

**MINUTES OF THE REGULAR MEETING AND PUBLIC HEARING
OF THE TOWN OF PINETOP-LAKESIDE PLANNING AND ZONING
COMMISSION, HELD ON THURSDAY, SEPTEMBER 24, 2020
AT TOWN OF PINETOP-LAKESIDE COUNCIL CHAMBERS
325 W. WHITE MOUNTAIN BOULEVARD, LAKESIDE, AZ 85929**

A. Call to Order

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

Roll Call:

The following Members were present:

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

Also Present:

Cody Blake	Community Development Director
Bill Sims	Town Attorney (<i>participated telephonically</i>)
Jill Akins	Town Clerk
Kristi Salskov	Assistant to the Town Clerk

B. Call to the Public

Chairman Staley called for public comments.

Robert Ingels, PO Box 625, Lakeside, offered the following comments to the Commission: *“Thank you Commission for listening, for volunteering and for reviewing our codes and the General Plan. I believe attempting to make the best decisions as you can for the community and sometimes those decisions are tough, and I have approached you multiple times with concerns and suggestions and tonight at the call to the public I would like to revisit the note that I left at the last Town Council meeting. It is parts from the General Plan. I know that as zoning changes*

come about there is a need for a reference to certain documents and at this point I don't know but on item No. 2 on the General plan on the front page, Administration and Implementation, it does say "Render an annual report to the legislative body on the status of the plan and progress in its application." I think that this umbrella over all of our Zoning Codes and decisions that are made that is in the general plan is something that is very important. I would appreciate seeing this Commission host and encourage staff to have an agenda item where the General Plan which represented hours, weeks and months of work and previous Commissioner's time, going to the voters, getting it passed, the map isn't even here – the future land use map – where the public can come, it is behind closed doors and you need to be invited in or know to ask, and these type of meetings the zoning map and the future land use map, and I so much appreciate the handout tonight of the General Plan. It is a guiding document for the decisions that you make as a Commission or the Town Council makes. I think that of a better way if we had landowners that might be thinking that they need some kind of designation and different than what is on the General Plan. If homeowners that might use the voters adopted General Plan, to make purchase plans and have expectations, then if there are changes that are needed then that rendering could have occurred. Part of the group that I am on, PVC, has approached the Town Manager and the Community Development Director last December 2019 and here we are now and I haven't been aware of that as a discussion item or an agenda item at all, so the number four item at the end of the first page does say "Consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens."

Minutes

C.1 Minutes of the Regular Meeting of the Planning and Zoning Commission held on August 27, 2020.

Chairman Staley moved to approve the minutes of the regular meeting of the Planning and Zoning Commission held on August 27, 2020. Commissioner Agan seconded the motion and by show of hands the following vote was recorded:

AYES

- Adam Staley
- Richard Smith
- John Salskov
- Tim Williams
- Larry Agan

ABSTAIN

NAYS

Alison Stewart
David Orris

D. New Business:

D.1 Information, Discussion and Recommendation to Town Council and Public Hearing regarding Z-079 Zone Change Request from R-Low, Rural Residential to C-1, Light Commercial Zoning District; APN 212-01-036C totaling 43.91 acres; located at 5283 W. White Mountain Blvd., Lakeside, AZ 85929 in Section 16, Township 9 North, Range 22 East, Navajo County.

Community Development Director Code Blake announced that the Town Attorney, Mr. Bill Sims, Mr. Paul Randall and Mr. Sandy Schiff, both representing the Lions Foundation of Arizona, are all participating by phone and will offer comments later in the meeting.

Community Development Director Cody Blake said that the Lions Foundation of Arizona has applied to change the current zoning of the land where Camp Tatiyee is located from R-Low, Rural Residential to C-1, Light Commercial. The current use of the land is legal non-conforming, because the use was in place when the property transferred from Forest Service into private property, and it may continue as it has for many years. The Lions Foundation would like to expand the use, which is not permissible under the current zoning nor can they add a new building or any other equipment to the property. Also, under the Forest Service agreement, they were allowed to let other non-profit entities use the land, but they were not allowed to rent the land out or use it for any commercial purposes. By changing the zoning from R-Low to C-1, they will no longer rely on the Grandfathered status to operate, they will be able to expand, and they will be able to lease the land out to anyone they wish. This will increase their fundraising capacities and grant opportunities to expand facilities and improve the camp and the services that they can offer.

Community Development Director Blake said he would provide a little history and said that a lot of research has been done since the land changed hands with the Forest Service. He said that it was new to everyone at the Town; for example: how does this work?; what is the zoning?; and said that there has been a lot that has been learned and research done. He said two things were discovered; when the Town incorporated in 1984 and the Town has a map from 1984 that shows all of the County zoning at that time and the Forest Service land was all undesignated, which means it was unzoned. He said that the county never gave the land a zoning designation.

He explained that under the Town Code it is not allowed to have unzoned property and in Code chapter 17.016 Zoning Districts it states that any land coming into the Town limits automatically gets a zoning designation of R-Low, which is residential low density zoning. He explained that in 1986 the Town formally zoned the land R-Low and we have a map showing that happening. In April of 2002 the Town formally zoned all of the Forest Service Property Open Space and he said that the problem in State Law and our own Code, it states that in order to zone property, any property, Federal, State or Private, you have to have the property owner's permission to do so. He said that the Forest Service does not recognize zoning. He explained that permission was not given from the Forest Service to rezone that property to Open Space. He said that State law says that you can not zone a property as Open Space without the owner's permission. He said that when the property exchanged hands from the Forest Service to private property no permission was given from the owners of that land to zone that property Open Space.

Director Blake explained that the Town received advice from the Town Attorney, Mr. Bill Sims, and asked Mr. Sims to give his legal opinion on what the land should be designated since we cannot zone without permission. He provided a letter regarding his legal opinion explaining that the property is zoned R-Low. He said that the property is zoned R-Low until the property owners give permission to change the zoning.

Director Blake explained that the zone change request presented tonight is from R-Low, Residential to C-1, Light Commercial. He said that in August of 2020 the Lions Foundation approached the Town and asked for an explanation of their land being "grandfathered". He said that in the Code the "legal non-conforming uses", meaning something that was already in existence before the current zoning, meaning that Camp Tatiyee, being there since the 1950's, before the incorporation of the Town, which is legal "non-forming" or "grandfathered". He said the use for Camp Tatiyee can continue as is for as long as the Lions Foundation wants, they can continue to use the camp as a non-profit organization and can continue to let other non-profit organizations use the camp, but he said that under the "grandfathering" clause they can not expand, cannot add buildings or expand the use and they cannot do additional fundraising by renting out for corporate retreats or family reunions or any other entities not considered non-profit. This makes it difficult for the Lions Foundation to apply for grants or additional funding.

Director Blake explained that he presented the Lions Foundations with the option of C-1, which gives them the most set of options, or Commercial Recreational Use that gives them less options. He said that the Lions Foundation chose to proceed and

pursue the C-1 designation. Director Blake said this is the basis for why the Lions Foundation approached the Town and said that they requested and applied for this zone change and our responsibility is to present this to the Commission.

Director Blake stated that staff recommends that the Planning & Zoning Commission recommend the approval of the zone change to the Town Council. The Town Council will meet for a public hearing on October 15, 2020.

Mr. Sandy Schiff, Lions Foundation of Arizona, thanked the Commission for being able to address the Commission and the Pinetop community for considering the zone change. He offered the following comments to the Commission: *“Some good friends of ours came up with the good idea to pull off the road about 61 years ago and do a little campout at the Forest Service land and the camp was established as you said back in the 1950s. I was with people that kept coming back and this camp is a special camp and the whole idea of Camp Tatiyee is to provide what many of us take for granted as a camping experience for disabled kids. Like all of us growing up around a camp fire and enjoying the forest and in my case my father used to drag me up here to fish and there was nothing up there beside the saw mill in McNary, so I’ve been coming up to that area since many, many years ago. My father was a member of the Lions Club, my mother was a Lion as well and I grew up in the Lion’s organization. The Lions Foundation, just so you know, is a state project for multiple districts in Arizona and there are thousands of Lions and there is a Lions Club in Pinetop. I’m in southern Arizona in Tucson and the Tucson Breakfast Lions have been very active. My father was a member of the Lions Foundation and the Lions Foundation is a state project which manages properties for all of the Lions properties in the state of Arizona. What happened was in 1996 the president of Camp Tatiyee was approached by the Forest Service and because of property that the camp was on, we were allowed to build the camp, but we weren’t leasing that property, it was a special use permit just like you would need a permit to camp in the middle of the woods. That is how the camp started, we had a resident there year around and we grew into a footprint of nearly 40 acres. But in 1996 while I was on the Lions Foundation, the president of the camp came to our club and said the Forest Service now said it does not make sense to manage the property that the camp sits on because it is unviable, we got Show Low on the left and Pinetop on the right and road on one side and Indian reservation on the other, which created an island and it doesn’t make sense for the Forest Service to manage that property. So the president of that camp came to us, the Lions Foundation, and asked to assist in acquiring the land. It was our job to campaign, Paul Randall, who you are going to hear from, and myself were both in administration back then, and just as you shared that you didn’t know what was going on, we are talking about 344 acres of forest*

land from the Forest Service and we went through a very extensive process which took 22 years before it was exchanged. The timing is good for this meeting because a reporter with the White Mountain Independent just published a story, which is almost painful for me to read, but I can tell you that it took 22 years and you can't buy land from the Forest Service you have to exchange for other land. The Lions Foundation had to go out and accumulate acres and acres, I think 1,719 acres we had to acquire in 14 separate tracts, including 18 private land parcels, that were in 8 different counties, in order to acquire these 344 beautiful acres in your community. The Lions Foundation of Arizona raised money and borrowed money and a partnership formed and we had to come up with nearly 5 millions dollars from a little volunteer organization as we are and we have invested that money in your community for this camp project. Now why am I here today, why are we here today, it is simply because of the location and your community is remarkable, it is a great experience and frankly, I have a son that is fourteen years old that my wife and I adopted him at birth and we didn't know that he was going to be disabled, no one told us that and we found out within the first six months, he was a special kid and by the time he was eight years old and because of my work with the Lions, he qualified and has been attending Camp Tatiyee. So, I am not only here as a Lion, the son of a Lion and a father of a camper. I am invested not only in this, my family is invested and when my son attends that camp it is one week all year that my wife and I get a day off, we get a week off and my son gets to spend time at the camp with his friends for an experience. You gave an excellent background on the transfer and the zoning and my father was the director and chairman of Planning and Zoning in Tucson and my family were all builders so I am familiar with construction and zoning matters. Commercial zoning categories as they are written have the intent to be all inclusive, not exclusive, and there a very few specific uses in your zoning code, we know there are height restrictions or industrial prohibitions, but I am here and Paul is here and the Lion's Foundation position has always been to do what is best for all of the members of the Lions of Arizona, not just how to protect our camp. Our camp, which my son attends. The camp is the only thing intended on that land, we are the property owners, they are leasing the space from us and they operate the business of Camp Tatiyee. They are grandfathered only for the specific use, but it limits them if you don't go for this C-1 zoning. For us, it is the right thing to do. All I want to say is this, what is best for the Lions of Arizona is what we want and our responsibility is to the Lions Foundation. So, I am asking you and telling you that moving to a C-1 zoning is the natural process and the best use of the land for our future as a handicap camp and for the property values of the property that we acquired for the community of Pinetop and we are very, very happy to have developed a great relationship with the community and we really are invested in your community and we want to do what is best for the community to grow and for the future of the Lions and for the value of

what we have invested as a camp. Paul Randall, my business partner and a member of the Lions Foundation, can add whatever else I didn't say."

Mr. Paul Randall, Lions Foundation of Arizona, offered the following comments to the Commission: *"I think Sandy summarized it very, very well and all I wanted to say is that we don't know exactly what the future will hold and our goal is to just allow Camp Tatiyee to grow, as it seems natural, as they can raise funds. If they can provide services to more disabled children than they currently can, that would be helpful and we want to be able to allow that. But we had no idea of exactly what type of growth they will need, whether it means buildings or recreation or more dorms, so we wanted to be able to make sure that this was available for them and then somewhere down the road, maybe 20 or 25 years from now, we have not idea, we just want to make this as good as we could for the Town and for the Lions of Arizona and for the campers that we have been serving for 60 years."*

Chairman Staley said that the letter that Mr. Sims wrote reflects two parcels, 036J and 036K, and said that he wants to make sure that 036C is a parcel that came out of one of those two parcels.

Director Blake confirmed that it did.

In response to Commissioner Williams, Director Blake explained that 036J and 036K include a majority of the property that has not been rezoned and said that the Town did rezone forty acres to commercial already, and this would involve the rest of the unzoned acreage of the 344 acres.

Chairman Staley called for the public hearing to allow comments on this matter.

Mr. Robert Ingels offered the following comments to the Commission: *"Thank you again Commissioner. I would like to say at the last meeting that I attended with the Commission that I appreciated very much that what I stated was in the minutes, that was very nice. But I do wish to refer back to the June 11th meeting and at that meeting there were issues that were raised that I would have to raise again tonight. The application shows very limited proposals for what this land would be used for and I'm sorry but C-1 has a horrendous amount of liquor furnishing establishments, car sales lots, just a huge amount of inappropriate uses and as was stated in that meeting a typical commercial zoning throughout our Pinetop-Lakeside community is generally two hundred feet along highway 260. My simple solution to this is, this R-Low zoning and at the last meeting we had a request for a Conditional Use Permit which the R-Low does allow and have the text here, that would allow this property*

to request a Conditional Use Permit so they could expand on it and do similar uses. The church basically had no problem and it was a unanimous vote, oh one abstain, to have a four thousand square foot building, parking area, along highway 260 access, all worked out and approved just a meeting ago on land that is R-Low. In the big picture of things, an easy solution to handle what is going on and the need to extend their uses that they need to do, it seems that four thousand square feet on a piece of R-Low was not an issue and that to me would be a simple solution until we can deal with the General Plan. Now the General Plan has some statements in it, on the last page, and a list, because the five minutes is going to go pretty quickly, “or that conflicts with or alters the goals and objectives of any General Plan element”. It sets the expectation that R-Low has existed with what the lawyer and staff clarified on that property, to me would mean that a Conditional Use would be easy to apply. To rezone it to C-1 seems to be a major contradiction from that statement in the General Plan and I am glad that the attorney is on the phone tonight because that may present some guidance and a recommendation. Our Town also has planned unit development, neighborhood, it allows commercial use, residential use, but those things come in front of the staff, the pre-application process, they come in front of you to be reviewed and then you can consider drainage issues, traffic issues, buffering, all those kinds of things. If you allow the commercial zoning to just flip from R-Low to this would the General Plan statements that are in here. I have concerns that this entire acreage would just follow that same reasoning. We can better ourselves as landowners if you will just give us the C-1 and we will come in later with our needs whether it is a year, or decades down the road with our C-1 zoning and all of those uses can go right on that land and I think in C-1 the only requirement, and I could be wrong, is 15% open space, planned unit developments require 30% and I thought the layout of the land, this is just a blanket C-1 and I am shocked that I am here tonight having to bring this in front of you as a Commission. I think again that there are issues that the community needs to be involved in and I thought that a referendum would express some angst in the expectation of the citizenry of this Town, that did go through and get over three hundred signatures on the referendum, and I respect the Lions for what they do, they help the kids, but I double as a resident of over forty years in this community, the voters from the General Plan and I believe the easy thing is to deny this request to C-1 and consider additional use or another more appropriate zone when we are looking at 40 acres.”

Chairman Staley asked Mr. Ingels to clarify where in the General Plan that having C-1 zoning on this parcel would be a conflict, when you yourself said during Call to the Public, that the General Plan is a guiding document, which we all agree it is, and he said that he would like Mr. Ingels to give a degree of specificity where in the General Plan is the contradiction to a C-1 zoning designation. This is not a plan, a

development plan or an application to building anything, this is just a reclassification of the zoning. Where does it conflict?

Mr. Robert Ingels responded with the following comments: *“I believe that the intention on the future land use map, but apparently it was mis-applied by OS on the whole parcel, could have been, or could be now, show me where the desired commercial areas are, and where other uses would be over this whole parcel. That is why we went to the Town Manager and the Director last December to propose that this issue be talked about, so that we are not seeing 40 acres at a time and needing to comply with the General Plan as a major plan amendment. When I read in there and I know that many of the elements are not being adhered to if that property goes to a C-1 zoning. It is a blanket zoning.”*

Chairman Staley asked Mr. Ingels that who is he talking about when he says “we”.?

Mr. Ingels said that my wife and that I are speaking for my own personal self tonight and nobody else.

Vice Chairman Salskov stated that he is still confused and that you did not answer Chairman Staley’s question about where in the plan that it says that and asked if Mr. Ingels could direct them to the exact part that you are talking about?

Mr. Ingels responded: *“Many parts in there, the open space element, how does rezoning from R-Low, which has a 30% requirement for open space, and I didn’t get the packet until Tuesday, multiple things and I think that is your job, not my job as a citizen, but I am here to say that we need to implement the General Plan.”*

Vice Chairman Salskov said that you are saying that you do not know where in the General Plan it is and that it is the Commission’s job.

Mr. Ingels said that he does know where it is and said that he did not come prepared to answer that question tonight in front of the Commission, but I thought those would be questions that you would bring up.

Chairman Staley said that they are familiar with the General Plan and said that he was there for years revising it and it was a lot of work. He said the Mr. Ingels was there too and I do not see in my review how a rezone from R-Low to C-1 Light Commercial is in contradiction to any of the guiding principles of the General Plan. He said he is not saying that he is for or against it right now, and said he is not giving

any opinion, but I would like you to show us something that we can act upon and said that he knows we deal with a lot of grey area.

Mr. Ingels said he agrees and said that when he read the proposal for tonight, just one example and said they are catching him point blank, but the plan says to provide “open space throughout the community to enhance the quality of life, protect the wildlife and provide a mixture of recreational opportunities.” He said that with C-1 there are a blanket of uses, but somehow the marketability of the property, when you can put a new car dealership, or other profit making things, lessens the ability to appear to that element of the code and he said that is just one example, not the best.

Vice Chairman Salskov stated that he is perplexed by that concern because it has been a disabled camp for children since the 1950’s. So what you are saying and what your concern is that they are going to get C-1 and they are going to take the camp down and move away and set-up a car lot, liquor store or taxidermist. He said that to him he sees it as they are going to have C-1 making it easier for them to use and continue to use as a camp for disabled children. To me it looks like you are against the camp for disabled children, because all they are asking is to make it easier so that they can get grants and fund it and keep this camp going, longer than you have been up here, and continue for the camp to be profitable and provide a great service. He said that he does not understand why it is an issue moving to C-1 and said that they are not asking to sell it, we know what their use is, and this will help them to apply for grants and build new buildings for the camp. He said that your argument seems to be that if we allow C-1 then they are going to put a liquor store there and that it is an open checkbook for them to do anything else with it, except a camp for disabled kids. He said that he does not know how he gets from what they want to use the land for to this argument that it will be something completely different, and it is conforming to the properties around it. Right now it is a non-conforming parcel. He said they are telling us that they want to make a better camp. He stated again that he does not see how Mr. Ingels gets to the concern of being C-1 and a car lot being put on the property.

Mr. Ingels said that he realizes that there are several real estate and lawyer people here, but said that when he reads in the one page submittal for the zoning change he said that he did not see plans for where they want to expand.

Chairman Staley said they are not required to submit plans for a zone change request and said that would be way early and premature and that the Commission is only considering a rezone tonight.

Mr. Ingels said that he understands that and said he is trying to answer the Commissioners question, and he said that it says in the General Plan that “the property value of a potential buyer will enhance with C-1 zoning”. He said that he does not dispute that, and said that he does not dispute if they get the C-1 zoning the marketability will create more money for them to do more good in the community and maybe the camp doubles in size, but he said that at the same time the highway would get developed and maybe that is a good thing for the first two hundred feet, but he said at the same time the blanket of uses that are allowed he does not feel are an appropriate location. He said that under the document of record that was transferred from the Forest Service of over one hundred pages, that he said that he has read, regarding the land exchange, and he knows how these things work out. He said that feels that right now to solve any immediate issues to go to a C-1 zoning is opening up, because of the non-compatibility with the General Plan. He said that there are other options that would provide the same source of revenue production, with a plan to the Commission at the time of rezoning, not a blanket use of everything in C-1, being nailed out and once that is done, zoning can be granted to the property.

Mr. Ron Bingham offered the following comments to the Commission: *“I am on Vallery Lane, behind Camp Tayiyee, in the County. I wanted to verify and clarify, if I could, that we are talking about just the 40 some acres and we are not talking about the blanket for the whole 344 acres?”*

Chairman Staley confirmed that it is only the 40 acres owned by the Lions Foundation being discussed tonight.

Mr. Bingham continued: *“We feel that it is slippery slope and where this one gets commercial, and I agree that it could be anything that they want in there, marijuana, or whatever they want if it’s commercial and we are opposed to this as well. We agree that they should be allowed to expand, we agree that they should be able to put signage out there and if they want to put a bus out there with Camp Tatiyee on it that would increase their signage, and not cause a problem. But we are against it also, just because it does open the door for the rest of the property to be C-1 and we don’t want that. We would like to see it R-1, which is fine, for residential use, one acre properties, something like that.”*

There being no further comments, Chairman Staley declared the public hearing closed.

Director Blake clarified that the Lions Foundation did not submit any kind of site plan because they are not changing the use, so there are not any plans submitted and

said that we did not ask for plans because they are not changing the use, just the zoning.

In response to Commissioner Williams, Director Blake explained that every time that the Lions Foundation would want to do something on the land they would have to come to the Town and the Commission. He said if they wanted to put up a new sign, expand a building, if they wanted to do anything. Director Blake stated that under a grandfather clause it says that you cannot expand. He said that they would be able to remodel, they can fix, but under a grandfather clause they cannot expand. He said that under the C-1 zoning they would be able to apply for a building permit which he would review and a public hearing would not be required and they would not have to come to the Town every time they wanted to do something. He said they would have to apply for a building permit and make sure it conforms to the zoning and he said that there are still laws and rules that apply and would have to be followed. He said that as a property would you want to have to go through a public hearing every time that you wanted to add a bathroom.

Commissioner Williams asked if conditions can be put in place if the zoning is changed to C-1. For example, they can add more buildings for the campers but not put in restaurants or car lots.

Director Blake said that you are talking about them selling pieces off and said he does not know why a camp would want to put a car lot in.

Commissioner Williams said that it would be revenue for them and that there seems to be concern in the community and said that he is asking if there is a legal way to make it C-1 with certain conditions.

Director Blake said conditions can be added to the zone change approval and a recommendation made to the Town Council.

Mr. Bill Sims, Town Attorney, offered the following comments: *“Mr. Chairman some very good questions. The first speaker this evening asked some good questions, and I think your inquires to Mr. Blake suggest the right term. Currently, there are a variety of land use problems and property owners were grandfathered in prior to the current zoning. The law frowns on those rights and they have come in and asked for rezoning so that they can expand their existing uses. The first speaker asked a good question to provide consistency with the General Plan. Mr. Blake how is the property currently listed on your land use map?”*

Director Blake said that there is a land use map on the back of the General Plan and said that on the land use map the property is just designated as Forest Service property. He said that it was not given a designation of low density or high density or commercial of planned and said it was not given any kind of designation at all. It has only been designated as Forest Service, which is complicated because what is the use? He said that there is no use designated for this property and said that it is really hard to say that any change from R-Low and C-1 has any bearing on the land use map, because there is no designation of the land use map.

Mr. Sims said that Mr. Blake raises a good point and he said that two actions could come out of this. He said that it is clear that the land use map has not been updated but he said that it would be unfair to impose on a property owner that all they can do is use it as forest since it has been used as its current use since incorporation. He said what he has perceived, as has happened with smaller jurisdictions, is the consistency requirement and how things are enforced happens after the zoning phase. He said that there is the planning phase, which is your General Plan, which in your case is very general. He said he is looking at the plan and some of the objectives which say “protect and do not have an adverse impact, promote and enhance Town residents to enjoy and participate in outdoor recreation and improve Pinetop-Lakeside with a strong sense of community, pursue land use goals always mindful to the rights for the property owners.” He said that some sort of use needs to be policed up and he said that one way to make this work, and to address some concerns, is to add a stipulation that the site plan and building approval be consistent with the General Plan. The General Plan is a broad statement of objectives. He said a stipulation could be added that the future development and site plan and building be approved in compliance with the general plan.

Commission Smith moved to recommend to the Town Council to approve Zone Change Z-079 changing the zoning of APN 212-01-036C from R-low, Rural Residential to C-1, Light Commercial. Vice Chairman Salskov seconded the motion and by show of hands the following vote was recorded:

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

The recommendation to the Town Council passes with a 6-1 vote, with Commissioner Williams voting against.

E. Staff Reports:

E.1 Report and Update from Community Development Department.

Director Blake provided an update on the drainage issues at Auto Zone and said that Auto Zone is working on correcting the drainage issues. He said that ADOT made a change and they will not allow left hand turns coming out of the parking lot due to the closeness to the next street over and now Auto Zone will have to come up with a secondary exit. He stated that he issued Auto Zone a temporary certificate of occupancy so that they can remain open while they are correcting the issues.

Director Blake stated that the Department of Economic Security is almost complete, and he has issued them a certificate of occupancy. He said that they are not looking to open until January 2021. The exterior remodel is finished, and the sign company is putting in a monument sign for the entire plaza.

Director Blake said that there is a lot of residential construction going on in Town. He said that when Safeway commits to expanding then the Pederson Group will purchase the land next to Safeway for the expansion.

F. Future Agenda Items

Director Blake said that October 8th and October 22nd are the upcoming meeting dates and he said that there is nothing pending at this time and review of code changes are the only agenda item at this time.

Commissioner Stewart said that during COVID she would prefer not to meet for only code review and suggested they meet if and when an important item other than code review is presented to the Commission.

The Commissioners agreed and Director Blake said that the Commission would only meet when an important issue arises.

G. Adjournment

There being no further business at this time, the meeting was adjourned at approximately 7:05 p.m.

Chairman Staley