

**MINUTES
REGULAR SESSION
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE COUNCIL CHAMBERS
THURSDAY APRIL 10, 2008
6:30 PM**

Minutes are a summary of the actions taken. They are not verbatim.
Public input is placed after Commission motions to facilitate future research.
Public input, where appropriate, is heard prior to the motion.

1. **Call to Order**
The meeting was called to order at 6:30 p.m.

2. **Roll Call**
Chairperson Freeman, Vice Chairperson Butner, Commissioners Hisrich, Buchanan, Burnside and German were present; Commissioner Parrish arrived at 6:35 p.m.

Also Present: Community Development Director Nancy Buckel, Sr. Planner Mike Jenkins, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**
The Pledge was led by Hisrich.

4. **Consent Agenda** - All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Commission so requests.
 - a. **Approval of Minutes:**
No minutes for approval
 - b. **Set Next Meeting, Date and Time:**
May 1, 2008 – Regular MeetingOn a motion by Hisrich, seconded by Butner, the Consent Agenda was unanimously approved as presented.

5. **Call to the Public for Items not on the Agenda**
There was no public input.

(Commissioner Burnside recused himself from the hearing on Item 6 because of a possible conflict of interest, and left the Council Chambers.)

6. **Public Hearing Discussion and possible Recommendation ZMC 2008-02: Submitted by Bradly Stevens, agent for the Verde Valley Congregation of Jehovah's Witness, owner of parcel 403-22-008, located off of Industrial Drive on an access easement at 1541 Peterson Road. The applicant is requesting the zoning to be changed from R1L-70 to M1. The Parcel Size is approximately 2.55 acres. (continued from 4/3/08 meeting)**
On a motion by Buchanan, seconded by Parrish, the Commission by a vote of 3-3 **denied** recommendation of ZMC 2008-02 change from R1L-70 to M1; with 'no' votes by **Hisrich, Butner and German**.

On a motion by Buchanan, seconded by Butner, the Commission voted unanimously to recommend that ZMC 2008-02, an application requesting a change from R1L-70 to M-1, be resubmitted by Bradly Stevens, agent for the

Verde Valley Congregation of Jehovah's Witnesses, to request a change from R1L-70 to either C-1, C-2 or C-3.

STAFF PRESENTATION

Community Development Director Buckel described the subject parcel located near the intersection of Peterson Road and Industrial Drive on the fringe of an industrial-commercial complex and residential property; it is shown in the General Plan as the last parcel to carry Industrial Land Use. The applicant is requesting the change to M-1 zoning to fit into the development activity in the area, and has no plan to develop the site at this time. No comments have been received in response to the notification letters. Five neighbors attended the neighborhood meeting and questioned the issues of water quality and possible paving of Peterson Road, a private road. The Town Engineer will require the dedication of an additional right of way that goes through the subject property.

PUBLIC HEARING OPEN

Applicant's Statement

Bradly Stevens, representing the Verde Valley Congregation of Jehovah's Witnesses, said that the request for the rezoning is to bring the property into harmony with the General Plan. Mr. Stevens referred to the Industrial property on three sides, and the residential zoning on the eastern border. He described the property as a peninsula of R1L-70 in a sea of Industrial. Mr. Stevens confirmed that the applicants agree to the stipulation that a corner of the property where Peterson Road cuts across would be set aside in order to widen the road at that point.

COMMENT FROM OTHER PERSONS

Frances Benigar, a property owner on Peterson Road, said that the residents are not against rezoning the property Commercial, but would like to have the road alignment taken care of, and would also want to make sure the run-off from the property does not contaminate their wells. They would also request a privacy wall between the properties.

Buckel responded to the speaker's question about a possible prior easement of record, and explained the requirement of a right-of-way for an 80-foot roadway for industrial activity, referring to an overhead projection of a map of the area. The Commission discussed with Ms. Benigar the location of her property in relation to the subject parcel and the question of the future effect on Peterson Road from future development.

Ken Stokes, also a property owner on Peterson Road, complained that instead of Commercial property, the change in zoning on the parcel is now being requested as Industrial. Mr. Stokes said that another concern was the water quality and availability issues in his area.

The Commission, together with input from Buckel, discussed at length with Mr. Stokes what was possibly a misunderstanding regarding the zoning change and his concern regarding the impact on the residents from changes to Peterson Road. Buckel assured Mr. Stokes that the residents have some guarantee in that the General Plan shows his area as Rural Residential, and that area will be respected as such until someone there requests some changes at which time the residents will have the opportunity to give some input. Staff was requested to read the list of allowed activities in M-1. Mr. Stokes indicated that the possibility of a slaughter house was of extreme concern to the residents; a meat packing business was one of the activities allowed in M-1. Freeman advised Mr. Stokes

that when someone might request a permit to build on the property, the proposed activity will then be known and there will be safeguards in place to protect all adjacent property owners who can register any objections.

There was no further comment from other persons.

APPLICANT'S REBUTTAL

Mr. Stevens said he appreciated the neighboring concerns, adding that the parcel had been set aside for M-1 and everything around it is M-1. Mr. Stevens said that the applicants have no prospective buyers, other than one individual who has indicated possible interest in the parcel for a commercial use, such as retail or restaurant. Mr. Stevens confirmed that there are two wells on the property, and he believes there was a septic system.

PUBLIC HEARING CLOSED

Commission Discussion

The discussion opened with an expression of concern regarding the objections of the property owners with the major concern being what would be put on the property if the zoning is changed. Commissioner German cited a State statute under Title 9 that provides, in essence, that a zoning change should not be recommended without knowing the specific use or uses for which the zoning is requested, and, if the zoning is approved, further provides that the zoning can revert to its former classification if the proposed development does not occur within a specific time. German pointed out that the applicant wants the zoning change in order to sell the property; therefore, without an indication of a specific use for the property, she does not feel the Commission should approve a zoning change. There was further discussion and concern over the possible use of the property and the lack of safeguards to control that over the long run.

Based on the broad range of uses allowed under M-1 zoning there was one suggestion that the applicant might consider coming back and requesting a change to C-3 zoning; that might address the concerns of the neighbors since it would allow less offensive types of uses. As for trying to control the use of a property, Buckel cautioned the Commission that putting any stipulations on a property under a particular zoning is a partial taking; instead, the members should consider approving whatever zoning they feel would work and whatever they would feel comfortable with. In order to change the request for rezoning to a C-3, Buckel said she would need to check with the Town Attorney on how that would work since the hearing was advertised for a change to M-1. Buckel cited the list of activities allowed under C-3 zoning, which also allowed a meat packing facility.

DISCUSSION OF MOTIONS

After the original motion was denied by reason of the 3-3 vote, the Commission further discussed the possibility of the applicants resubmitting their request for a zoning change to C-3 instead of M-1; Buckel will check with the Town Attorney on how to proceed with that change from the original request. **Mr. Stevens** confirmed that the property owner would be willing to go along with the suggestion to request a change to a higher zoning, for example, C-3.

(Commissioner Burnside returned to the Council Chambers at 7:49 p.m. and remained present for the remainder of the meeting.)

- 7. Public Hearing, discussion and possible recommendation to of approval on AMD 07-05: Amendment to Section 118 of the Town of Camp Verde**

Planning and Zoning Ordinance, Sign Ordinance, to allow for Temporary “A” - Frame signs by amending the following portions of Section 118: III Definitions - adding a definition of Temporary “A” Frame Signs; IV.A2 Prohibited Signs – adding an exception for Temporary “A” Frame Signs and VII.A10 Temporary Signs – adding criteria for “A” Frame Signs.

On a motion by Butner, seconded by German, the Commission voted 6-1 to recommend approval of AMD 07-05, Amendment to Section 118 of the Town of Camp Verde Planning and Zoning Sign Ordinance, with the following amendments as discussed; with a ‘no’ vote by Buchanan.

Section VII.A., Paragraph 10.m., end with the second sentence, as follows: “...will result in the immediate removal of an ‘A’ frame sign by the Town of Camp Verde Code Enforcement Officer,” with the remainder of that paragraph stricken.

Replace Paragraph 10.g. as follows: “The applicant shall sign an Indemnity Agreement as provided by the Town of Camp Verde, indemnifying the Town of Camp Verde from any and all claims arising from the placement of the A-Frame sign and releasing the Town of Camp Verde from any and all liability arising from the placement of the A-Frame sign.”

“Town Site Area” to be defined as: Circle K down Main Street to the Liquor Store at General Crook Trail.

On a motion by Butner, seconded by Hisrich, the Commission voted 6-1 to amend the original motion to add an amendment to the subject sign ordinance to allow for the placement of A-Frame signs between the Circle K at Arnold Street and General Crook Trail, and **amend 10.c. to add, “... with the exception of those businesses that already have existing monument signs”**; with a ‘no’ vote by Buchanan.

STAFF PRESENTATION

Sr. Planner Jenkins reviewed the history of discussions regarding allowing A-Frame signs under certain conditions, and subject to the Town Engineer’s safety standards concerning the placement of the signs in the Town right-of-way. The revisions requested by the Commission have been incorporated into the Second Draft, copies of which have been included in the agenda packets for review and approval.

BOARD DISCUSSION

The discussion opened with a review of the period of time covered by the temporary sign permit and the permit fees. The members discussed at length the definition of the “Historic Downtown Area” as well as trying to determine the area within which the A-Frame signs were to be allowed. During the discussion there were conflicting opinions expressed regarding whether the signs were necessary, and comments that they were detracting from the appearance of Main Street. It was argued that the original intent of the A-Frame signs was to help the businesses.

Commissioner Butner said that **Section VII.A., Paragraph 10.m.** still contained language that was to have been removed; and that the paragraph should end with the second sentence, as follows: “...will result in the immediate removal of an ‘A’ frame sign by the Town of Camp Verde Code Enforcement Officer,” with the remainder of that paragraph stricken. Also, Butner recommended replacing **Paragraph 10.g.** with the following language: “**The**

applicant shall sign an Indemnity Agreement as provided by the Town of Camp Verde, indemnifying the Town of Camp Verde from any and all claims arising from the placement of the A-Frame sign and releasing the Town of Camp Verde from any and all liability arising from the placement of the A-Frame sign.”

The members agreed that the area where the signs would be permissible should be from **Circle K down Main Street to the Liquor Store at General Crook Trail.**

There was no public input.

There was some discussion following the original motion made regarding concern over those businesses that are clustered in the shopping area on Main Street. Butner offered a motion to withdraw his original motion, with German offering to second it; upon discussion of procedure Butner instead proposed a motion to amend his original motion, and action was taken accordingly.

8. Discussion on AMD 2007-08: Amending Section 108F Accessory Uses and Structures to allow for the use of shipping containers as accessory structures in residential and commercial zoning districts. (continued from 4/03/08 mtg.)

On a motion by Butner, seconded by Hisrich, the Commission voted unanimously to continue Item 8 to the next available meeting.

The Commission commenced a discussion on the proposed Amendment with Buckle pointing out that the changes recommended by the members at the last meeting have been incorporated into the 2nd Draft document for their review. Buckle added that she had advised one business owner that the storage containers are not currently allowed but that the Code is being amended. Buckle mentioned several concerns, including stability of the soil and the weight caused by possibly stacking the containers, and securing them. The members discussed the issues of stacking the containers, allowing the owners who already have them on their properties a longer period of time within which to work with the Town on compliance, improving the appearance, and adding safety measures to the containers. The Commission decided to continue further discussion on this item to the next meeting, and action was taken accordingly.

9. Presentation and Discussion of Establishing a Water Conservation Plan for the Town of Camp Verde as directed by Council.

(continued from 4/03/08 mtg.)

On a motion by Parrish, seconded by Buchanan, the Commission voted unanimously to continue Item 9 to the next available meeting.

10. Commission Informational Reports:

Buchanan announced that the Verde Valley Water Users annual meeting is scheduled for next Friday at 7:00 p.m. at Oak Creek School off Page Springs Road.

Parrish reminded everyone about the opportunity to have mail carried by the upcoming Pony Express ride; the letters are due by April 27th.

11. Staff Report

There was no staff report.

12. Adjournment

On a motion by Butner, seconded by Burnside, the meeting was adjourned at 9:03 p.m.

Dave Freeman, Chairman

Planning & Zoning

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Planning & Zoning Commission of the Town of Camp Verde during the Regular Session of the Planning & Zoning Commission of the Town of Camp Verde, Arizona, held on the 10th day of April 2008. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2008

Margaret Harper, Recording Secretary