

**MINUTES
REGULAR SESSION
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE COUNCIL CHAMBERS
THURSDAY MARCH 05, 2009
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 Butner, Commissioners Buchanan, Parrish, Burnside and German were present; Vice Chairperson Hisrich and Commissioner Freeman were absent.

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 Burnside.

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:**
December 4, 2008 – Regular Meeting
 - b. **Set Next Meeting, Date and Time:**
May 07, 2009 – Regular MeetingOn a motion by Burnside, seconded by Parrish, the Commission unanimously approved setting the next meeting for May 7, 2009.

It was determined that there was an insufficient quorum present at this meeting to approve the Minutes of December 4, 2008; Parrish and Butner had been absent at that meeting.

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

6. **Public Hearing, Discussion and Possible recommendation to Council on ZMC 2009-01: An Application submitted by Rick Rosenzweig agent for Sam Boyles, NEI Investments, owner of lots 19-28 with corresponding parcel numbers 404-02-161, 162, 163, 164, 165, 166, 167, 168, 169, & 170, of Northeast Industries Commerce Park for the purpose of rezoning from C-3 to M-1. The total approximate areas of the combined subject lots 19 thru 28 is 5.63 acres and is located South off of Hwy. 260 on Howards Road to Boyles Way.**
On a motion by Buchanan, seconded by German, the Commission voted 4-1 to recommend to Council that ZMC 2009-01, an application submitted by Rick Rosenzweig, agent for Sam Boyles, NEI Investments, owner of Lots 19-28 with corresponding parcel numbers 404-02-161, 162, 163, 164, 165, 166, 167, 168, 169, & 170, of Northeast Industries Commerce Park for the purpose of rezoning from C-3 to M-1, **be denied**, with a 'no' vote by Parrish.

STAFF PRESENTATION

Sr. Planner Jenkins explained that the subject lots within the Commerce Park are an island surrounded by Boyles Way which is abutting the subject lots and then by remaining lots within the Commerce Park, which provides a buffer between the lots and the residential properties adjacent to the exterior boundary of the Park. Jenkins outlined the results of the neighborhood meeting held on January 16, 2009. The staff sent 26 letters to owners of land within a 300-foot radius of the subject lots, notifying them of the requested zone change and time and date of meetings. Jenkins also referred to the letters and signed petitions received in opposition to the requested change. The agencies notified have indicated no comments. A list was provided in the staff report showing the 19 additional uses that would be allowed in an M1 District beyond those allowed in a C3 District. If the Zoning Map Change is approved by Council, the uses within the Commerce Park would be a mixed use of C3 for the exterior lots and M1 for the interior island. Jenkins also reviewed the existing road improvements; no additional right of way for Boyles Way is required. No General Plan Amendment is required.

PUBLIC HEARING OPEN

Applicant's statement

Sam Boyles prefaced his statement with a commitment for the record to delete "Adult Oriented Businesses" from the allowed uses if the change to M1 is approved. Mr. Boyles explained that he is in contact with the company producing the Wall Street Journal that would consider installing a first-class newspaper printing operation in Camp Verde that would employ about 100 people, but no guarantee of that is possible without a zoning change to M1. Mr. Boyles added that if that did not happen, there are other applications that can be used for the M1 zoning. Mr. Boyles also confirmed that he could not honor the promise of Rob Witt regarding fencing and a horse trail in connection with the Commerce Park; there will only be a block wall erected between the commercial lots and residential area whenever those lots are sold.

Rick Rosenzweig, realtor/agent, said that the requested change was his idea, and largely based on trying to create additional employment opportunities in Camp Verde; and it would be good to have a small area in town, besides what is out on Old Highway 279, consisting of lots for small projects that would not be allowed in C3 zoning. Mr. Rosenzweig added that the M1 would be separated from the residential properties on the perimeter, and cited some possible small projects. It would be a small organized, subdivided location, and many companies prefer not to be out on Old Highway 279.

COMMENT FROM OTHER PERSONS

(Comments from the following individuals are summarized.)

Grace Cole, one of the property owners, said she had helped get the petitions signed; that property had been zoned R-3 when she built her home; it had changed to commercial, and now they want to change it again. She questioned whether there was city water or sewer available as had been stated. Ms. Cole said property values have gone down, and M1 would make it even lower.

Dorothy Brown said she does not want another huge building in her back yard; there is no city water and no sewer; she respectfully requested that the zoning not be changed.

APPLICANT'S REBUTTAL

Mr. Boyles listed the improvements he has made to the property, including fire hydrants and water service, the money he has invested, and reiterated how additional business and employment would help the town that appears to be dying.

PUBLIC HEARING CLOSED

Board Discussion

The members discussed with Mr. Boyles a number of questions they had, including his plans for an option of selling off parcels, the number of people he is now employing, the size of the planned newspaper plant building, confirmation of the plans for block wall fencing; and the question of property rights possibly being taken away by including restriction of certain uses in the deed, as he had suggested. During the discussion Parrish indicated that he was in favor of the reason for the request for the zoning change, in that the Town needs to push economic development.

Mr. Boyles was asked if he would consider accepting a Conditional Zoning Map Change conditioned upon bringing in the one specific business, the newspaper plant he had described as requiring the M1 Zone; Mr. Boyles said that would not be acceptable to him.

There was further discussion with Mr. Rosenzweig regarding his idea to create small M1 lots, which he agreed would enhance their value and desirability, particularly for small businesses; it would be a small industrial park. The members expressed concern regarding future small businesses and the M1 uses in which they could be involved.

Burnside discussed the Diamond Creek development with Buckel, the rezoning changes made in that area creating additional commercial properties that made an impact on the existing residential properties, and the language on the final plat that was recorded. Buckel confirmed that the language regarding M1 District is general and vague and it would be impossible for the Commission to address every imagined inconvenience that could occur; there needs to be specific issues outlined in the Code. Buckel added that the Town now has Design Review, development review by staff as well as screening requirement, but screening between C3 and M1 can only be done by a solid barrier between the two. After further discussion, Burnside stated that he might be in favor of a conditional change, but not a blanket M1 zoning.

German expressed her concern about whether imposing deed restrictions would still affect future owners of the properties, and how would that affect property rights. That was followed by further discussion on deed restrictions, future sales, property rights, and the Town's exposure to liability. Buchanan stated he was concerned about giving a blanket change on the property, with the residential property in close proximity.

Mr. Rosenzweig offered one more statement that he felt it would be a good solution to allow the M1 to go through with specific uses that are restricted, or not acceptable.

FURTHER PUBLIC INPUT

(Comments from the following individual are summarized.)

Linda Buchanan said she works in technical training and is always interested in issues that touch on workforce development, but she hopes that does not weigh too heavily on a decision. There does exist M1 property in Camp Verde, and she is appalled at how nasty they are; she feels sorry for the residents in the older homes who intended to live there and did not buy them for investment. Ms. Buchanan asked that the Commission seriously consider what the change would mean, not only to the integrity of the neighborhood but to the Town as well.

There was no further public input.

7. Discussion of AMD 2008-02 amending Section 108 E, 3b, of the Town of Camp Verde Planning and Zoning Ordinances under Height Limits, Commercial/Industrial Buildings.

Staff was directed to prepare a draft amendment to remove Paragraph E.3.b. from Section 108 of the Planning & Zoning Ordinance under Height Limits, Commercial/Industrial Buildings, and bring it back to the meeting scheduled for May 7, 2009 for review and consideration.

Director Buckel confirmed that the Commission had held previous discussions on height limitations; prior to the adoption of the existing Ordinance the height limitation had been 50 feet. The subject paragraph had been included to address the needs of industrial buildings. The general consensus of the Commission at the December 4, 2008 hearing was to eliminate the subject paragraph, suggesting that an applicant could request a greater height through the variance procedure, which could be difficult to obtain.

The members discussed the recent passage of Proposition 207 and the issue of claims arising from removal of certain rights by eliminating the paragraph; however, it was decided to follow through with drafting an amendment as discussed, and staff was directed accordingly.

8. Commission Informational Reports:

There were no Commission informational reports.

9. Staff Report

Director Buckel reported that the Council has agreed to allow the merchants to work on a possible remedy that would allow A-Frame signs. Enforcement on only the A-Frame signs portion of the Code will be held in abeyance for a period of 30 days during which the Town Manager and Buckel will be meeting with a merchants' group assembled by Bill Carter. Indemnity agreements and all other requirements for displaying the signs will have to be met. If approved, the remedy proposed will be submitted to the Commission for consideration and then back to Council for the necessary public hearings. The intent is to have the problem resolved before June 1st, or seating of the new Council.

10. Adjournment

On a motion by German, seconded by Buchanan, the meeting was adjourned at 8:39 p.m.

Joe Butner, Chairperson

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 5th day of March 2009. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2009

Margaret Harper, Recording Secretary