



AGENDA
PLANNING AND ZONING COMMISSION
PUBLIC HEARING
DECEMBER 8TH, 2020 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 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 CONSIDERATION OF THE NOVEMBER 10TH, 2020 MINUTES

CONVENE TO PUBLIC HEARING

ITEM 7 PUBLIC HEARING ON RZ2020-3; A ZONING AMENDMENT APPLICATION FOR REZONING OF 110 N. BURK ST. ALSO KNOWN AS PARCEL #S 104-12-001 & 104-08-027 FROM AG TO R1-10 ZONING.

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 CONSIDERATION OF ITEM 7.

ITEM 9 PUBLIC HEARING ON 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.

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

Where Roads Hit the Trails

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

- 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 9.

RECONVENE TO REGULAR MEETING

ITEM 11 REPORTS

ITEM 12 ADJOURNMENT

Date Posted _____ Time Posted _____ Posted by _____



MINUTES
PLANNING AND ZONING COMMISSION
PUBLIC HEARING
NOVEMBER 10TH, 2020 AT 6:00PM
TOWN COUNCIL CHAMBERS
22 W 2ND ST. EAGAR

Chair Deanna Davis called the regular meeting to order and welcomed all those in attendance. Commissioner Dave Kalinowski was excused as he was out of town. Chair Deanna Davis led the Pledge of Allegiance and Commissioner Aaron LeSueur offered the invocation.

Commission Present: Joe Sitarzewski
Ron Shepherd
Dan Muth
Deanna Davis
Aaron LeSueur
Shawna Murphy

Commission Absent: Dave Kalinowski

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

ITEM #5 PUBLIC COMMENTS:

Brandee Snyder with White Mountain Ponderosa Realty and Chelsea Nicoll discussed a property at 110 N. Burk Street that is needing to be rezoned. Property owners are under contract and did not realize that the property did not meet the minimum standards for an AG zone. Brandee Snyder stated that the application would be coming up next month.

ITEM #6 CONSIDERATION OF THE SEPTEMBER 8TH, 2020 MINUTES

Commissioner Ron Shepherd discussed that Grow Fast Farms Conditional Use permit was denied, although the company was allowed to continue with their harvest. Asked town staff why workers are still living on property when they were asked to vacate living except for one night security. Town Manager Matthew Mears discussed that this matter is not being ignored by the town and that it has become necessary for both parties to have attorney's handle the situation. Informed commission that the town has given a date of November 23rd for Grow Fast to no longer live on premises, but the company can continue to work there at this time.

Commissioner Aaron LeSueur moved to accept the minutes from September 8th, 2020. Commissioner Shawna Murphy seconded; all were in favor, motion carried unanimously. 6-0

Vote: Ayes: Joe Sitarzewski
Ron Shepherd
Dan Muth
Deanna Davis
Aaron LeSueur
Shawna Murphy

ITEM #7 PUBLIC HEARING

Where Roads Hit the Trails

PUBLIC HEARING ON CONDITIONAL USE PERMIT CU2020-5; A CONDITIONAL USE PERMIT APPLICATION FOR THE PROPERTY ADDRESSED AS 822 S. JUNIPER ST. ALSO KNOWN AS PARCEL 104-28-002S TO ALLOW PROPERTY OWNERS TO LIVE ON THE PROPERTY IN AN RV DURING CONSTRUCTION OF PRIMARY RESIDENCE.

Chair Deanna Davis opened the public hearing. Commissioner Ron Shepherd recused himself from this item as he resides within the 300 foot notification area. Britney Reynolds did remind commission of Ron Shepherd's submitted comment on the matter which is attached to the back of packet. No other commissioners had personal conflict in regards to this property.

Ms. Amber Debord, applicant, discussed that her father has a fifth wheel and she has a 25' trailer that would be placed on the property to live in during construction. Ms. Debord did state that there would be a 20-40' container for storage of materials for building. Ms. Debord will begin building as quickly as possible in the spring. Ms. Debord will be working with an architect for a site built home to be more conducive with the area. Meeting all requirements for the area in which the property is zoned. Ms. Debord has already paid for utilities. Town water and sewer have already been stubbed to property line with plans to complete the extensions before the end of November. Power pole has also been placed on property and will work to have that completed before the end of November as well. Ms. Debord's lease for her rental is up by the end of November so she would like to be able to move on property by then to assist in saving money. Will be working on getting everything ready to obtain building permit early 2021.

Staff reports/recommendation would be to allow for the property owner to stay on the property with the understanding that construction will begin as quickly as possible. If needed, recommend having applicant come back to commission in one year to discuss extension if needed. Commissioner Muth discussed section 16.20.06 which states that a property owner can stay in recreational vehicle for 180 consecutive days. After 180 days, the property owner could take the RV off the property for a day and then return to the property for another 180 day use. Commissioner asked what would be the necessity for a conditional use permit? He stated that section 16.20.06 subsection A was under the flood hazard ordinance. Section 18 does state 30 days of RV use so this presents a conflict. Mr. Mears stated that the 180 days would fall more in line with a state of emergency. Commissioner Muth stated that his point for stating these times was to remind commission that the use of an RV is an allowable use within the Town and follows code.

Commissioner Murphy asked for clarification in regards to if there would be one trailer or two on the property. Ms. Debord stated that there would be two trailers for living on the property.

Commissioner LeSueur asked about public comments. Britney Reynolds stated that there were no written comments and no one that was for or against. Mrs. Reynolds stated that there were three phone calls in regards to this permit, but they were all concerned with the timeframe that would be allowed.

Commissioner Sitarzewski expressed concerned about having trailers on the property for potentially five months with no construction happening. Concerned neighbors would not be pleased with the situation. Ms. Debord stated that they would be making improvements to the land during the time that a foundation is not able to be constructed due to weather. Chair Davis expressed concern about two RV's and a storage container being on property instead of just the one trailer the letter stated. Commissioner Sitarzewski did state that the application only stated for one trailer.

Commissioner Muth brought up that he would like to see the conditional use permit tied to the building permit and that, if necessary, this permit be revisited November 2021 if the Certificate of Occupancy has not been obtained. If there is any problems within the neighborhood, those can be addressed at that meeting. Commissioner LeSueur agreed with Commissioner Muth's stipulations, but asked for clarification of Commissioner Muth's statement about the conditional and building permits being tied as he worried about that extending the conditional longer than the year mark. Ms. Debord thanked the commission for their time and consideration of this application.

ITEM #8 DISCUSSION AND CONSIDERATION OF ITEM 8

Commissioner Aaron LeSueur moved to allow Conditional Use Permit CU2020-5; A Conditional Use Permit application for the property addressed as 822 S. Juniper St. also known as parcel 104-28-002S to allow property owners to live on the property in no more than 2 recreational vehicles during construction of the primary residence. Commissioner Shawna Murphy seconded; all were in favor, motion carried unanimously. 5-0

Vote:	Ayes:	Joe Sitarzewski
		Dan Muth
		Deanna Davis
		Aaron LeSueur
		Shawna Murphy

ITEM # 9 REPORTS

No Reports

ITEM #10 ADJOURNMENT

Chair Deanna Davis motioned for meeting to adjourn. [6:28 p.m.]

Chair Signature_____

Director Signature_____

**TOWN OF EAGAR
REZONING APPLICATION**

(REFER TO CHAPTER 18.80 OF THE ZONING ORDINANCE)

Permit No. RZ2020-3

Name of Applicant: Daniel + Chelsea Nicoll

Address: 110 N. Burk Street Eagar, AZ

Telephone: (928) 551-1071 Date: 10/29/20

Parcel Number(s): 104-12-001 104-08-027

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

<u>Current Zone:</u>	<u>Proposed Zone:</u>	<u>Adjacent Zoning (all sides)</u>
<u>AG</u>	<u>R1-10</u>	

<u>Current Use:</u>	<u>Proposed Use:</u>	<u>Adjacent Use (all sides)</u>
<u>residence</u>	<u>residence</u>	

2. Reason for request of zoning change: sell of property, want to build on remaining property - previous home was grandfathered as it was pre-zoning.

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: 10/29/20

5. Signature of Applicant: Chelsea Nicoll Date: 10/29/20

6. Zoning Administrator: [Signature] Date: 11/2/2020

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

(Date) December 8th, 2020 (Time) 6 pm

(Place) Eagar Town Hall

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 AG to R1-10.

Name/Signature	Address/Phone #	Parcel Number	Date
----------------	-----------------	---------------	------

Chelsea Nicoll Chesh Nicoll 110 N. Burk St 928-551-1071

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

Neither
Questioning
Intentions

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



10/29/2020

To Whom It May Concern:

This letter is in regards to parcels labeled #104-12-001 and 104-08-027 currently owned by Daniel and Chelsea Nicoll. Mr. and Mrs. Nicoll brought in a boundary line adjustment survey on 10/28/2020 for the Town of Eagar to authorize before having said survey recorded with the county. Upon inspection of the document, it was discovered that the boundary line adjustment could not occur as the current zoning is AG which requires 5 acres per lot. The Nicoll's purchased this property in 2014 without realizing the home had been constructed before the zoning updates and thus did not meet the standards. As no changes had been made to the home or property boundaries sooner, the Nicoll's were not aware there would be an issue when trying to sell the current residence with plans to build on the remaining area of the property. The Nicoll's have paid all necessary fees to the Town of Eagar for the boundary line adjustment and a rezoning application that will rezone the property to R1-10 allowing for the boundary line to be adjusted. Town Manager, Matthew Mears, has agreed to sign said boundary line adjustment so long as the Planning and Zoning commission and Town Council pass this rezoning request. The Town of Eagar is highly recommending this rezoning to both the commission and council as the Nicoll's property is adjacent to residential zoning on multiple property boundaries and this is a general progression within a growing residential area.

Respectfully,

Matthew Mears

Town Manager/Community Development Director

Where Roads Hit the Trails

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



Bogey Dr

3rd Ave

N Burk St

W 2nd Ave

W 2nd Ave

104-08-027

104-12-001

N Burk St

N Burk St

W 1st Ave

W 1st Ave

N Burk St

N Burk St

W 1st Ave

F Diamond Rd

Measure Tool

Google

Map data ©2020 Imagery ©2020, Maxar Technologies, NMRGIS, USDA Farm Service Agency

104-12-001



December 1st, 2020

TO: Chair and Commission

FROM: Britney Reynolds
Community Development Coordinator

RE: RZ2020-3 Rezoning from AG to R1-10

BACKGROUND:

Daniel and Chelsee Nicoll purchased the property at 110 N. Burk Street also known as parcels 104-12-001 & 104-08-027 in December of 2014. When the Nicoll's purchased the property, they were unaware of the AG zoning which requires five acres per lot. The Nicoll's brought in a landsplit application on 10/28/2020 for the Town of Eagar's approval. Upon inspection of the area, the town determined the property to be within AG zoning which would not allow for the land split to occur. Part of this denial is due to the fact that currently the property is under the five acre minimum. The Nicoll's are in the process of selling the current home and are looking to build on roughly 2.85 acres in the near future. As they currently do not meet the minimum lot requirement and are near a R1-10 zone they are seeking rezoning to R1-10 for their two parcels.

RECOMMENDATION:

As it is natural for towns to expand and changes to be made to accommodate more residential area it is the recommendation of the Town of Eagar Community Development department that this rezoning occur.

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

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

Permit No. CU2020-6 Date: 11-2-2020

Name of applicant: Jesse Rogers

Mailing Address PO Box 1522 Eagar AZ 85925

Telephone: (928) 514-3463 Email Address jesse@claimtechpa.com

1. Location of Property: 104-20-001A

2. Current Zoning: C-1

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

4. Reason for Proposed Use To create RV Park

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: 11/2/20 Receipt # _____

6. Signature of Applicant: [Signature] Date: 11/2/20

7. Signature of Zoning Administrator: [Signature] Date: 11/2/2020

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

(Date) 12/8/20 (Time) 6:00 pm

(Place) Eagar Town Hall, 22 W. 2nd St.

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.

CONDITIONAL USE PERMIT BACKGROUND CHECKLIST

1. Responses from adjacent property owners

In Favor

Opposed

Richard & Myrna Udall
Flying Box Ranch
Deborah Wallace

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



250

W Central Ave

Carr. 260

250

W Central Ave

Carr. 260

104-20-001A

S River Rd

S River Rd

S River Rd

S River Rd

Hidden Valley Dr

W 2nd St

Sunset Dr

Sunset Dr

W 2nd St

W 2nd St

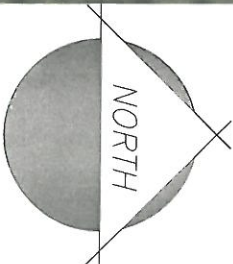
W 2nd St

Water Canyon Creek

Measure Tool

Google

Map data ©2020 Imagery ©2020, Maxar Technologies, NMRGIS, USDA Farm Service Agency

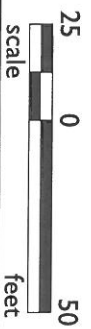
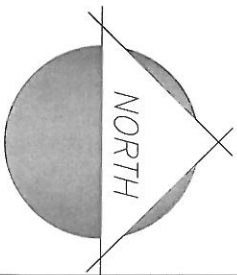
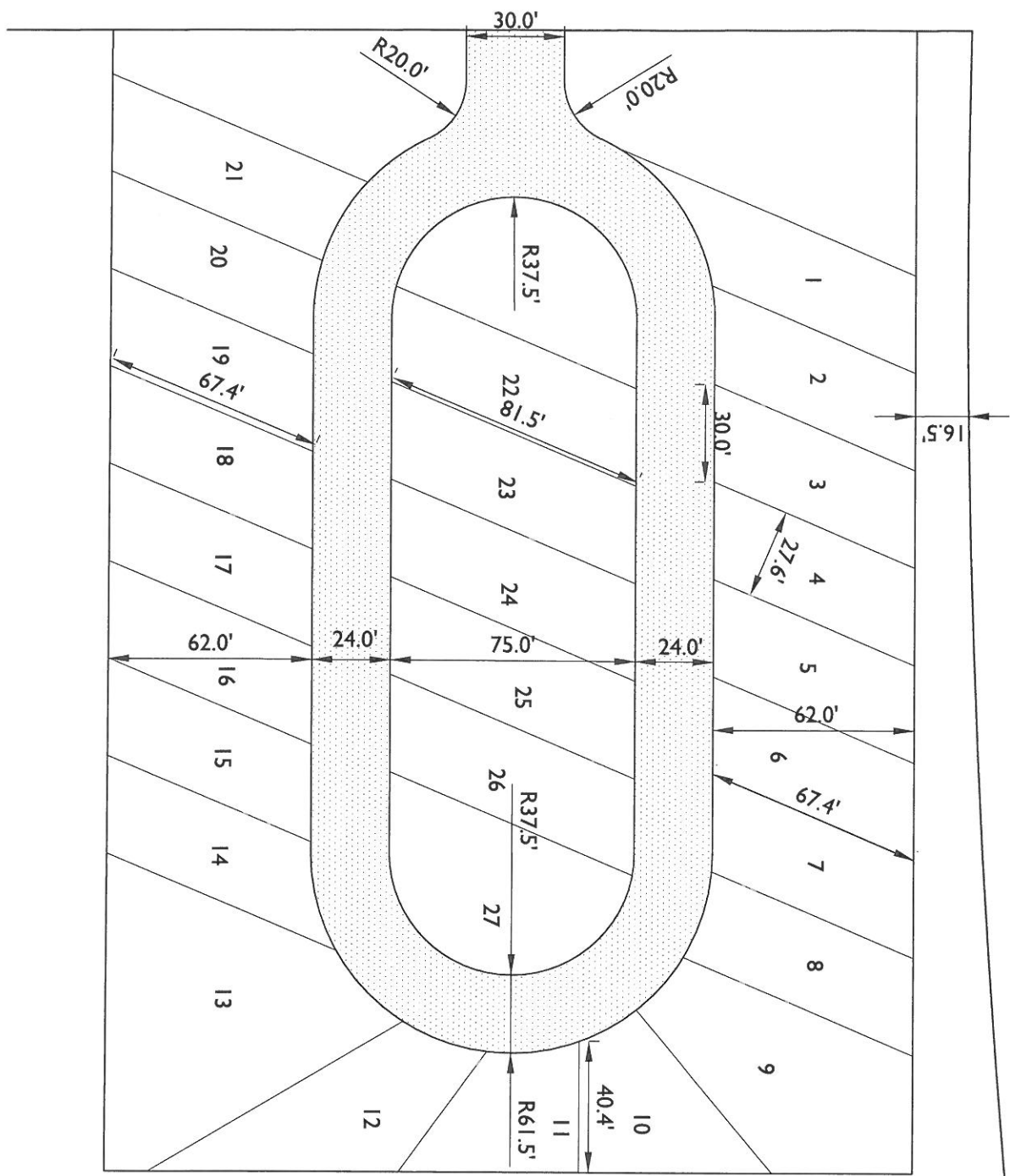


Roger's RV Park
Eagar, AZ

Park Layout

JRL
Development

S. RIVER ROAD



Roger's RV Park
Eagar, AZ

Park Layout

JRL
Development



December 1, 2020

TO: Chair and Commission

FROM: Britney Reynolds
Community Development Coordinator

RE: Conditional Use Permit CU 2020-6; Creation of RV Park/Permanent pad canvas tent areas

BACKGROUND:

Jesse Rogers owns a commercially zoned area known as parcel 104-20-001A which falls at the corner of West Central Ave and South River Road. Mr. Rogers wants to develop the area into an RV park/permanent pad canvas tent area. The Recreational Vehicle park is allowed in a commercially zoned area by conditional use. Mr. Rogers is currently working on developing a sewer connection to the property and will install other amenities as needed.

RECOMMENDATION:

Town of Eagar Staff requests that the commission look over the code in section 18.60 – Recreational Vehicle Parks to assist in determining this request. Town staff do not see this endeavor as the best course of action for this property and have had complaints for residents in the area about the construction of an RV Park.

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