

MEETING MINUTES
OF THE
CITY OF ELOY
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, January 19, 2011
7:00 P.M.

I. CALL TO ORDER

Vice-Chairperson Jose Garcia called the meeting to order at 7:03 P.M.

II. ROLL CALL

Members Present: Vice-Chairperson Jose Garcia
Commissioner Marlo Schuh
Commissioner Richard Horton
Commissioner Manuel Salas
Alternate Commissioner John Peterson
Ex-Officio Council Member Joel Belloc

Members Absent: Chairperson Larry Brown
Commissioner Manuel Medina

Staff Present: Rick Miller, Interim-Community Development Director
Belinda Cruz, Planner
Berna Van Buskirk, Clerical Assistant

III. INVOCATION

The Invocation was given by Commissioner Manuel Salas.

IV. PLEDGE OF ALLEGIANCE

Vice-Chairperson Jose Garcia led the Pledge of Allegiance.

V. MOTION TO APPROVE THE DECEMBER 15, 2010 MEETING MINUTES OF THE PLANNING AND ZONING COMMISSION

Commissioner Marlo Schuh made a motion to approve the December 15, 2010 meeting minutes of the Planning and Zoning Commission. Commissioner Richard Horton seconded the motion. Motion was approved unanimously (5-0).

VI. COMMUNICATIONS

Mr. Miller stated that going to City Council for approval on January 24th are the General Plan Update and the Medical Marijuana ordinance. The applicants for the Villages of Eloy have asked to defer theirs until the 1st meeting in February because they are unable to attend this one.

We also have some vacancies on the Planning & Zoning Committee, Manuel Salas will fill Commissioner Medina's spot and John Peterson becomes the 1st alternate.

Rick Miller stated that there are several vacancies on the Board of Adjustments now. Mr. Horton resigned and we just received a resignation from Stephanie Blanco as well. There are only 3 members on that board now so we need to try to get that committee filled. Mr. Horton stated that he is fine with filling in if needed until vacancy can be filled.

Sunlife had an open house and it was very well attended and is a great addition to downtown. Pinal Hispanic Council has broken ground on their new building in the downtown area so that's really exciting. The Mayor and Council have been working with the school district for a joint High School and City Library, the high school got bonding to build a new library building and the city is working with them on that proposal on a joint use concept much like we see in Casa Grande, Chandler and some other jurisdictions. To try to make more efficient use of a public facility rather than having duplication of similar services. Staff has been meeting with the High School District to look at their design & plans and hopefully we can share this information with the commission in the near future on what they are proposing to do on the High School site.

Buckeye Mobile Home Park has been a mess for some time but something we could not go in there and fix. We have had to go through due process. The cleanup will begin next week with the City crews cleaning that up and there will be a lien assessed against that property to recover the cost of city cleanup.

We are looking at creating a new board for the city, a Board of Appeals, most cities have this. This board considers variances to the strict application of building code or if they are looking for an alternative building code method the Board of Appeals has some technical experience reviewing construction documents.

Rick Miller said the city is looking at adopting the new International Building Code & Fire Code 2006 addition. One of the reasons for that is that it allows for a little more leniency on fire code requirements. The one we are under now allows a 50% fire flow credit and the change would allow a 75% credit for your fire flow reduction from the hydrants if the facility is sprinklered. This change will make it easier to attract developers to the community. For example, Republic Plastics who moved into the old PCI building are now manufacturing product and have submitted plans to expand that building by about 25,000 feet. This expansion will of course include sprinklers and with this fire flow credit they are able come in under the threshold and with this new code adoption, the Fire Department will be able to sign off on the permit for it.

St. Helens Market is looking for a temporary Use Permit to operate a Farmers Market next to St. Helen Catholic Church in the downtown area. Our concern is that they do not start letting it become like a swap meet and become very unattractive, and they can if they are not regulated. They have a pretty good plan in place for this market.

The City has been working with Loves Truck Stop to add a small tire storage building at their location and re-adjust some circulation on the west side to make it better for truck parking.

Estrella Community Church has submitted plans for approval for a church addition. The architectural drawings are not up to where they need to be but she is getting that brought closer to requirements. Gilbert is going to be walking her through the process so they can get a grading, footing & foundation permit and maybe start the shell building before they start losing some of the laborers which would delay the shell being built.

Vice-Chairperson Garcia asked if there were any other questions or comments.

Commissioner Salas asked if the Board of Appeals hadn't been part of the Board of Adjustments not that long ago? Council member Joel Belloc commented that when he sat on it for about 10 years it was called Board of Adjustment and Appeals and he remembers having several appeals, for building codes.

With the Board of Adjustments there is no appeal except through the courts, you can't go through Council to appeal.

Council member Joel Belloc said that the change or separation between the two boards took place about 10 years ago but the change was never formalized. Mr. Miller said that was all they are recommending that it be formalize and have a separate Board of Appeals. That board should have some expertise or experience in the building trade and building codes.

Commissioner Salas asked if that board would continue to have the executive powers over the judicial ramifications? Mr. Miller answered that by saying that the Board of Appeals is not a quasi-judicial board, it is just there to grant variances to building codes, such as an alternative method to a building code. They don't waive building codes.

Commissioner Salas then asked if the citizen is not satisfied with the Court of Appeals answer where do they take it? John Peterson stated that that there is no appeal on this decision you either do it or you don't. Commissioner Salas then asked why would you have a Board of Appeals? Rick Miller explained using the fire flow he had previously talked about as an example. If a developer came in and really wanted to build a building here but under the current code that the city is under couldn't because they do not have enough fire flow coming out of their hydrant. They could ask the city if they would allow it using the 2006 code. This is something that the Board of Appeals could do to allow it. They would vary the current codes to allow for an alternative method of construction.

Commissioner Salas said it answers one question but presents another about why you would need a Board of Adjustments then? Rick Miller explained that the Board of Adjustments is only for zoning variances not for construction variances. This board is essential for set backs, building height, and sign variances and not building code variances.

Vice-Chairperson Garcia asked if there were any other comments or questions.

VII. NEW BUSINESS: POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

A. MOTION TO ELECT A CHAIRPERSON FROM AMONG THE MEMBERS OF THE COMMISSION.

Vice-Chairperson Garcia stated that the board is now open for nominations. Commissioner Marlo Schuh made a motion to nominate Larry Brown for Chairperson.

Before seconding that nomination Rick Miller said it would be good to have some discussion on it. He had talked to Mr. Brown about the length of terms that are being served on the board. Mr. Brown has served as Chairperson since 1993 which is a long time, and is commendable. Mr. Brown said he would be happy to continue serving and also happy with stepping aside to let someone else do it. Rick Miller stated that this would be an excellent opportunity for someone new to gain experience in running the meeting by being the new Chairperson if they are interested.

Commissioner Richard Horton asked if more than one person could be nominated and was told he could.

Commissioner Richard Horton made a motion to nominate Vice-Chairperson Jose Garcia for Chairperson. Alternate Commissioner John Peterson seconded the nomination.

Vice-Chairperson Garcia asked if there was a second for the nomination of Larry Brown for Chairperson. Commissioner Manuel Salas seconded the nomination for Larry Brown.

Vice-Chairperson Jose Garcia asked if there were any other nominations. Hearing none, he stated that the floor was closed.

Vice-Chairperson Jose Garcia asked for a motion for acceptance of one of the candidates.

Vote was taken and there were (2) votes for Chairperson Larry Brown and (3) for Vice-Chairperson Jose Garcia. Vice-Chairperson Jose Garcia will be the new Chairperson.

B. MOTION TO ELECT A VICE-CHAIRPERSON FROM AMONG THE MEMBERS OF THE COMMISSION.

Vice-Chairperson Garcia stated that the nominating floor is now open.

Commissioner John Peterson made a motion to nominate Larry Brown for Vice-Chairperson. Commissioner Richard Horton seconded the nomination.

Vice-Chairperson Garcia asked if there were any other nominations. Hearing none, he stated that the nomination floor was closed.

Vice-Chairperson Garcia asked for a motion to elect Mr. Brown Vice-Chairperson. Commissioner Marlo Schuh made the motion and Commissioner Manuel Salas seconded it.

Vote was taken and it was unanimous (5-0) in favor of Chairperson Larry Brown for the new Vice-Chairperson

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VIII. MOTION TO ADJOURN.

Vice-Chairperson Garcia asked for a motion to adjourn. Motion was made by Commissioner Marlo Schuh and was seconded by Commissioner Richard Horton. The meeting was adjourned at 7:32 P.M.

ATTEST:



Rick Miller, Interm-Community Development Director

APPROVED:



Jose Garcia, Chairperson