

**MEETING MINUTES
OF THE
CITY OF ELOY
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, March 18, 2009
7:00 P.M.**

I. CALL TO ORDER

Vice-Chairperson Glinda Weddle called the meeting to order at 7:03 PM.

II. ROLL CALL

Members Present: Vice-Chairperson Glinda Weddle
Commissioner Jose Garcia
Alternate Commissioner Richard Horton

Members Absent: Chairperson Larry Brown
Commissioner Marlo Schuh
Commissioner Manuel Medina
Ex-Officio Council Member Joel Belloc

Staff Present: Joseph Blanton, Community Development Director
Belinda Cota, Planner (arrived at 7:17 PM)
Christina Leon, Clerical Assistant

III. INVOCATION

The Invocation was given by Vice-Chairperson Glinda Weddle

IV. PLEDGE OF ALLEGIANCE

Commissioner Jose Garcia led the Pledge of Allegiance

V. MOTION TO APPROVE THE JANUARY 21, 2009 MEETING MINUTES OF THE CITY OF ELOY PLANNING AND ZONING COMMISSION

Commissioner Horton made a motion to approve the January 21, 2009 meeting minutes of the Planning and Zoning Commission. Commissioner Garcia seconded the motion. Motion was approved unanimously. The vote was (3-0).

VI. COMMUNICATIONS

Mr. Blanton mentioned the proposed eighty-one hundred (8,100) square foot Pinal Hispanic Council building and the thirteen thousand (13,000) square foot Sun Life Family Health Center building. The Pinal Hispanic Council's building will have a Southwestern appearance with a stone veneer in the front of the building and the Sun Life Health Center building will be more of a modern structure with large window panes in the front. The Pinal Hispanic Council's building will have a fairly sizable community

room available for use and Sun Life's facility will have a pharmacy available to the public and will be built with "green technology" in mind. The total estimated investment of the two new buildings is approximately at four million dollars (\$4,000,000.00). The Pinal Hispanic Council's building will start construction starting in June 2009 and end in December 2009. The Sun Life Family Health Center will start construction in July 2009 and end in March 2010. On Monday, March 23, 2009, the City Council will have an action item presented to appoint Manuel Salas as an Alternate Commissioner for the Planning and Zoning Commission. Mr. Blanton also mentioned that the General Plan Update is moving forward and is satisfied with the work product to date because he has received more information in the past couple of months than in the past year. Commissioner Horton asked what the State Statute is for having the general plan update completed. Mr. Blanton responded that State Statutes require a city to update its General Plan every ten (10) years and that the current General Plan was approved in 2001; so legally, the city has until 2011 but the goal is to have the update presented to the voters in the spring 2010 elections to avoid a Special Election in 2011. This concluded Mr. Blanton's communications.

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

- A. PUBLIC HEARING TO ALLOW COMMENT FROM THE PUBLIC AND INTERESTED PARTIES ON CASE NO.: CUP09-01: APPLICATION BY QUINN UNITED ENTERPRISES, LLC FOR CRICKET COMMUNICATIONS FOR A CONDITIONAL USE PERMIT FOR SIX (6) WIRELESS COMMUNICATION ANTENNAS TO BE PLACED ON AN EXISTING 110'-4" HIGH, CITY-OWNED WATER TOWER AND GROUND CABINETS TO BE INSTALLED IN A 300 SQ. FT. (12' X 25') LEASE AREA AT THE BASE OF THE WATER TOWER LOCATED AT THE SOUTHWEST CORNER OF MAIN STREET AND FRONTIER STREET (HIGHWAY 84) ADJACENT TO THE UNION PACIFIC RAIL ROAD. SUBJECT PROPERTY IS OWNED BY THE CITY OF ELOY (OLD PUBLIC WORKS FACILITY) AND IS SITUATED IN A PORTION OF SECTION 6, T8S, R8E OF THE G&SRB&M, PINAL COUNTY, ARIZONA ON ASSESSOR'S PARCEL NUMBER: 405-02-272A (PROJECT NAME: CRICKET COMMUNICATIONS).**

Vice-Chairperson Weddle opened the public hearing.

Mr. Blanton stated that this Conditional Use Permit proposes to place six (6) antennas on the City of Eloy's water tower and is very similar to the Use Permit that was previously approved for T-Mobile in 2007. However, T-Mobile allowed their Use Permit to lapse and informed the City of Eloy that they were not going to proceed. Mr. Blanton explained that instead of receiving eight hundred dollars (\$800.00) per month from Cricket for leasing the property, the proposed agreement between the City of Eloy and Cricket Communications is to make modifications/enhancements to the property including: demolition of the old Public Works building, relocation of the driveway and installation of a new gate, and a new decorative block wall along the north and east sides of the facility. The estimated cost is approximately one hundred thousand dollars (\$100,000.00) or ten (10) years worth of lease payments. Mr. Blanton introduced Scott Quinn with Quinn United Enterprises, LLC who provided additional details of the

request. Commissioner Horton asked how long the lease will be. Mr. Quinn responded that it has an initial ten-year term with five-year renewal periods.

Hearing no other comments, Vice-Chairperson Weddle closed the public hearing.

B. CONSIDERATION, DISCUSSION, AND RECOMMENDATION TO THE ELOY CITY COUNCIL FOR APPROVAL, DISAPPROVAL OR OTHER ACTION ON CASE NO.: CUP09-01 (PROJECT NAME: CRICKET COMMUNICATIONS).

Commissioner Horton made a motion to approve Case No.: CUP09-01 with the stipulations included in the staff report. Motion was seconded by Commissioner Garcia. The motion was passed unanimously 3-0 with the following thirteen stipulations:

1. That approval of the Use Permit shall be subject to Council approval of a Site Lease Agreement between the City of Eloy and Cricket Communications, Inc.;
2. That development of the conditional use shall be in substantial conformance to the Site Plan dated 12/22/08;
3. That the six antennas shall be installed on the existing 110'- 4" high water tower between the 85-foot and 100-foot centerline of the water tank;
4. That the six antennas shall be painted or treated to minimize the contrast of the antennas against the water tower and/or the horizon;
5. That the 12' x 25' lease area shall be enclosed by a security fencing not less than six (6) feet in height and no more than eight (8) feet in height and shall be non-climbable;
6. That all equipment shall be unmanned and that the equipment cabinets shall comply with all applicable building codes;
7. That the parking space and driveway shall be dust proofed;
8. That any exterior lighting shall be fully shielded within the walled or fenced area and shall be mounted on poles or on the equipment cabinets below the height of the wall or screening fence;
9. That no signs shall be allowed on the antennas, tower or any portion of the lease area except for the identification of a permanently installed plaque or marker, no larger than 4" x 6", clearly identifying the provider's name, address, and emergency phone number(s);
10. That the Conditional Use Permit shall become null and void if the use permit has not been exercised and the use established within twelve (12) months of the date of Council approval (a Conditional Use Permit is exercised when the use has been established or when a building permit has been issued, construction commenced, and the building permit remains valid);

11. That the applicant shall allow for collocation by other wireless communications providers, as approved by the City, as long as, any future provider does not interfere with applicant's communications operation;
12. That the use shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with authority to regulate towers and antennas; and
13. Amendments to the Conditional Use Permit shall be processed in the same manner as the original permit, except that the Zoning Administrator may authorize minor amendments.

C. PUBLIC HEARING TO ALLOW COMMENT FROM THE PUBLIC AND INTERESTED PARTIES ON CASE NO.: RZ09-04: APPLICATION BY VOLVO RENTS/AZ EQUIPMENT RENTAL, LLC TO REZONE APPROXIMATELY 3 ACRES OF LAND FROM C-2 (COMMUNITY COMMERCIAL) TO I-2 (GENERAL INDUSTRIAL). SUBJECT PROPERTY IS LOCATED GENERALLY SOUTH OF HOUSER ROAD, NORTH OF INTERSTATE 10 (I-10), AND EAST OF TOLTEC ROAD ON ASSESSOR'S PARCEL NUMBER: 404-22-007, IN A PORTION OF SECTION 34, T7S, R7E OF THE G&SRB&M, PINAL COUNTY, ARIZONA (PROJECT NAME: VOLVO RENTS).

Vice-Chairperson Weddle opened the public hearing.

Mr. Blanton introduced the rezoning case and indicated that Volvo Rents is currently leasing property on Sunshine Boulevard but they desire to be located near Interstate 10. Unfortunately, the downturn in the economy has precluded Volvo Rents to proceed with re-locating to the subject property at this time. Robert Guerrero, current property owner, has given consent to Volvo Rents to proceed with the rezoning application. Mr. Blanton noted that he would like the Commission to consider adding one more stipulation stating that Volvo Rents/and or Mr. Guerrero has one year to pay all outstanding application fees owed to the City and to ask staff to present this rezoning application to the Mayor and City Council.

Hearing no other comments, Vice-Chairperson Weddle closed the public hearing.

D. CONSIDERATION, DISCUSSION, AND RECOMMENDATION TO THE ELOY CITY COUNCIL FOR APPROVAL, DISAPPROVAL OR OTHER ACTION ON CASE NO.: RZ09-04 (PROJECT NAME: VOLVO RENTS).

Commissioner Horton made a motion to approve Case No.: RZ09-04 with the stipulations in the staff report plus the one-year time frame to complete the re-zoning process as stated by Mr. Blanton. Motion was seconded by Commissioner Garcia. The motion was passed unanimously 3-0 with the following six stipulations:

1. That prior to development on the subject property, the site will be maintained in a natural, debris-free, and weed-free condition;
2. That all future development of the General Industrial site shall undergo subsequent Site Plan review and approval by the city;

3. That the owner/developer shall dedicate right-of way along Houser Road (total 65' from centerline) and shall be responsible for the design and construction of the arterial half street improvements, including travel lanes, curb and gutters, sidewalks, drainage, landscaping and lighting;
4. That compliance with the General Industrial Design Guidelines and Standards of the Eloy Zoning Ordinance and/or the Eloy Subdivision Ordinance, as may be amended from time to time, shall be required;
5. That any major changes or modifications to the subject rezoning shall be reviewed and processed in accordance with those procedures outlined for rezoning in Chapter 12 of the Eloy Zoning Ordinance. The City Manager, or designee, may administratively approve minor changes and will determine the difference between major and minor changes; and
6. **That Volvo Rents and/or Mr. Robert Guerrero has one-year from today's date to pay all outstanding application fees owed to the City and to request from staff that this rezoning application be presented to the Eloy City Council.**

E. PUBLIC HEARING TO ALLOW COMMENT FROM THE PUBLIC AND INTERESTED PARTIES ON CASE NO.: TA09-14 (ZONING TEXT AMENDMENTS): THE COMMUNITY DEVELOPMENT DEPARTMENT IS PROPOSING THREE (3) AMENDMENTS TO THE TEXT OF THE ELOY ZONING ORDINANCE THAT CLARIFY, UPDATE, SPECIFY CHANGES AND/OR ELIMINATES INFORMATION IN CHAPTER 21.

Vice-Chairperson Weddle opened the public hearing.

Mr. Blanton provided the following information about the proposed three (3) zoning ordinance text amendments: (1) Delete the word "commercial" and add "unless otherwise permitted by this code" in chapter 21, article IX, industrial zoning districts. The new wording will state "residential land use unless otherwise permitted by this code;" (2) Add language in chapter 21, article XI, overlay zoning districts, division 3, manufactured home stating, "Mobile homes shall have an approved vented skirting of either masonry construction or of approved materials complimentary to the mobile home's construction and design;" and (3) Update the language in chapter 21, article XII, general provisions, changing the height from three feet to two feet with respect Site Visibility Triangles.

Hearing no additional comments, Vice-Chairperson Weddle closed the public hearing.

F. CONSIDERATION, DISCUSSION, AND RECOMMENDATION TO THE ELOY CITY COUNCIL FOR APPROVAL, DISAPPROVAL OR OTHER ACTION ON CASE NO.: TA09-14 (PROJECT NAME: TEXT AMENDMENT TO THE ZONING ORDINANCE).

Commissioner Horton made a motion to approve Case No.: TA09-14. Motion was seconded by Commissioner Garcia. The motion was passed unanimously 3-0.

VIII. MOTION TO ADJOURN

Vice-Chairperson Weddle asked for a motion to adjourn. Motion was made by Commissioner Horton and was seconded by Commissioner Garcia. The meeting was adjourned at 7:29 P.M.

ATTEST:

APPROVED:



City Manager/Community Development Director



Vice-Chairperson, Glinda Weddle