) 333-4128 • 22 West 2nd Street • [www.eagaraz.gov](http://www.eagaraz.gov)

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

Permit No. Cu2021-5 Date: 4/12/21

Name of applicant: Deric Whitmore, A Town To The Rescue + Recovery, LLC

Mailing Address 788 W. School Bus Road Eagar AZ 85925

Telephone: (928) 245 3100 Email Address Deric@towntorescue.com

1. Location of Property: 788 W School Bus Road Eagar AZ 85925 - 104-20-023G

2. Current Zoning: AR-43

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

Logging + Impound

4. Reason for Proposed Use New Business

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: 4/12/21 Receipt # 0

6. Signature of Applicant: [Signature] Date: 4-12-21

7. Signature of Zoning Administrator: \_\_\_\_\_ Date: \_\_\_\_\_

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

(Date) 5/11/21 (Time) 6 pm

(Place) Eagar 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.

We've  
per  
fee  
Mr  
great



SCHOOL BUS RD

ROAD EASEMENT

788 W SCHOOL BUS RD

DRIVEWAY

HOUSE

SHOP

PARKING

COOR X



Well House

Gate

IN POUND  
YARD

100' X 110'  
IN Red 6' FENCE



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**V' nore,Deric**

messages

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**deric Whitmore** <wwtderic@gmail.com>  
o: Britney Reynolds <b.reynolds@eagaraz.gov>

Fri, Apr 16, 2021 at 7:39 AM

Good morning,

We will be using steel pipe fencing 2 1/4 inch frame with wood picket fence for the impound yard. We would offer no long-term storage vehicles will go to D&S wrecking yard in Showlow Arizona as soon as they are able to be moved we will offer no part salvage it will be short term storage only completely closed we will stay in the picket fence to match the property so it'll look nice.

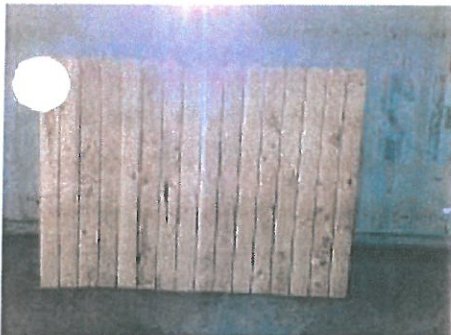
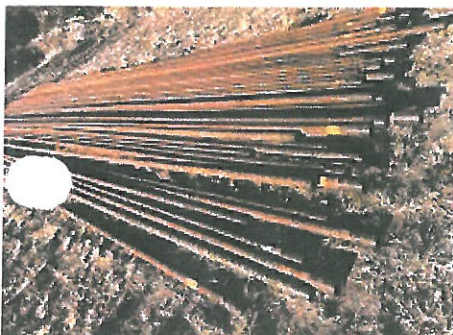
If you have any questions please feel free to give me a call.

Appreciate your help.

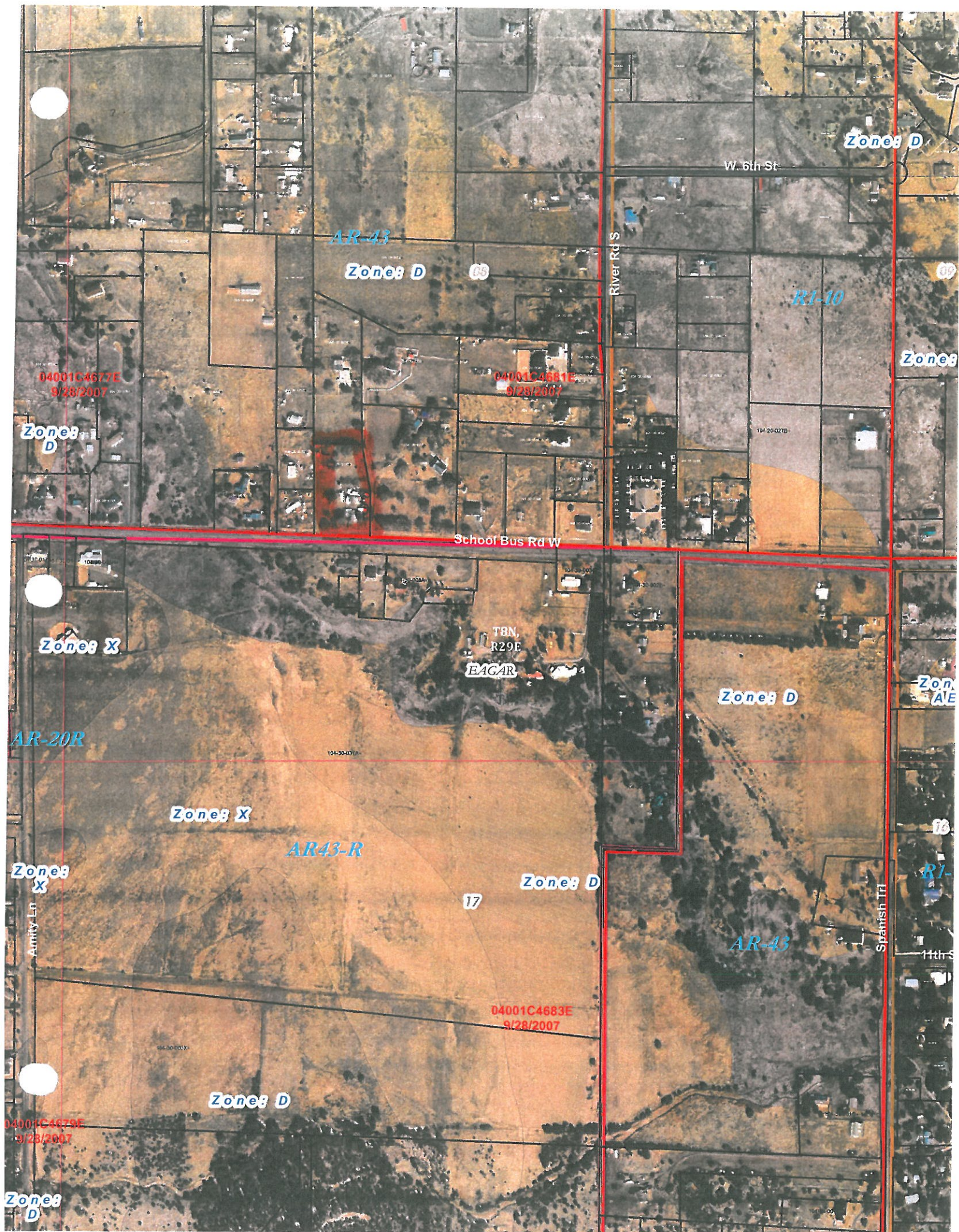
Deric Whitmore  
928-245-3100

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Deric Whitmore  
Whitmore's Wildwood Trucking  
928.245-3100

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**3 attachments****IMG\_0682.jpg**  
1430K**IMG\_0677.jpg**  
3022K**IMG\_0675.jpg**  
4849K







**ZONING AMENDMENT CONDITIONAL USE PERMIT  
BACKGROUND CHECKLIST**

**1. Responses from adjacent property owners**

**In Favor**

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**Opposed**

Gary Miller

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**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**

Comments and concerns on the CU 2021-5 request for The Rescue Tow and Recovery, LLC to be located at 788 W School Bus Road, parcel 104-20-023G. Currently a non-permitted commercial trucking and repair business is operating at this site. See attached pictures from recent operations, I would encourage a first hand inspection of this operation. I have the following comments and concerns about a commercial towing and storage business on the above parcel, located in AR43 zoning.

- AR43 zoning by definition is for agricultural and residential (Does not fit the character of the area!)
- This type of operation does not fit the definition of a **Home Based Business**
- Visual and esthetic impacts are visible from School Bus Rd and adjacent residences
- There are negative affects to adjacent property values, possibly 10 to 30%
- Oils, fuels, antifreeze and other contaminants present a hazardous waste issue and potential for surface and groundwater contamination. This may require a permanent liner to be installed.
- The proximity to a mapped floodplain is also a potential for concern and would require a SWPPP to insure containment and may even require a Hazardous Waste Plan or liner to contain leaking hazardous fluids!
- Rodents, skunks and other vermin could become a public health issue. Tires and other items stored on the site could collect water and cause a potential breeding ground for mosquitos.
- There are potential noise concerns with diesel trucks and equipment operating 24/7!!
- Parking and ingress/egress off of side street to School Bus Rd could be a safety issue.
- Has a huge potential to become a junk yard!!

#### General Plan


- This type of operation is not low impact and should be established in a commercially zoned area per the TOE General Plan.
- The plan prioritizes open spaces and views – this is not a positive feature!
- The traffic per plan is projected to increase in the area.
- A towing and vehicle storage operation has the potential for long term negative impacts that can never be undone.
- A 6' fence is not an adequate screen for this type of operation since we have large tow trucks and the storage facility could hold large RV's and or semi type vehicles!
- Most of all this is not a desirable environment to be located next to any residence!!
- Size and impact of a home based business, including shop and storage structures shall be limited to 10% of property area.

#### Per Eagar Town Code

Home Occupations. Home occupations shall be permitted in this residential zone, subject to the following requirements:

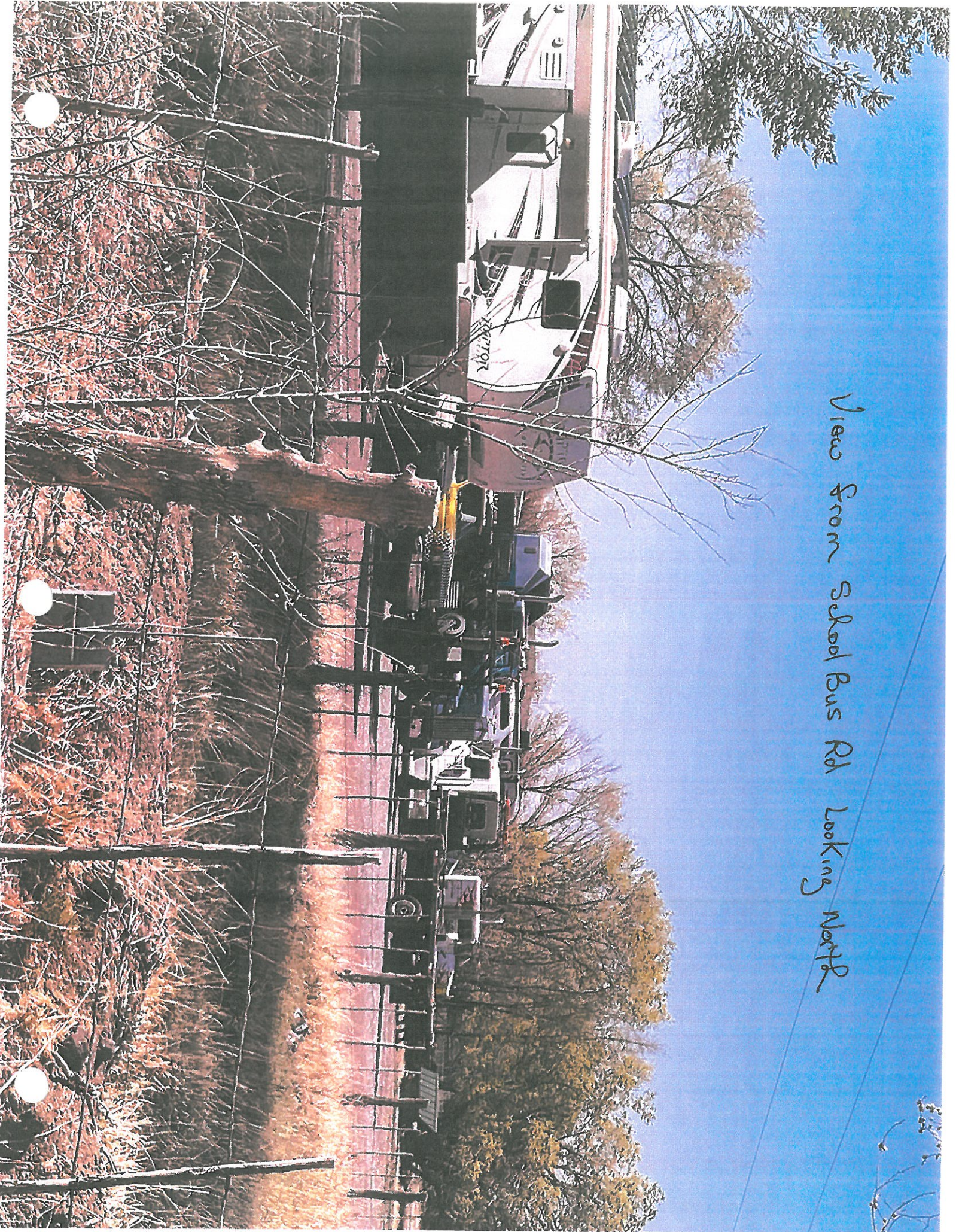
Home occupations shall be conducted within a dwelling, an enclosed accessory building, or ten percent total property may be used for the home occupation, or outdoor storage associated with the home occupation. If the use or storage is not confined within a building, total shielding of that portion of the property is mandatory by a minimum of a six-foot solid fence.

Residential dwellings are exempt from area requirements. The area of an accessory building shall not exceed one thousand square feet for a home occupation except by an approved conditional use permit

 submitted 4/29/21

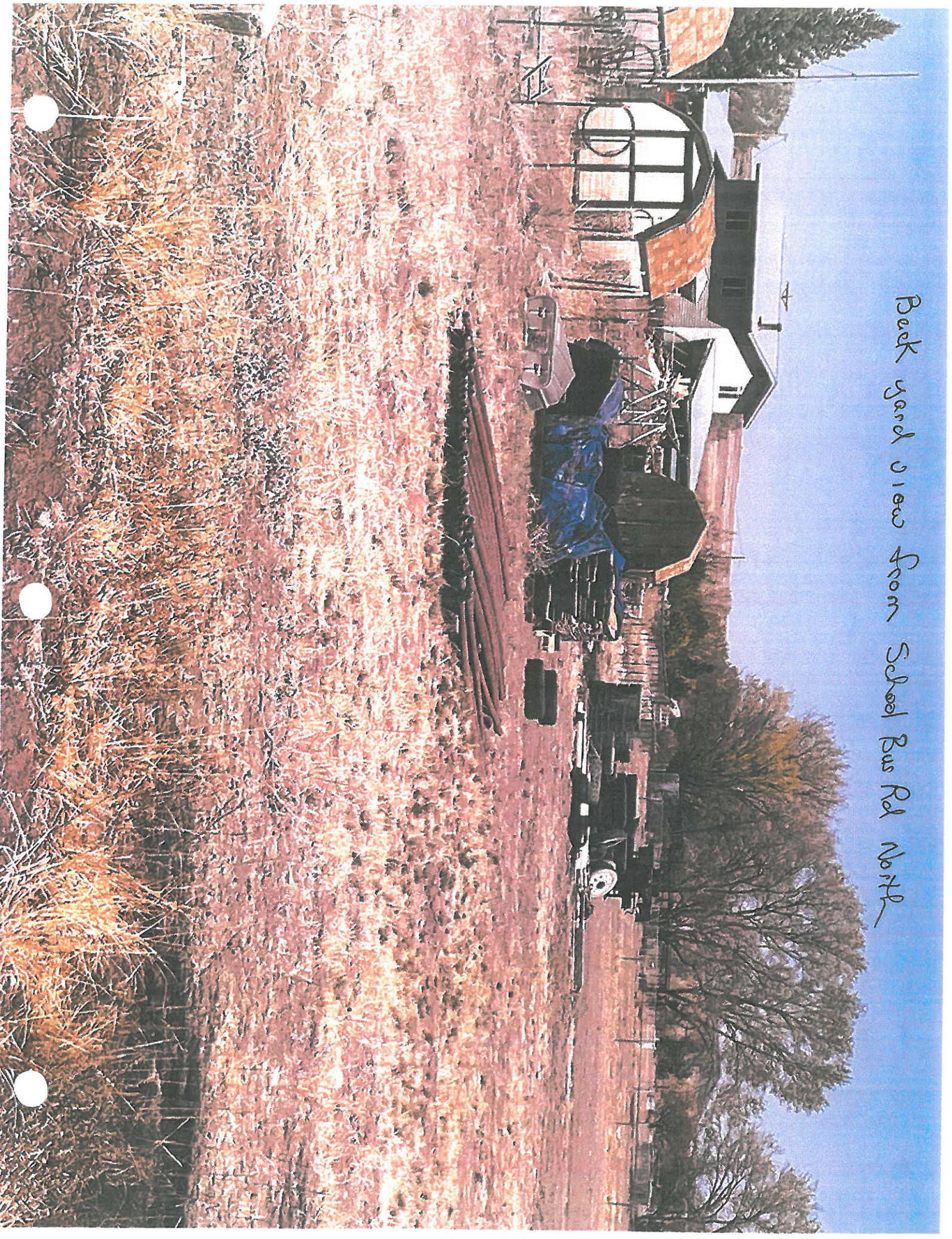


View from School Bus Rd Looking North



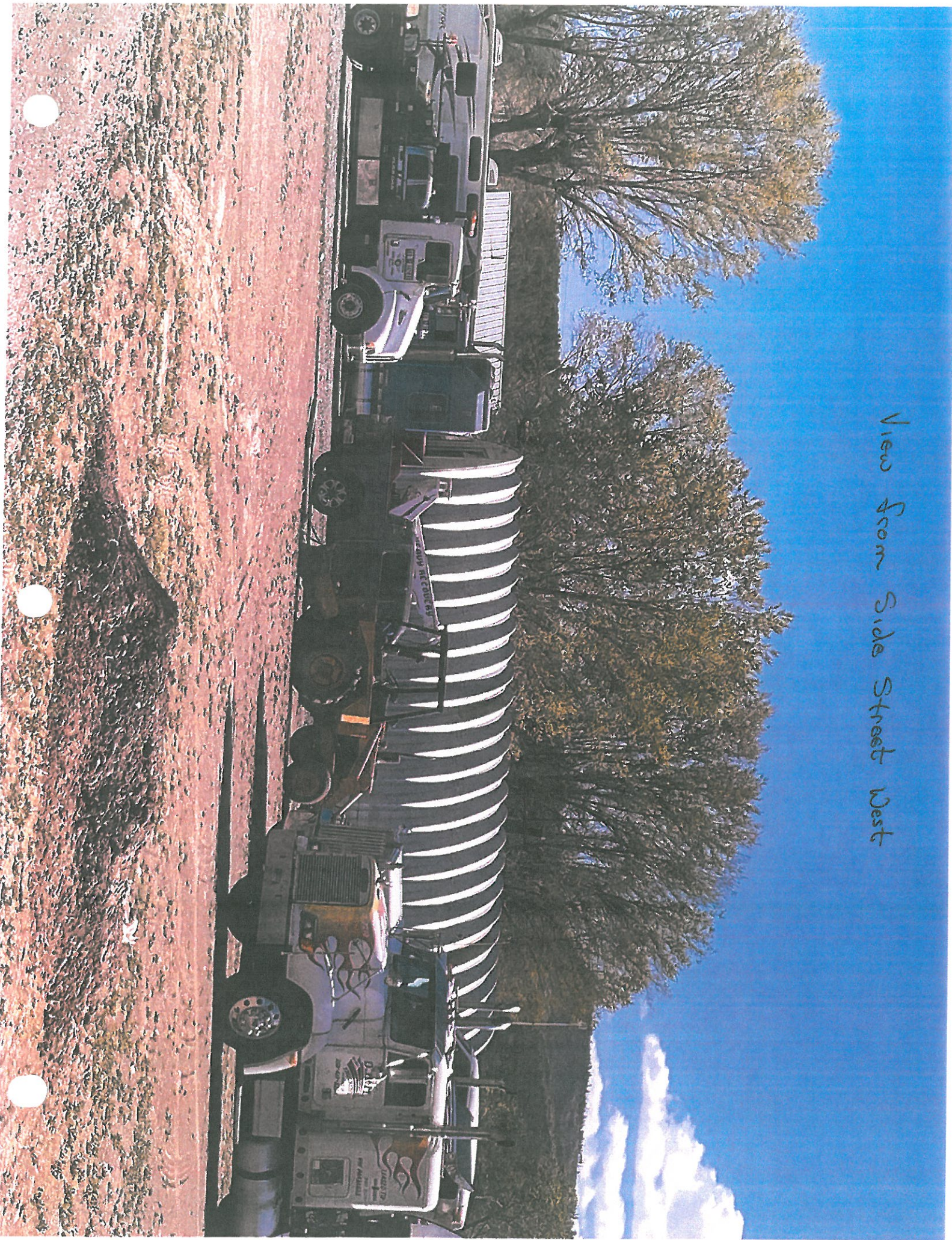


Back yard view from School Bus Rd North





*New from Side Street West*





*View from Side Street*







May 3<sup>rd</sup>, 2021

To: Chair and Commission

From: Britney Reynolds  
Community Development Coordinator

RE: Conditional Use Permit CU2021-5; Operation of a towing and impound operation

Background:

Deric Whitmore owns land in an agricultural/residentially zoned area known as 788 W. School Bus Rd. and parcel #104-20-023G. Mr. Whitmore is asking to operate a towing and impound company from his property. Mr. Whitmore is in the works of setting up a six-foot fence to surround the impound lot area and has stated the cars will be on the property no longer than eight weeks per vehicle.

Recommendation:

Town of Eagar staff request that the commission review AR-43 zoning guidelines as well as examining this property in person to determine if this proposed use is the best use for this area. There have been complaints from neighbors in the area.

Respectfully,

Britney Reynolds  
Community Development Coordinator