

**MINUTES OF THE REGULAR MEETING  
OF THE TOWN OF PINETOP-LAKESIDE PLANNING AND ZONING  
COMMISSION, HELD ON THURSDAY, FEBRUARY 28, 2019  
AT TOWN OF PINETOP-LAKESIDE COUNCIL CHAMBERS  
325 W. WHITE MOUNTAIN BOULEVARD, LAKESIDE, AZ 85929**

**A. Call to Order**

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Chairman Staley called the meeting to order at 6:00 p.m.

**Roll Call:**

The following Members were present:

Adam Staley	Chairman
John Salskov	Commission Member
Tim Williams	Commission Member
Larry Agan	Commission Member
David Orris	Commission Member
Alison Stewart	Commission Member

The following Member was absent:

Richard Smith	Vice Chairman
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Also Present:

Cody Blake	Community Development Director
Jill Akins	Deputy Town Clerk
Brady Peters	Peters Concrete

**B. Call to the Public**

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Chairman Staley called for public comments. No comments were offered to the Commission.

**C. Minutes**

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**C.1 Minutes of the Regular Meeting of the Planning and Zoning Commission held on January 24, 2019.**

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Chairman Staley moved to approve the minutes of the regular meeting of the Planning and Zoning Commission held on January 24, 2019. Commissioner Agan seconded the motion and by show of hands the following vote was recorded:

<u>AYES</u>	<u>ABSTAIN</u>	<u>NAYS</u>
Adam Staley		
John Salskov		
Tim Williams		
Alison Stewart		
Larry Agan		
David Orris		

**D. Staff Reports**

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Community Development Director Blake stated the March 14, 2019 meeting will be cancelled and the next regular meeting will be held on March 28, 2019.

Community Development Director Blake announced there is a potential zone change for the Camp Tatiyee property.

In response to Chairman Staley, Community Development Director Blake said it is his understanding the zone change will be from Open Space to Commercial.

**E. Old Business**

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No old business to report at this time.

## F. New Business

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### F.1

### PUBLIC HEARING

**Information, Discussion and Recommendation to Town Council regarding a Zoning Map Amendment from R-Low, Rural Residential to C-1, Light Commercial. The properties are located at 591, 605, 607 and 623 Woodland Rd., Lakeside, AZ 85929 in Section 36, Township 9 North, Range 22 East, Navajo County, AZ, APN(s) 212-39-005, 212-39-007, 212-39-010 and 212-39-011A.**

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*Commissioner Stewart declared a conflict of interest and did not participate in the voting on this item. The property is listed for sale by Frank M. Smith and Associates Realty and Member Stewart is the Designated Broker for Frank M. Smith and Associates Realty.*

Community Development Director Blake explained to the Commission that Brady and Jessica Peters submitted a Zone Change application along with the required questionnaire regarding the properties located at 591, 605, 607 and 623 Woodland Rd., Lakeside, AZ 85929. The property is located on Woodland Road and all of the surrounding properties are zoned commercial use other than the applicants property which is zoned R-Low, which is not a compatible use with the surrounding properties. Director Blake stated that Staff recommends the Planning and Zoning Commission make a recommendation to the Town Council to approve the Zone change as it makes more sense for this property to be zoned Commercial. This would make the property more compatible with the surrounding properties and uses that are already in place.

*Chairman Staley called for Public Hearing to allow comments on this matter.*

In response to Commissioner Orris, Director Blake said the recommendation is for C-1 Zoning which is light commercial and said the only thing that would not be allowed is heavy industrial, which is C-2 Zoning. He explained that it could be light manufacturing but not heavy manufacturing.

In response to Commissioner Orris, Director Blake said the property abutting the subject property that the Nature Center just purchased is also zoned C-1. He said the property also abuts the property owned by Frontier Network and because Frontier Network is a utility their property is allowed to be zoned R-Low.

Property owner Brady Peters addressed the Commission and said he purchased the property three months ago and said he will be combining the three back pieces which will be used for his construction yard. He explained that he might build a commercial building on the two pieces that front Woodland Road or sell the pieces.

In response to Chairman Staley, Mr. Peters said there is a thirty foot easement and said he plans to combine parcels 583, 605 and 607 to make into one parcel zoned C-1.

In response to Commissioner Orris, Director Blake explained that the parcel needs to have the same zoning before Mr. Peters would be able to combine the three parcels.

*There being no further comments, Chairman Staley declared the Public Hearing closed.*

Commissioner Salskov moved to recommend to the Town Council the Zoning Map Amendment from R-Low, Rural Residential to C-1, Light Commercial. The properties are located at 591, 605, 607 and 623 Woodland Rd., Lakeside, AZ 85929 in Section 36, Township 9 North, Range 22 East, Navajo County, AZ, APN(s) 212-39-005, 212-39-007, 212-39-010 and 212-39-011A. Commissioner Orris seconded the motion and by show of hands the following vote was recorded:

<u>AYES</u>	<u>ABSTAIN</u>	<u>NAYS</u>
Adam Staley		
John Salskov		
Tim Williams		
	Alison Stewart	
Larry Agan		
David Orris		

Chairman Staley declared the motion passed 5-0 with Member Stewart abstaining.

**F.2 Information, Discussion and Recommendation to Town Council regarding revisions made to Title 17, Chapter 17.92 Landscaping Regulations.**

Director Blake presented to the Commission Title 17, Chapter 17.92 Landscaping Regulations for their review.

Chairman Staley feels uncomfortable with the wording “dead or dying” under Maintenance section C.2. He said everything is dying given time and would it be proper to add an adjective before the word “dying” for example “obviously dying” or “visibly dying”.

Community Development Director Blake said it is usually fairly obvious when a tree is dying except for during the winter.

Commissioner Salskov suggested adding the word “hazardous”.

It was the consensus of the Commission to add “dead, dying or hazardous” to the sentence.

Director Blake explained that he added 5.d and 5.e under section 17.92.050 Landscaping showing adjustments for grass planted in landscaped areas.

It was the consensus of the Commission that the addition of 5.d. and 5.e. are acceptable.

In response to Commission Orris, Director Blake stated that he did not change the wording to C.3 17.92.040 Tree Protection and said that the word “During” would be added to the beginning of the statement to make it a complete sentence.

Commissioner Salskov suggested the words “if warranted” should be deleted at the end of the sentence under E.4 Civil Violation and Penalty. It was the consensus of the Commission to remove the words “if warranted”.

Commissioner Orris corrected the word “including” should be “include” in section 17.92.040 Tree Protection A.4

Chairman Staley moved to recommend to the Town Council revisions made to Title 17, Chapter 17.92 Landscaping Regulations with the noted changes from the Planning and Zoning Commission meeting held on February 28, 2019. Commissioner Williams seconded the motion and by show of hands the following vote was recorded:

AYES

ABSTAIN

NAYS

Adam Staley  
John Salskov  
Tim Williams

Alison Stewart  
Larry Agan  
David Orris

**F.3            Review and Discussion of Changes to Title 17, Chapter 17.100  
Property Maintenance.**

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Director Blake announced that he took the liberty to make changes to Chapter 17.100 Property Maintenance and said it is the feeling of some members of the Town Council and staff that this is one section of the Code that needs some beefing up. He said it is difficult to enforce certain things with the way the Code is currently written and this is an area of the Code that needs more control over, specifically property maintenance. He hopes this will give the Town the ability to go after a few more issues that are becoming problems.

Commissioner Salskov explained that he has an issue with the enforcement and said he does not want to make rules that will not be enforced or fines that will not be enforced.

Director Blake explained that he and the Animal Control Officer are more actively looking for issues and citing and enforcing them. He said there have been five issues recently that have gone to court and they have not all been complaint driven. There has been more of an effort on the property maintenance to go after issues. He said there has to be more “teeth” in the Code to go after certain complaints and issues.

In response to Commissioner Salskov, Director Blake explained that he did not finish going through the entire Chapter 17.100 and said he has not touched sections 050 Removal and Costs or 060 Enforcement. He said those two sections will also have to be beefed up as well and how to assess fines.

The following changes to Title 17, Chapter 17.100 Property Maintenance were discussed.

It was the consensus of the Commission to recommend the following changes:

**17.100.010 Purpose**

The purpose of this chapter is to promote the health, safety and the aesthetic appeal for the citizens of Pinetop-Lakeside and to protect residential and commercial

neighborhoods against nuisance or blighting and deteriorating influences by requiring minimum standards for the exterior condition of buildings and real property.

#### 17.100.020 Scope

This chapter shall apply to all land and buildings within the Town of Pinetop-Lakeside without regard to the use, date of construction or alteration.

#### 17.100.030 Definitions

Delete the statement “The following definitions pertain to, and are to be used in conjunction with, this chapter only, and in no way replace or modify definitions contained in other Town codes or ordinances”.

1. “Abandoned vehicle” – Director Blake to use the Arizona Revised Statutes definition for abandoned vehicle.
2. “Blight” means unsightly conditions including, but not limited to, the accumulation of garbage; the accumulation of debris which is located out of doors at a place which is within public view; or any building or structure in a state of deterioration.
3. “Debris” – Director Blake will work on revising this definition.
4. “Graffiti” means defacement of a property, unauthorized inscription, work, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted or engraved on or otherwise affixed to any surface of public or private property.

#### 17.100.040 Public Nuisance

A. “Public nuisance” means any of the following acts, omissions, conditions or things existing. This definition will be moved to the definition section of the Code.

1. Animal manure which is unsightly or odorous.
2. No change to the statement, except adding enforcement language.

It was the consensus of the Commission to continue review of Title 17, Chapter 17.100 Property Maintenance at the next meeting beginning at 17.100.040 Public Nuisance 3. Garbage.

**G. Discussion Regarding Any Future Agenda Items.**

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Community Development Director Blake stated that other than continuing with Town Code revisions there are no other future agenda items at this time.

**H. Adjournment:**

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There being no further business at this time, the meeting was adjourned at approximately 7:40 p.m.

  
Chairman Staley

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