

**PLANNING & ZONING ADVISORY COMMISSION OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE**

THURSDAY, OCTOBER 7, 2021, 6:00 P.M.

**DEWEY-HUMBOLDT TOWN HALL
COUNCIL CHAMBERS
2735 S. HWY 69, SUITE 10
HUMBOLDT, ARIZONA 86329**

**NOTICE OF MEETING OF THE DEWEY-HUMBOLDT
PLANNING & ZONING ADVISORY COMMISSION**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Dewey-Humboldt Planning & Zoning Advisory Commission and to the general public that the Planning & Zoning Advisory Commission will hold a meeting open to the public on **Thursday, October 7, 2021, at 6:00 p.m.**, at the **Dewey-Humboldt Town Hall Council Chambers, 2735 S. Highway 69, Suite 10, Humboldt, Arizona 86329.**

DEWEY-HUMBOLDT PLANNING & ZONING ADVISORY COMMISSION AGENDA

The issues that come before the Planning & Zoning Advisory Commission are often challenging and potentially divisive. To make sure we benefit from the diverse views to be presented, the Commission believes public meetings to be a safe place for people to speak, and asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Agenda items may be taken out of order. Please turn off all cell phones. The Commission meetings are broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Commission may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Commission Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Commission Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate.

1. Call To Order

2. Roll Call Commissioners Mel Kuhnel, Nelle Carlsmith, Lance Dettmann, Judy Kerber, Sue Jakubec, Mario Manzo, Lon Ullmann, Vice Chair Jeff Siereveld and Chair Victor Hambrick.

3. Pledge of Allegiance

4. Moment of Silence

5. Informational Reports

Individual members of the Commission and public may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the Commission and public of such events, actions or activities. The Commission will take no discussion, consideration, or action on any such item except that an individual member of the Commission may request an item be placed on a future agenda.

6. Planner's Update on Current Events and Activities

Planner may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the Commission and public of such events, actions or activities. The Commission may not discuss, consider or take action on any such item except that the Planner may request an item be placed on a future agenda.

7. Consent Agenda

All matters listed under the Consent Agenda are considered to be routine by the Commission and will be enacted by one motion. Any item may be removed from the Consent Agenda for separate consideration at a Commissioner's request. If a citizen desires separate consideration of an item, he or she should approach a Commissioner prior to the meeting and ask that the Commissioner request that the item be removed.

8. Public Comment on Non-agendized Items

The Commission wishes to hear from Citizens at each meeting. Those wishing to address the Commission need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Commission. Individuals may address the Commission on any issue within its jurisdiction. According to the Arizona Open Meeting Law, Commissioners may only (a) respond to criticism made by those who have addressed the public body, (b) ask Town staff to review a matter, or (c) ask that a matter be put on a future agenda. Commissioners are forbidden, by Arizona Open Meeting Law, from answering your questions, discussing issues raised or taking legal action on matters raised during Public Comment. A **3 minute** per speaker limit shall be imposed. Everyone is asked to please be courteous and silent while others are speaking.

9. Public Hearing Agenda

Discussion and Possible Action may be taken.

Page 9 **A. Conduct Public Hearing on ZMC 21-001 to consider a request to amend the Town of Dewey-Humboldt, Arizona Zoning Map to change the zoning designation of Assessor's Parcel (APN) 402-02-027A and 402-02-027B located at 530 and 550 S. State Route 69, respectively, from R1-70 (Residential; Single-Family) to C3-1 (Commercial, and Minor Industrial) District.**

- 1. Staff Report**
- 2. Open Public Hearing and Receive Public Comments**
- 3. Close Public Hearing**
- 4. Council Discussion and Possible Legal Action**

10. Adjourn

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Shell Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the _____ of _____, 2021, at _____ a.m./p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: _____, Town Clerk's Office.

For Your Information:

Next Town Council Study Session: Tuesday, October 12, 2021 at 6:30 p.m.

Next Town Council Meeting: Tuesday, October 19, 2021 at 6:30 p.m.

Next Board of Adjustment Meeting: October 26, 2021 at 9:00 a.m.

Next Planning & Zoning Meeting: Thursday, November 4, 2021 at 6:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call (928) 632-7362 and speak with Beth Evans, Town Clerk.

**TOWN OF DEWEY-HUMBOLDT
PLANNING & ZONING ADVISORY COMMISSION
REGULAR MEETING MINUTES
AUGUST 5, 2021, 6:00 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING & ZONING ADVISORY COMMISSION WAS HELD ON THURSDAY, AUGUST 5, 2021, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA

1. **Call To Order** Chair Hambrick called the meeting to order at 6:09 p.m.
2. **Roll Call** Commissioner Members (CM) Mel Kuhnel, Nelle Carlsmith, Lance Dettmann, Judy Kerber, Sue Jakubec, Vice Chair (VC) Jeff Siereveld and Chair (CH) Victor Hambrick were present. Commissioners Mario Manzo and Lon Ullmann were absent.

3. Informational Reports

There were no reports.

VC Siereveld led the Pledge of Allegiance.

4. Planner's Update on Current Events and Activities

Planning Consultant (PC) Steven Brown reported that the General Plan Steering Committee had begun their meetings with the Planning Consultant. Their second meeting would be September 20, 2021.

CH Hambrick asked about the scope of the Consultants contract. PC Brown explained that the consultant was steering the group through the Phase I process of evaluating and assessing the existing General Plan. They would determine what was and was not working with the existing Plan, and would identify what needed to be done in Phase II of the process. The actual work of making those changes would happen in Phase II. The current scope of the Consultant contract only covered Phase I.

5. Consent Agenda

- A. **Approval of Minutes of November 5, 2020, Regular Meeting**
- B. **Approval of Minutes of December 3, 2020, Regular Meeting**
- C. **Approval of Minutes of January 7, 2021, Regular Meeting**

Commissioner Kerber moved to approve the Consent Agenda as presented, seconded by Vice Chair Siereveld. Motion passed by a unanimous voice vote 7-0.

6. Public Comment on Non-agendized Items

There was no public comment.

7. Public Hearing Agenda

None

8. General Business

A. Presentation on Authorities and Powers of Planning and Zoning Advisory Commission

PC Brown gave the presentation on the Authorities and Powers of the Planning & Zoning Advisory Commission.

Commission Members

PC Brown explained that Town Code 31.21 indicated that the Council would now appoint nine members to the previously seven member Commission. Members must be citizens of the Town to be on the Commission and they had to meet at least quarterly. The Town's Commission met monthly, or the Mayor or Council could call for a meeting when necessary.

State Requirements

The Commission followed Robert's Rules of Order and were required by the State to abide by the Open Meeting Law, Conflict of Interest Laws and Public Records Laws. The State required the Commission to develop a long-range development plan for the Town that needed to be updated or readopted every ten years. There was currently no election required for Town. If the Town had grown by 2% per year in the last ten years, they could be required to adopt the plan through the election process.

The Town had to provide citizens the opportunity to participate and make public comments prior to any public hearing. Staff prepared a report that included citizen participation efforts prior to the Public Hearing, and they were required to keep clear records showing how they complied with public participation processes. Staff kept a summary and produced a report of public concerns, issues, and expressed problems and how to address those issues or why they could not be addressed. CM Kerber asked if staff prepared all the information. PC Brown said that some efforts were coordinated with the concerned parties for clarity and to ensure proper answers were provided.

The Commission must hold one public hearing on the update or readoption of the General Plan. Those meetings had to be publicly posted and studies or summaries had to be published at least fifteen days and not more than thirty calendar days before the hearing. Staff published meetings in a general circulated newspaper, through direct mailings to impacted property owners, or other methods necessary to reach the public. After the public hearing staff reported on the public participation and a summary of recommendations, which were requested by other State and regional agencies including Yavapai County Planning, Department of Planning Agency, Prescott Valley, NACOG and State agencies responsible for the General Plan.

Public Hearing

At the public hearing, there was the citizen participation report, the public hearing was open and public comments heard. After the public comment period, Commissioners were free to discuss the issue amongst themselves. The Commission would then adopt a written recommendation that was forwarded to the Town Council. The Commission was an advisory board and did not take final action on any item.

CM Dettmann had reviewed the minutes and questioned how lot splits worked and if the process was between the Commission and the Manager, as opposed to the Town Council.

PC Brown thought it might have been a discussion the Commission had on the process of parcel splits. He explained that lot splits were an administrative process that only required Town Manager approval. The property owners would have a survey and legal descriptions prepared which would be reviewed by staff for compliance with zoning requirements. The information would be forwarded to the Town Manager who would sign off on behalf of the Town.

Zoning Code Changes

Changes to the zoning code had to be initiated by the Commission, by the Town Council, or by petition through an application of the property owner. PC Brown explained that anything that required a public hearing needed to have a summary report of public participation. CM Kerber questioned who initiated the most zoning code changes. PC Brown said that since he had been there, there had not been any Commission or Town Council initiated changes and all of the petitions processed had been from private citizens. The public notification process was the same for all public hearings.

The notice of public hearing must be posted at least 15-days prior to the hearing and include the time and place of the hearing and a general description of the proposed amendment. Once staff received and reviewed an application, a public hearing was scheduled as quickly as possible while adhering to all requirements.

Any amendment that resulted in 10% or more increase or decrease in the number of units that could be developed, the number of stories, the setback requirements, or permitted uses, required a special display ad public notice. If something were to impact the Town or a large area, the statute requirements specify a larger display ad.

The public hearing was handled the same as all public hearings. The Commission adopted a written recommendation that was forwarded to the Council with the reasons for the recommendations within 60-days.

Rezoning Properties

This involved property rezones and followed the same public participation except applicant submitted a citizen participation plan. This type of rezone changed a designation of a property, for example from C3 to M1. The public notification process was also the same, with the following additional requirements:

- It must be noticed at least fifteen days prior to the public hearing, in at least two places, with one notice required for each ¼ of mile of property frontage. Staff did the posting.
- Notices were mailed withing 300-feet of the subject property. Notified property owners had the right to appeal any decision.
- A property rezone that abutted another municipality or county, required notification to that government agency of the requested rezone.
- Any rezone not initiated by a property owner required adjacent property owners within 300-feet to be notified by first class mail.
- If the application was denied, the Commission may refuse a similar application for 12-months.

Conditional Use Permits

Conditional Use Permits were for uses similar to approved uses but were not specifically listed in the Code. The Commission and Council could use their discretion when deciding if they wanted to approve the use.

CM Kerber asked for clarification on how Conditional Use Permits were used. Town Attorney Kay Bigelow explained that once a Conditional Use was in place, it could not be removed, did not have a term, and had to be defined on the types of uses allowed with a Conditional Use Permit. To protect property owners' rights, it had to be specified as a use that could only be done with a Conditional Use Permit so when a property owner purchased a property, they knew what they had to go through.

CM Kerber asked if the applicant paid for the process fees for the Conditional Use. PC Brown explained that the applicant paid a set fee that was supposed to cover staff time and the applicant was also responsible for any additional costs the Town accrued as part of the process, such as engineering fees. The fees had to be paid before the Town would issue the final plat.

CM Dettmann wondered what the value of either rezoning or a Conditional Use was over the other since both were subject to a public hearing. PC Brown explained that they were different applications to try and solve a use issue. If a use was not listed in the zoning code, there may need to be a change to the code to allow a certain use. Chair Hambrick explained that it was almost impossible to cover every use in the code. PC Brown explained that staff did not make discretionary decisions because they could get accused of being arbitrary. Staff instead used one of the options available through the code. Chair Hambrick explained that interpretation and perception of things were different among different people, and it made discretionary decisions difficult.

CM Kuhnel said that it was different in Town because the Planning Commission did not have any authority, but in many jurisdictions the Planning Commission did have the authority to make changes. Ms. Bigelow explained that Arizona State Statute only gave Planning and Zoning Commissions advisory roles.

CM Kerber said it was her understanding that with the majority of things staff was able to take care of without sending it to the Commission. PC Brown explained that there were many things the staff took care of, such as minor lot splits. Anything over a three lot split would require a subdivision and Commission action. CM Kerber questioned how that was monitored with rural property. PC Brown explained that everything within in the boundaries of Town had to come to the Town for approval.

PC Brown explained that the reason for the creation of land splits in the Town code was to provide relief to the development community. Instead of forcing every land split to go through the subdivision process, they created an administrative process that made it easier. The Town required a lot split applicant to provide a five-year history of the lot splits that had occurred for the subject parcel. If it had been part of a three lot parent parcel split, they had to wait five years to do any additional splits. The intent of that was to prevent wildcat subdivisions where the Town could require infrastructure. Chair Hambrick explained that large lot subdivisions with 640 acres or more, were regulated by the State and could be split up to 36 lots. In the past, they could continue to split until they got down to a lot size of two acres, which created wildcat subdivisions that had no infrastructure. Any property that was split that way was not grandfathered, and if they fell within the Town boundaries, they had to follow Town regulations on lot splits. Subdivisions were expensive and required extensive infrastructure.

CM Dettmann said he was in an area that had lot splits without the infrastructure and more people were trying to do lot splits without the necessary infrastructure. Chair Hambrick discussed development, taxing districts and buyer education when purchasing a property.

B. Presentation of Open Meeting Law provisions

Open Meeting Laws

Ms. Bigelow introduced herself as the Town's attorney. She would be providing a presentation on Open Meeting Laws. She first explained that zoning and use permits ran with the land. She explained that when zoning was changed on a parcel of land, it could be immediately sold and be in the hands of a different developer. Text amendments in the zoning code changed what could be done under a defined zone. Rezoning a parcel changed the district that the parcel was in. It also changed the zoning map.

Public Body

The Planning and Zoning Commission was a public body, which was defined as anything that was a standing, special, or advisory committee or subcommittee of a city or town. Since they were a public body, open meeting laws were required.

If the Commission were to form a subcommittee with three members, if a quorum of people from that committee (two people) started talking about planning and zoning business, they would be violating the open meeting laws. With the nine member Planning and Zoning Commission, five members made a quorum.

Open Meeting Laws were required because they were doing the public's business. The public had the right to know what decisions were made and why those decisions were made. The basis for the Commission's decisions and any questions or answers to those questions needed to occur in a public meeting.

Advisory Committee or Sub-Committee

Even though the Commission only made recommendations to the Council, they were still subject to the Open Meeting Laws. A meeting was defined as meeting in person or through technological devices of a quorum of the members of a public body in which they discuss, propose, or take legal action, including any deliberation by a quorum with respect to such action.

CM Dettmann said he understood the reasons for the Open Meeting Laws, but questioned how he could get information without drawing out the meeting. Chair Hambrick explained he could call the Town and speak with staff. He thought that they needed a definition about what constituted business, because he was not always sure where the line was. Ms. Bigelow explained that business was anything on the agenda or anything that could be on the agenda. She said the Members needed to be very disciplined because it was easy to violate the Open Meeting Laws because of all the electronic devices. Meetings were not just a quorum being together or discussing something together at one time. It could also be a serial meeting that eventually reached a quorum. Social media targeted unknown people and they could unknowingly involve a quorum of Members. Chair Hambrick said the Commission needed to take it seriously and that there had been issues in Town with situations of Open Meeting violations. He requested that the policing of the Open Meeting Law be explained to the Members.

Ms. Bigelow explained that people at the State's Attorney General's Office under the Open Meeting Law Enforcement Team took all complaints on perceived violations. Any accusation was forwarded to the Town and the Town Attorney for a response. There were penalties for breaking Open Meeting Law. The Town or the group could be sanctioned. If there is a willful violation, someone could be removed from their position.

Although the Open Meeting Laws could make it difficult to have an easy and free flowing discussion, it provided the public information that helped them be confident in the government processes and made the government accountable to the citizens. Online information had helped bring information to everyone that wanted it.

CH Hambrick thought there was an ethical boundary that Members needed to have when having a conversation. They needed to make sure they were informed and use common sense. Ms. Bigelow explained that they did not have to avoid one another at social or work events, but they had to talk about issues that were not relevant to the Commission. She reviewed conflict of interest and explained that if a Member had a peculiarly interest in a project that the Commission was hearing, the Member would need to excuse themselves from that issue and could not discuss or participate in the issue.

Legal Action

Legal action meant a collective decision, commitment or promise made by the Council. The Commission could not take any legal action unless an agenda was publicized 24 hours prior to the meeting. Information about an issue was often covered in staff reports, which provided the history and what was being considered by the Commission.

CM Kerber questioned if the report covered other topics beyond what was in front of the Commission. Ms. Bigelow explained the reports would typically provide information on the surrounding properties for context on what the Commission was considering. PC Brown explained that the staff report would also cover compliance of an application request with the General Plan because every zoning decision had to be in compliance with the General Plan. Ms. Bigelow explained that the General Plan was the comprehensive Plan for the Town that covered all the Town's general planning goals. The Zoning Code was more specific than the General Plan.

CM Kerber explained that she had been confused when a member of the public stated that the General Plan was an idea and did not carry any weight. PC Brown said it was important because it was the basis for how the Town was going to develop.

Ms. Bigelow explained that the definitions in the General Plan were looser and broader than those in the Zoning Code. PC Brown explained that the General Plan may specify low density areas, but the zoning within that low density area may allow for both R1-70 site-built and manufactured type homes, and R1L-70, L meaning limited, which is site-built only type homes through specific zoning under that low density designation.

CH Hambrick explained that the General Plan was updated every ten years or accepted as it was. He explained it was a guide for what the Town would be and could be used by people to determine what could be the future development of their property or neighboring properties.

Members discussed situations in which zoning was an issue and would need to be addressed through PAD overlays or rezoning and eventually addressed during the second phase of the General Plan update.

Ms. Bigelow explained that although the Town generally put out the packets and agendas a week in advance, in order to have a lawful meeting, agendas needed to be posted in three places 24 hours prior to the meeting. Sunday did not count in the 24 hour posting requirement. The agenda was the only item that was required to be posted 24 hours in advance. Although it was a good idea to post backup information, it was not required to be posted 24 hours in advance. The exception to the rule was emergency meetings in which a Town event required some type of emergency meeting for action. It most likely would require some type of emergency declaration by the Mayor.

Agenda

The agenda had to be specific to what was going to be discussed. Items could not be listed in general terms, such as water availability. If the agenda specifically listed water quality, the Commission was not free to talk about all water issues. The purpose of the Open Meeting Laws was to notify the public what would be discussed and any possible action that might be taken.

The Planning and Zoning agenda item - Planner's Update on Current Events and Activities, did not need every item that would be discussed specifically listed. The items could only be reported on by staff but could not be discussed or have any action taken. There was also a limit on the number and type of questions asked before something became a discussion.

CM Carlsmith questioned how a possible violation of the Open Meeting Law should be handled during a meeting. Ms. Bigelow explained it would be the job of the Commission Chair to maintain the meeting or a Member could call a Point of Order for going beyond what was allowed on the agenda.

The Agenda item Call to the Public or Citizens Comments on Unagendized Items gave the ability to the public to speak on any issue not on the agenda. If it was a comment that could be addressed by staff, the Commission could direct the person accordingly. Otherwise, there could be no discussion or deliberation between the Commission Members. The only responses allowed by any Member was if that individual Member was criticized, they could respond, or they could direct staff to put the issue on a future agenda.

CM Kerber wondered if a citizen criticized a Member and they responded back, if the citizen could make any further comments. Ms. Bigelow said they could respond if they had not used up their three-minute allotted time but the Chair would ultimately make the decision because it was not meant to be a back and forth. Ms. Bigelow explained the hardest part was not being able to directly answer a question that was asked by the citizen.

Any Town with a population over 2500 needed to post the legal actions of the Council, Boards and Commissions by posting a recording of their meetings on their website within three working days. Town Clerk Evans explained that with the Granicus system, the recordings were posted automatically within a few hours on the Town's website.

The Town's minutes included discussion outlined in the minutes, but the Open Meeting Law required that at a minimum the minutes needed to include the following:

- An accurate description of all legal action proposed, discussed and taken;
- A record of how each member voted;
- The names of the members that proposed each motion;
- The names of the person, as given, who made statements or presented material to the public body and a reference to the legal action about which they made statements or presented material; and
- The minutes had to remain on the website for one-year.

CM Kerber questioned if these rules applied to votes for adjournment or other inconsequential votes. Ms. Bigelow explained that adjournment did not require a vote within the Town, but it did apply to other votes. It needed to be clear in the minutes who voted which way. It was allowable to have a voice vote if it were made clear how the Members voted. This was often accomplished by the Chair asking who was in favor and who was opposed.

PC Brown said that the Town minutes were more like transcripts and wondered if there were a way to pair it down. Ms. Bigelow said it was based on the Town's preference but that it was helpful to have more information, but it should not be a transcript. Most minutes identified people who spoke and were more than bare bone minutes. She had suggested that staff use voice recognition software. Members discussed that the intent of the minutes was to get pertinent information to the public. It had been the practice of Town to have more in-depth minutes.

Proposing Legal Action: An example of proposing legal action was a Member sending an email proposing text changes from one Member to other Members. This was proposing legal action and was not allowed. The appropriate way to propose any legal action would be to go through staff or the Chair.

Serial Meetings: Communicating with members of a public body outside of a public meeting in which one person talks to one Member and then other Members talk to one another until a quorum of Members were involved, this was an illegal meeting.

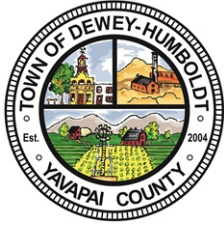
CM Kerber questioned if simply sending information through an email was a violation of the Open Meeting Laws. Ms. Bigelow said that it was not prohibited by policy or the Open Meeting Laws. The information had to be non-specific to any agenda item or Town issue. Staff was available to send things to other Members and the issue could get agendized, if necessary. It was hard to tell where the line was. CH Hambrick never sent group emails or received them, but he would occasionally answer a question about the role of the Commission. Any communication was through staff and sent one on one.

Ms. Bigelow explained that the Open Meeting Law allowed the public to know what was going on in the government.

CM Dettmann questioned Executive Sessions. Ms. Bigelow explained that the Commission could have Executive Sessions, which were allowable through seven exceptions, with the only one applying to the Commission being legal advice. She had only seen a Planning Commission Executive Sessions once or twice throughout her career.

9. Adjourn CH Hambrick adjourned the meeting at 7:56 p.m.

_____ ATTEST: _____
 Victor Hambrick, Chair Beth Evans, Town Clerk



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-7362
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Staff Report Planning and Zoning Advisory Commission Meeting October 7, 2021

Date: September 21, 2021

To: Planning and Zoning Advisory Commission Members

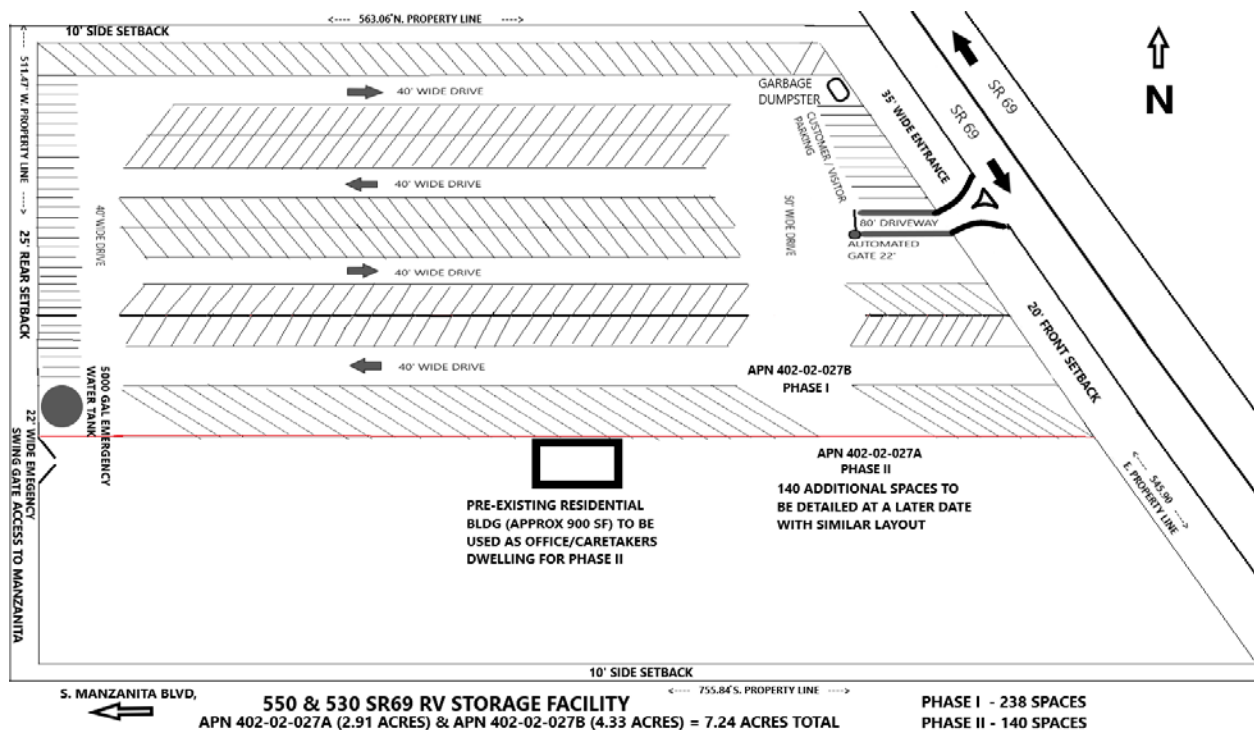
From: Steven Brown, Planning Consultant

9.A.: **Public Hearing Agenda ZMC 21-001** Discussion and Possible Action may be taken.

Request to consider an amendment to the Town of Dewey-Humboldt, Arizona Zoning Map to change the zoning designation of Assessor's Parcel (APN) 402-02-027A and 402-02-027B located at 530 and 550 S State Route 69, respectively, from R1-70 (Residential; Single-Family) to C3-1 (Commercial, and Minor Industrial) District.

I. BACKGROUND:

The applicant is requesting to change the zoning of their property to permit the development of a Self-Service Storage of recreational vehicles.



Self-Service Storage is a permitted use in the C-3 zoning district by virtue of its' being explicitly permitted in the C-2 (Commercial, General Sales and Services).

§ 153.043 C2 DISTRICT (COMMERCIAL; GENERAL SALES AND SERVICES).

Permitted uses for the C2 District (Commercial; General Sales and Services) are as follows in this section:

(19) Self-service storage facilities: See § 153.089; and

(20) Recreational vehicle parks.

§ 153.044 C3 DISTRICT (COMMERCIAL AND MINOR INDUSTRIAL).

Permitted uses for the C3 District (Commercial and Minor Industrial) are as follows in this section:

(B) (1) All principal and accessory uses permitted in any more restrictive zoning district (except dwelling units and mobile home courts) and providing further that, unless specifically provided to the contrary, **the following are waived:**

- (a) Requirements for use permits/administrative reviews (except for lots contiguous to residential districts);
- (b) Area limitations for uses and buildings;
- (c) Limitations on hours of operation; and
- (d) Confining of uses to closed or partially closed buildings.

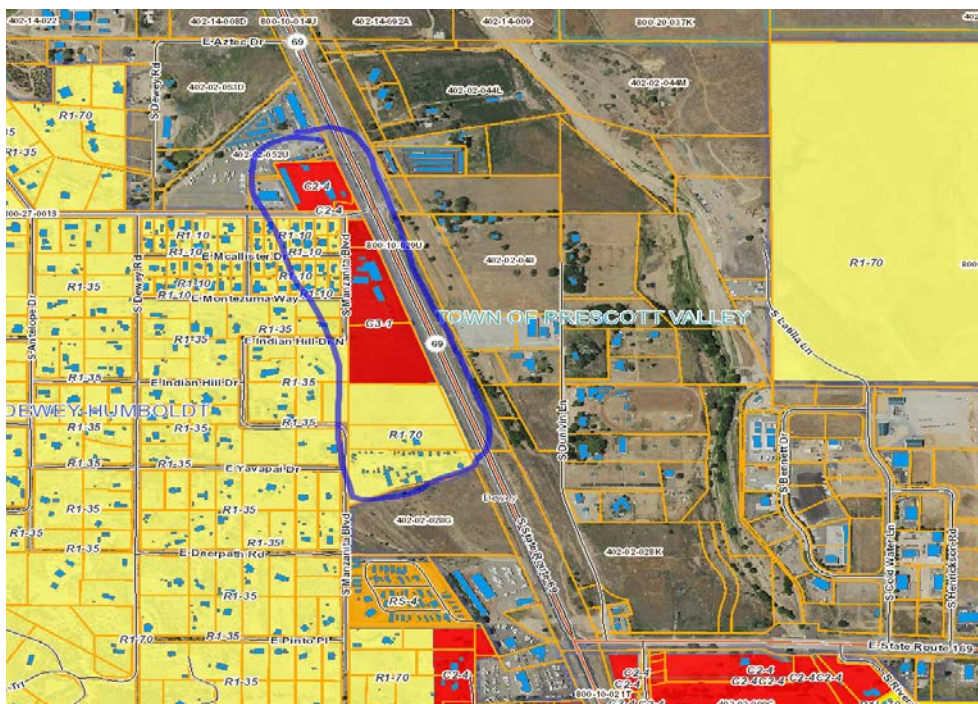
Surrounding Zoning:

North: C3-1

South: R1-70

East: Across SR 69: Town of Prescott Valley R1L

West: R1-35



Zoning

II. FINANCIAL IMPACT:

No direct financial impact expected beyond un-estimated Transaction Privilege Tax revenue.

III. CONSISTENCY WITH GENERAL PLAN:

The proposed zone change, if approved, would be consistent with the Town of Dewey-Humboldt's 2009 General Plan, which includes this property in an area along State Route 69, which the Land Use Element indicates as within the Commercial Land Use District.

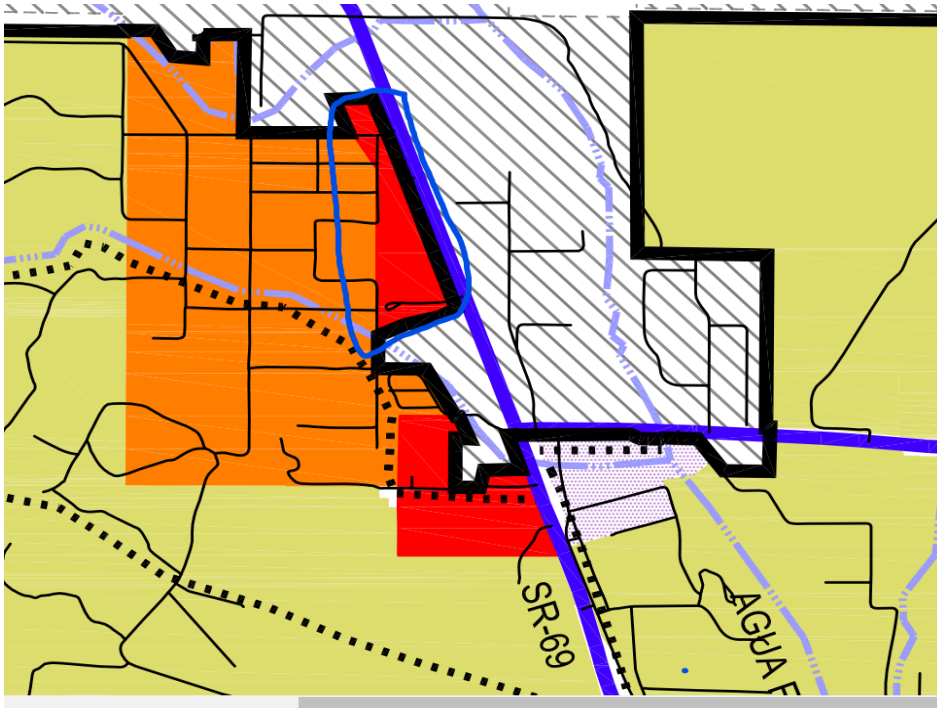
Surrounding General Plan Districts:

North: Commercial

South: Town of Prescott Valley PAD/Mixed Use

East: Across SR 69: Town of Prescott Valley PAD/Mixed Use

West: R1-35



General Plan Land Use Map

Surrounding Land Uses:

North: Vacant

South: Hanley Park RV Park

East: SR 69

West: Residential

IV. COMMENTS RECEIVED:

ADOT's comments regarding the preliminary plan for the RV storage lot layout sent 8/7/2021 are as follows:

- A Traffic Impact Analysis (TIA) would be required. The TIA may be waived if the development agrees to construct the southbound right-turn lane and a concrete median to restrict left turns according to ADOT Standards and Specifications.
- A concrete median would be required to be constructed to restrict left turns. If the SR-169 roundabout is constructed first, then probably the median would be constructed by extending the median from the SR 169 roundabout.
- A southbound right-turn lane will likely be needed.
- All work within the ADOT Right-of-Way will require an encroachment permit with all supporting documentation.
- All work within the ADOT Right-of-Way will be constructed according ADOT's Standards and Specifications.
- All construction plans shall be drawn by a professional engineer licensed in the State of Arizona.

V. DIRECTION REQUESTED:

Staff is seeking a recommendation from the Commission to either approve or deny the requested change to the Zoning Map of the Town of Dewey-Humboldt.

VI. STAFF RECOMMENDATION:

Staff Recommends approval of ZMC 21-001

VII. SUGGESTED MOTIONS:

Approving: Move to approve the requested change to the Zoning Map of the Town of Dewey-Humboldt to change the zoning of Assessor's Parcels 402-02-027A and 402-02-027B from R1-70 (Residential; Single-Family) to C3-1 (Commercial, General Sales and Services).

Denying: Move to deny the requested change to the Zoning Map of the Town of Dewey-Humboldt to change the zoning of Assessor's Parcels 402-02-027A and 402-02-027B from R1-70 (Residential; Single-Family) to C3-1 (Commercial, General Sales and Services).