

SIERRA VISTA PLANNING AND ZONING COMMISSION
REGULAR MEETING
AUGUST 16, 2016
CITY COUNCIL CHAMBERS
Meeting Minutes

The Regular Meeting of the Sierra Vista Planning and Zoning Commission was called to order at 5:00 p.m. in the City Council Chambers.

Members Present: Patricia Olson, Chair
Kevin Jorgenson, Vice Chair
Dave Grieshop
David Thompson
John Barton
Gerald Gabel

Members Absent: Sharon Lake

Staff Present: Matt McLachlan, AICP, Director
Jeff Pregler, Senior Planner
Tina Moore, Planner II

Council Present: Rachel Gray

Others Present: Steven Wood
Pete Allen

(Mr. Grieshop was acting Chair until the new Chair was elected)

ACCEPTANCE OF THE AGENDA:

Mr. Jorgenson made the motion to accept the agenda. Motion was seconded by Ms. Olson.

VOTE: Approved by a vote of 6-0.

ACCEPTANCE OF THE MINUTES:

1. Mr. Thompson made the motion to accept the minutes of July 5, 2016. The motion was seconded by Mr. Barton.

VOTE: Approved by a vote of 6-0.

CHAIR COMMENTS

Mr. Grieshop, the acting Chair, had no additional comments.

CALL TO THE PUBLIC

Mr. Grieshop opened the meeting to the public. There being no response, Mr. Grieshop closed the meeting to the public.

NEW BUSINESS

2. Resolution 1137 Election of Chair

Mr. Grieshop opened the floor to nominations.

Mr. Barton recommended Mr. Jorgenson for chair of the Commission. Ms. Olson seconded the nomination. Mr. Jorgenson indicated that given his busy schedule, he is unable to fulfill the commitments of the Chair, and declined the nomination.

Mr. Grieshop nominated Ms. Olson for Chair. Seconded by Mr. Jorgenson. The Commission voted unanimously, to approve the recommendation.

Mr. Grieshop moved to approve Resolution 1137 electing Ms. Olson as Chair of the Planning & Zoning Commission. Mr. Thompson seconded. The Commission voted unanimously, 5-0, to approved the Resolution. Ms. Olson abstained.

3. Resolution 1138 Election of Vice Chair

(Mr. Grieshop removed himself as Acting Chair and Ms. Olson continued running the meeting as Chair)

Ms. Olson opened the floor to nominations.

Mr. Grieshop nominated Mr. Jorgenson as Vice Chair. Mr. Thompson seconded the nomination. The Commission voted unanimously to approve the recommendation.

Ms. Olson moved to approve Resolution 1138 electing Mr. Jorgenson as Vice Chair of the Planning & Zoning Commission. Seconded by Mr. Gabel. The Commission voted unanimously, 5-0, to approve the Resolution. Mr. Jorgenson abstained.

FUTURE DISCUSSION ITEMS, COMMISSION REQUESTS, AND ANNOUNCEMENTS

Ms. Olson asked if anyone has any topics to present. A member of the committee asked to talk about Fry/Wilcox being made into one way lanes. Mr. McLachlan said a study was presented to City Council recommending the outside lanes on Fry Blvd. from 7th Street to Buffalo Soldier Trail be eliminated to provide additional area for landscaping and wider sidewalks. He is not familiar with proposals for one way traffic. He says it has never been on the agenda or discussed.

INFORMATION

Review and discussion on Development Code Section 151.06.004, Home Based Business regulations

Ms. Olson opened discussion of home based businesses. Mr. McLachlan presented that there are 375 active permitted home based businesses, the top classifications are miscellaneous store retailers, residential remodelers, janitorial services, and gift and novelty stores. The City has received seven complaints in the past year related to home based businesses, three of those being taxi cab businesses parking vehicles at the home, a plumber parking vehicles at the home, a noise complaint against a car detailer, a home based swimming lessons provider, and a tattoo business. All but the swimming pool company were found to have code violations and have been notified to comply or the license will be revoked.

Mr. McLachlan stated the codes cover the important areas of zoning ordinances needed for home based businesses, and his staff is seeking input and guidance in four key questions that were raised in the request for modification by Mr. Wood and another member of the public: Should the list of prohibited home based businesses be amended or expanded? Are the existing restrictions adequate to protect the character of the neighborhood? Should the City enact separation standards between all or certain types of home based businesses to minimize the clustering effect, and should the City amend the approval procedure to provide for notification or comment?

Mr. McLachlan welcomes Mr. Wood to share his perspective on the issues that prompted his recommendation. Mr. Wood presents that the tattoo shop is what prompted his inquiry into the home based businesses, and his concern is property values in the neighborhood. His concern is that values are not great to start, and mixing in commercial businesses in a residential area will further deteriorate the situation. Mr. Wood referenced Section 151.22.009 SFR, A, which states that the purpose of the regulations is to protect the single-family character of the SFR zoning district. In his opinion, a tattoo parlor does not encourage family life. He wants to see if restrictions can be added based on the type of district, allowing only a certain number of businesses in the areas. Additionally, that the neighbors be notified that a business request be submitted in the area so opinions can be expressed.

Ms. Olson asked if they did give a 30 day notice to the community, do we have an idea of that cost. Mr. McLachlan said it is mail notice and the cost is minimal.

Mr. Wood was asked if there is specific activity or damage to property that is directly affecting his property or family. Mr. Wood said no.

Mr. McLachlan was asked how the approval of the tattoo parlor was made. Mr. McLachlan said the zoning staff makes the approval and they use the code to evaluate the request to be in compliance with the code. The intent of the home based business regulations is to ensure the character of the neighborhood is being maintained. Mr. McLachlan further said the focus should be on whether there are immediate impacts in the neighborhood and if so, those need to be addressed in possible code changes. The only indicator on the home should be a small sign. There cannot be a discernable increase in traffic, or noise or hazardous material nuisances to affect the neighbors.

Additionally, the City does not regulate how or where the community parks cars, or how many they can have as long as they are operable. Business licenses are good for one year, at which time it must be renewed, but are good for the life of the business. If they do not renew the license, the license expires and is void.

A member of the public spoke in favor of home based businesses. He at one time had his own, until he moved to a commercial location. He says there should be encouragement of home based businesses because they can one day move to an empty building in town to grow their business. It is very expensive currently to rent a vacant structure. It is not cost effective for a new business owner to rent a space in town.

A member of the public spoke about the impact of having a hair salon in a home, examples being the chemicals used and washed down the sink, traffic of clients, extra washing required that affects the wash.

Pete Allen discusses the requirements of the CCR's which indicate that home based businesses are not allowed. A member of the committee says the City is not involved with the CCR's.

Mr. McLachlan was asked about the conflict between City codes and the CCR's. Mr. McLachlan stated that the development code applies to all properties, and that the CCR's tend to be more restrictive. Mr. McLachlan was asked to clarify what determines an incompatible activity as it can be viewed differently from different people. Mr. McLachlan stated that there should not be any discernable evidence that there is a home based business on the site.

Ms. Olson asked the Commission to consider the questions presented by staff:

Should the list of prohibited home type businesses be amended. Ms. Olson says no. She defers to CCR's to regulate the businesses if they are not in compliance. The committee agrees.

Are the existing review standards adequate? Ms. Olson said they are adequate when brought to the attention of the City and enforced. The committee agrees.

Should the City enact separation standards between all or certain types of home based businesses to minimize the clustering effect? Ms. Olson is not sure what she means by separation standards. Mr. McLachlan clarified that the concern was numerous business in close proximity of one another. The Commission agreed that the current separation standards are adequate.

Should the City amend the approval procedure to provide for notification or comment? Ms. Olson does not see why it shouldn't be done for home based businesses as the City does it for modification of setbacks. The Commission further discussed the issue stating that should notification be allowed, that neighbor disputes could result in denial of the permit. The Commission decides that additional notification is not necessary.

Review and discussion of proposed standards and permitting procedures for right-of-way/utility easement modifications and/or encroachments

Ms. Olson opened discussion of right-of-way and utility easement modifications. Mr. McLachlan stated that the proposed language will address a gap in the Code of Ordinances by providing

additional requirements for uses in the right-of-way and augmenting enforcement action for violations. Mr. McLachlan asked if there were issues or concerns in the provided language. No additional discussion ensued.

CITY COUNCIL LIAISON COMMENTS:

Ms. Gray commended the Commission and gave kudos to the Community Development staff for being prepared and knowledgeable in their field.

In March, the strategic planning meeting will be held. If there are items that the council needs to consider, let Matt McLachlan know.

She discussed the Balmer properties that the City will acquire in Fry Town. There is hope this will help clean up that area.

Lastly, she said Mary Jacobs is working with Arizona League of Cities to help with annexing County enclaves in the City.

The budget has passed.

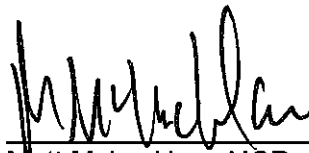
No questions for Ms. Gray.

ADJOURNMENT

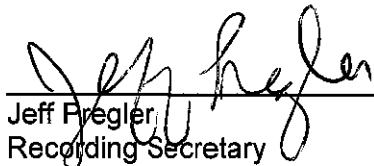
Ms. Olson moved to adjourn the meeting. The meeting adjourned at approximately 6:30 p.m.



PATRICIA OLSON
Chair
Planning & Zoning Commission



Matt McLachlan, AICP
Executive Secretary
Planning & Zoning Commission



Jeff Pregler
Recording Secretary

RESOLUTION 1139

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; BY RECOMMENDING APPROVAL OF DEVELOPMENT CODE TEXT AMENDMENTS TO CHAPTER 151, DEVELOPMENT CODE, OF THE CITY CODE OF ORDINANCES AS SHOWN ON EXHIBIT A; AND DIRECTING THE EXECUTIVE SECRETARY TO TRANSMIT THE PLANNING AND ZONING COMMISSION'S RECOMMENDATION AND COMMENTS TO THE CITY COUNCIL.

WHEREAS, the provisions of A.R.S. 9-462.04 and Chapter 151, Development Code, of the City Code of Ordinances, allow the text amendments to be granted by the City; and

WHEREAS, in accordance with the provisions of Article 151.31 of the Development Code and established policy, the City of Sierra Vista, has proposed the addition of Section 151.09.006, Bicycle Parking and Section 151.09.07, Parking Credits and Flexible Allocations to the Development Code; and

WHEREAS, Article 151.31 of the Development Code requires that the Planning and Zoning Commission review all applications for text amendments, to forward recommendation on the application to the City Council; and

WHEREAS, as required by Article 151.31 of the Development Code, the Planning & Zoning Commission held a public hearing on the application, after proper notice had been given; and

WHEREAS, the Planning and Zoning Commission considered all of the facts of the application and the comments of the citizens at the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

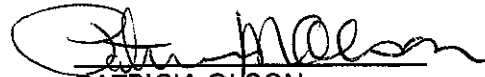
That it is hereby recommended to the Mayor and City Council that Chapter 151, Development Code, of the City Code of Ordinances, be amended to incorporate text amendments to the Development Code as shown on Exhibit "A" with the following changes:

1. Remove the reference to bicycle lockers from Section 151.09.006
2. Remove the reference to Recharge Stations for Electric Vehicles in Section 151.09.007.

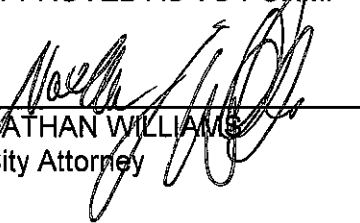
SECTION 2

That the Executive Secretary be, and hereby is, directed to transmit the Planning and Zoning Commission's recommendation and comments to the City Council.


RECOMMENDED FOR APPROVAL BY THE CHAIRPERSON AND MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, ARIZONA THIS 15TH DAY OF NOVEMBER, 2016.


PATRICIA OLSON
Chair

APPROVED AS TO FORM:


NATHAN WILLIAMS
City Attorney

ATTEST:


JILL ADAMS
City Clerk

PREPARED BY:

Jeff Pregler, AICP,
Director of Community Development