

SIERRA VISTA PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
SEPTEMBER 19, 2017  
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  
Dave Grieshop  
David Thompson  
John Barton  
Gerald Gabel  
Sharon Lake

Members Absent: Kevin Jorgenson, Vice Chair

Staff Present: Jeff Pregler, Senior Planner  
Matt McLachlan, Department of Community Development

Council Present: None

Others Present: Pastor John Turner, Community Baptist Church  
Tricia Gerrodette

ACCEPTANCE OF THE AGENDA:

Ms. Lake made the motion to accept the agenda. Motion was seconded by Mr. Thompson.

VOTE: Approved by a vote of 6-0.

ACCEPTANCE OF THE MINUTES:

1. Mr. Thompson made the motion to accept the minutes of June 20, 2017. The motion was seconded by Mr. Gabel.

VOTE: Approved by a vote of 6-0.

CHAIR COMMENTS

Ms. Olson welcomed everyone back to the Commission.

CALL TO THE PUBLIC

Ms. Olson opened the meeting to the public. There being no response, Ms. Olson closed the meeting to the public.

NEW BUSINESS

2. Resolution 1140  
Conditional Use Permit, Community Baptist Church  
1763 Paseo San Luis

Mr. Pregler gave the staff report for the Conditional Use Permit. He stated that the applicant is proposing a church use at an existing building located at 1763 Paseo San Luis. The church is to be limited to 1,000 square feet of the 6,400 square foot building and will have access from Paseo San Luis and an improved alley along the eastern property line. Additional uses proposed for the building include a teen outreach center and a daycare center. Mr. Pregler indicated that staff is recommending four conditions of approval:

1. The maximum seating capacity of the sanctuary shall not exceed 67 seats.
2. Existing on-site parking spaces shall be restriped to delineate and meet required parking.
3. A 6-foot masonry buffer wall or an equivalent, approved by the Community Development Director shall be constructed along the east property line.
4. The Conditional Use Permit shall be revoked should a place of worship cease operating on the property for more than 180 days.

Mr. Grieshop was concerned about the property tax implications of the church. Mr. McLachlan stated that the Conditional Use Permit does not consider tax implications, only the physical impacts such as parking, traffic, noise, etc. Mr. McLachlan also stated that the church is leasing the building and that the property would continue to be assessed as commercial.

Mr. Grieshop stated his concerns about the proposed outreach center (residential care facility) and its proximity to the Boys and Girls Club. Mr. McLachlan stated that the outreach center will function as a residential care facility for those teens whose parents cannot provide custodial care and further indicated that this service is not provided by the Boys & Girls Club.

Ms. Olson asked how many parking spaces will be striped at the site? Mr. Pregler stated that there will be 34 parking spaces.

Mr. Gabel asked about the bathroom requirements for a church. Mr. Pregler stated that internal building requirements are regulated by the building codes and are not in the purview on the Conditional Use Permit.

Ms. Olson opened the meeting to the public.

Pastor John Turner clarified that the services provided by the outreach center will not conflict with the Boys and Girls Club and presented information which further explained the need for the residential care facility. He also stated that the proposed uses would not create any negative impacts to the adjacent properties.

There being no further public comments, Ms. Olson closed the meeting to the public.

Ms. Olson asked for the vote on Resolution 1140:

VOTE: 5-0 with Mr. Grieshop abstaining.

3. 2017/18 Work Program  
Proposed Code Amendments

Mr. Pregler provided an overview of the proposed code amendments which included changes to various Development Code Articles. The amendments were organized by category.

Water Adequacy

From a review of the existing water adequacy language the definition of subdivision was unclear. According to the state legislation, water adequacy is only applicable to the county definition of subdivision which includes splitting property into 6 or more lots. The municipality definition of a subdivision is the splitting of property into 4 or more lots. To avoid this confusion, an amendment was included that made reference to the Arizona Revised Statutes county definition of subdivision which helps to clarify that water adequacy is only applicable to those subdivisions meeting the county definition.

Ms. Gerrodette indicated that the City definition of subdivision may not be updated to reflect the state definition. McLachlan indicated that there were two definitions of subdivision in the Arizona Revised Statutes, one relating to County's and one relating to municipalities.

Mr. Barton asked who is responsible for conducting and submitting water adequacy reports. Mr. Pregler stated that the developer is responsible.

Mr. Barton asked what the federal government's role is in the water adequacy process. Mr. Pregler indicated that the federal government is not involved and that water adequacy was an Arizona Department of Water Resources requirement.

Mr. Barton asked if the definition stated 6 or more splits or 6 or more lots. Mr. Pregler clarified that the definition stated 6 or more lots.

Manufactured Home and RV Development Standards

According to Development Code Section 151.22.011.(D)(2) the Manufactured Home Residential District (MHR) limits the number of lots used for travel trailer and/or recreational vehicles to 20 spaces in manufactured home parks with 199 or fewer manufactured home spaces or 10 percent of the total spaces in parks with 200 or more manufactured home spaces. To provide additional development flexibility, an amendment has been included that would permit up to 30 percent of the spaces within a manufactured home park to be dedicated to recreational vehicles. There has been a recent trend to provide various forms of land uses at manufactured home parks and this amendment reflects this market trend. Other amendments include adding a definition of Manufactured Home Park and simplifying development standards for the MHR Zoning District.

Ms. Olson, in referencing the amendments, asked if the skirting requirement only applied to permanent residences. Mr. Pregler clarified that the requirement only applied to permanent homes.

#### Administrative Modifications and Fences & Wall Height

The Development Code Section 151.04.011 currently requires that residential walls and fences not exceed a height of 3 feet when located within the front yard setback area. The purpose of the height restriction is to allow for vehicle site visibility. However, the City has received a number requests asking for additional wall height for privacy. Therefore, one of the amendments would allow a wall height of 4 feet on property less than 10,000 square feet and 5 feet on property greater than 10,000 square feet. The larger lots will typically have greater street frontage and larger separation between homes, thus allowing drivers additional time to observe any conflicts.

Another amendment relates to the height of residential fences or walls located in a side and rear yard. The Development Code Section 151.04.011 currently requires that the height of fences or walls in these areas not exceed 6 feet. The City has received a number of requests to increase the height of these walls, again for increased privacy. In response, the City is proposing that requests for additional wall height be processed through an Administrative Modification (formerly the Modification of Setback). This process will be administrative and allow staff to review each request for wall height using objective criteria and standards and also allow comment by the affected property owners.

Mr. McLachlan further explained that the increased wall height along the rear and side property lines has typically been requested by residential property owners that have property adjacent to commercial areas, looking for increased privacy.

Ms. Olson asked why there are additional processing requirements to increased the wall height in the rear and side yards as opposed to the front yard. Mr. McLachlan explained that extending the wall height beyond 6 feet creates potential structural issues. Therefore, City staff will need additional reviews to assess weight loads and the structural stability of the current wall.

#### Administrative Site Standards and Submittal Requirements

The Development Code Section 151.18.005 currently allows minor commercial site development to be processed as a modified site plan, which allows for reduced submittal standards compared to the site plan review process. However, the criteria for defining a modified site plan is subjective. Therefore, staff is recommending objective criteria that would better define minor commercial development and clarifying the submittal requirements. Also, the Modified Site Plan is being renamed Administrative Site Plan which better describes the review process.

Mr. Gabel asked about limiting the number of increases allowed under the Administrative Site Plan process. Mr. McLachlan stated that language will need to be included in the Administrative Site Plan section limiting the number of building increases to one.

Increased Commercial Building Heights; Reduced Building Setbacks in Infill Incentive District

Development Code Section 151.22.018(F)(4) requires the maximum building height for commercial buildings in the General Commercial (GC) Zoning District not exceed 30 feet with an allowance for a 4-foot parapet wall and 25 feet for a building located within 100 feet of a residential zoning district. In addition, there is current language that restricts any structure from intercepting a plane making an angle of 60 degrees from the horizontal toward the interior of the lot and originating at the front property line. Recently, the City has been approached by a number of developers requesting additional building height to allow for higher ceilings and additional architectural features. The City is therefore, recommending an amendment which would increase the height for commercial buildings to a maximum of 36 feet and for buildings located within 100 feet of a residential zoning district a maximum of 30 feet.

A second amendment relates to building setbacks for GC zoned property within the Infill Incentive District, which consists of all properties west of 7th Street and north of Busby Drive. As a way to encourage development, the City is recommending reducing the front yard building setbacks in the Infill Incentive District Area. The reduced setbacks will allow for flexible building and site design while allowing marketable buildings on the smaller lots. The front yard setbacks shall be reduced to the following minimums:

Standard Commercial Lot- 5 feet (Currently 40 feet)

Through Lot- 5 feet on primary frontage; 10 feet on secondary frontage (Currently 40 feet)

Corner Lot- 5 feet on primary frontage; 10 feet on secondary frontage (Currently 40 and 20 feet)

The final amendment defined Primary and Secondary frontage.

Mr. Grieshop asked about potential safety concerns for structures located within the reduced setback areas on corner lots located within the Infill Incentive District Area. Mr. McLachlan stated any buildings or structures could not be located within the Clear Vision area at street intersections. He also reiterated that allowing buildings to be located closer to the sidewalk with parking at the rear of the property makes the building more aesthetically pleasing and more desirable for pedestrian oriented traffic.

Low-Impact Development

Low Impact Development (LID) is a term used to describe a land planning, and engineering design approach to managing stormwater runoff as part of green infrastructure using natural processes. The City has recently seen a number of new commercial projects integrate (LID) strategies within their development (Southwest Gas and Salvation Army). The City supports the use of the strategies and therefore is recommending amendments that will require certain LID features for new commercial development.

One amendment would require roof and foundation drains to discharge into landscaped areas provided there was sufficient buffer from the building. A second amendment requires all rainwater to be graded and directed toward landscape areas prior to entering the detention basins. These requirements will have the effect of purifying the water before its discharged into the public right-of-way, reducing water usage, and reducing the size of detention basins.

Ms. Olson asked if the requirements were only applicable to new development. Mr. Pregler stated that the LID requirements would be applicable to new commercial and industrial developments.

Mr. Gabel asked about the economic impacts of the new requirements on developers. Mr. McLachlan stated that there would be no minimal economic impacts and that the requirements were a function of site design and not construction costs.

#### Removal of Article 151.05, Performance Standards and Relocation of Text

The Development Code provides development standards for new development. The requirements in Article 151.05, *Performance Standards* relate to existing uses. Therefore, staff is recommending the removal of the this Section and either deleting text due to duplication or relocating the text to other City approved documents.

#### Property Maintenance Enforcement

Section 150.37 of the property maintenance code limits the authority to bring criminal misdemeanor complaints under Chapter 150 to a Sierra Vista police officer or the city attorney. This category of complaint is reserved for repeat offenders or cases presenting egregious property maintenance violations posing a serious threat to public health and safety. Staff is recommending amendment which would allow a Code Enforcement Officer to bring a criminal misdemeanor complaint in these cases, which will then prosecuted by the City Attorney if contested. This will improve efficiency and allow the Police Department to focus on those criminal matters more appropriate to law enforcement.

In addition, the property maintenance code requires that inspections of building exteriors and unscreened land be conducted in conformance with A.R.S. § 9-833. The referenced statute applies only to inspections necessary for the issuance of a license or to determine compliance with licensure requirements. Staff is recommending an amendment that the parameters of this provision be clarified to apply to building exteriors or land not readily visible or readily accessible by the public.

Mr. McLachlan clarified that only building exteriors and land readily accessible to the public is what's covered under this amendment. He further stated that the purpose of the amendment is to set the parameters in accordance with the state statute which will relate only to those cases where there is an inspection for licensing purposes. There is a separate licensing process for cases that involve enforcement action for land not readily accessible by the public.

Ms. Gerrodette discussed her current property maintenance violation and suggested that there should be an amendment that exempts certain native grasses and plants from the property maintenance standards. Mr. McLachlan indicated that the property maintenance code has a requirement that no grasses can exceed 12-inches in height. One of the reasons for the height limit is to prevent rodent harborage. He further stated that if the code is amended to allow certain types of grass to exceed the height limit, that the regulation becomes difficult to enforce.

### Shopping Cart Regulations

The code enforcement officers have responded to a number of complaints regarding abandoned shopping carts on both public and private vacant properties. The amount of time to investigate and remove the carts is substantial and taking time away from other enforcement issues in the City. Therefore, the City is recommending shopping cart regulations which would place the responsibility of the abandoned shopping cart on the cart owner. The owners are required to ensure the carts remain on the property or enforcement action may result.

Ms. Olson had some concerns about making the business owner responsible for the shopping cart rather than the individual that has stolen the cart. Further, she does not feel that the business will pay a fee to reclaim the stolen carts.

Mr. Gabel asked how often the code enforcement officers respond to abandoned shopping carts. Mr. McLachlan indicated that there are frequent requests for cart removal and that the cost to remove the carts is completely paid by the City. The impound fee to collect the carts is an attempt to cover some of those enforcement costs and encourages the businesses to have a heightened level of cart responsibility.

Mr. Gabel suggested allowing for an initial removal notice and then requiring a stronger penalty should the business owner not retrieve the carts in a given period time. This would incentivize the business owner to retrieve the cart in a timely manner rather than wait for a penalty. The Commission suggested that a \$10 penalty was appropriate. Mr. McLachlan stated that the proposed language can be amended to reflect this change.

Mr. Thompson stated that the shopping cart regulations could be viewed as an anti-business regulation. However, he further indicated that an entrepreneur could start a shopping cart reclamation business and collect the carts, for a fee, for the shopping cart owners.

Referencing the proposed regulation requiring placards on shopping carts, Mr. Gabel asked about the cost of the identifying placards and whether there was a cheaper alternative. Mr. McLachlan stated that staff would review the wording of the regulation.

### FUTURE DISCUSSION ITEMS, COMMISSION REQUESTS, AND ANNOUNCEMENTS

None

### INFORMATION

Mr. Pregler gave an update on recently reviewed, approved or completed projects. He indicated that the Apostolic Truth Tabernacle, Christian House fellowship, Sierra Cycles, and Emmanuel Lutheran Church currently have site plans under review, and that Lawley Nissan is currently under construction. He stated that the Sign Code amendments will be considered at a separate meeting.

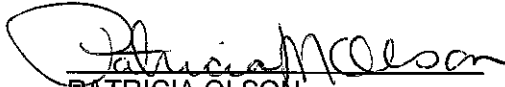
Mr. Barton asked about the completion status of Coronado Drive. Mr. Pregler would contact Public Works for an update.

CITY COUNCIL LIAISON COMMENTS:

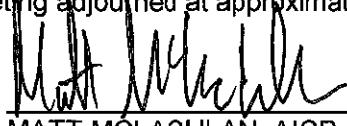
None

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