



PLANNING AND ZONING COMMISSION
PUBLIC HEARING
MAY 11th, 2021 AT 6:00PM
22 W 2ND ST. EAGAR

Chair Shawna Murphy called the meeting to order and welcomed those in attendance. Commissioner Joe Sitarzewski was excused from the meeting. Chair Murphy led the Pledge of Allegiance and Commissioner Muth offered the invocation.

Commission Present: Shawna Murphy
Brenda Cimini
Dave Kalinowski
Dan Muth
Ron Shepherd
Deanna Davis

Commission Absent: Joe Sitarzewski

Staff Present: Matthew Mears, Town Manager
Britney Reynolds, Community Development Coordinator
Brett Rigg, Town Attorney

ITEM #5 PUBLIC COMMENTS: None

ITEM #6 LOYALTY OATH FOR NEW MEMBER BRENDA CIMINISKI AND RETURNING COMMISSION MEMBER RON SHEPHERD

New commissioner Brenda Cimini read the loyalty oath followed by commissioner Shepherd. Obtained necessary signatures on documents.

ITEM #7 ELECTION OF VICE CHAIR

Commissioner Davis made a motion to appoint Brenda Cimini as Vice Chair. Commissioner Shepherd seconded; all were in favor, motion carried unanimously. 5-0

Vote: Ayes: Shawna Murphy
Dave Kalinowski
Dan Muth
Ron Shepherd
Deanna Davis

Nays: None

ITEM 8 CONSIDERATION OF THE JANUARY 12TH, 2021 MINUTES

Commissioner Dan Muth abstained from vote as he was not present for the January meeting. Commissioner Brenda Cimini made a motion to accept the January 12th, 2021 minutes with commissioner Deanna Davis second; all were in favor, motion carried unanimously 5-0.

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Vote: Ayes: Shawna Murphy
Dave Kalinowski
Ron Shepherd
Deanna Davis
Brenda Ciminski

Abstain: Dan Muth

CONVENE TO PUBLIC HEARING

ITEM #9 PUBLIC HEARING ON CONDITIONAL USE PERMIT CU2021-3

A Conditional use permit application for the property known as 795 N. Main St. also known as parcel #104-09-001 to allow for the storage and selling of firewood.

Chair Shawna Murphy opened the public hearing. The applicant was not present for the meeting. Town manager, Matthew Mears, gave the staff report to allow this to move forward with conditions. Discussion of clean up of the area as well as placing a solid six-foot fence behind the property boundary took place.

ITEM #10 DISCUSSION AND CONSIDERATION OF ITEM 8.

After discussion of applicants many applications for conditional uses for this property, commissioners Muth and Ciminski abstained from voting due to conflicts. Commissioner Ron Shepherd made a motion to grant the conditional use permit with the conditions that a six-foot solid fence be put in place 25' behind the easement of said property and that the property owner clean up all debris on the property before the operation could commence and commissioner Dave Kalinowski seconded; all were in favor, motion carried unanimously 4-0.

Vote: Ayes: Shawna Murphy
Dave Kalinowski
Ron Shepherd
Deanna Davis

Abstain: Dan Muth
Brenda Ciminski

ITEM #11 PUBLIC HEARING ON CONDITIONAL USE PERMIT CU2021-4

A Conditional Use Permit application for the property known as 489 E. 7th St. also known as parcel #104-23-006M to allow for landowners to live in two recreational vehicles until home can be completed.

Cameron McCall was in attendance as the applicant. Commissioner Muth abstained from discussions and voting due to conflict. Cameron McCall verified Planning and Zoning departments statement that building is in the process of being ordered and that water, sewer, and power have been installed at property. McCall's are waiting for plans to be completed. The commission discussed the need to review this permit at the year mark of the building permit if building is not completed at that time. The commission has allowed this type of permit recently, so all felt this should be approved.



Commissioner Ron Shepherd stated that he does not believe this use is allowable in this area. Commissioner Brenda Ciminski asked if Mr. Whitmore was still running semi-trucks from the property as there are some on the property and pictures have depicted such activity occurring. Mr. Whitmore stated that the long-haul company still operates in 48 states and that there is currently heavy equipment on the property for updates. Commissioner Ciminski stated that due to previous knowledge she understands that there is 90 days of wait time for vehicles, but that there is an additional 90 days of wait time to obtain necessary titles for vehicles to be cleared from property. Mr. Whitmore then told the commission it is possible for the process to take 180 days (six months) to remove one vehicle from the property. Commissioner Dave Kalinowski stated that the area is not zoned for commercial operation.

During the closing statement, Mr. Whitmore pointed to Matthew Mears and Britney Reynolds saying that they had told him he had everything he needed for this and there were no further steps to complete this process. Mr. Whitmore stated he came in for the business license which was granted. Mr. Whitmore stated that he has spent \$140,000 on improving the property and creating the area for the impound lot. He believed that he had followed all requirements and that he cannot afford to buy another property for this venture. He believes the Town has dropped the ball on this matter. Mr. Mears stated that he and Britney Reynolds did discuss the Conditional Use process with Mr. Whitmore and he had completed the requirements for that process, but that Mr. Mears was not with the Town of Eagar when Mr. Whitmore began the process of a business license or asking about this operation. Mr. Rigg stated that the business license is a separate issue, and that Mr. Loyd may have been under the impression that the office would be at the home location and not the impound lot. Either way, if a business license is issued and it is later learned that the business is not in conformance with the Town zoning, the business license will then be denied. Commissioner Dan Muth stated that the zoning code for AR-43 does not allow this use even by conditional use and asked if it should have come to the commission as a rezoning request. Mr. Rigg did agree that this option would work, but Mr. Mears stated that situation would create a spot zoning which is not allowable. Commissioner Muth agreed. Mr. Rigg followed by stating that there is no way to allow this conditional use or this operation that will fall in line with Town Code.

ITEM #14 DISCUSSION AND CONSIDERATION OF ITEM 12

Commissioner Shepherd stated this does not fit into AR-43 zoning as it stands and cannot be allowed by conditional use. Commission was in agreement with this statement. Commissioner Brenda Ciminski moved to deny Conditional Use Permit CU2021-3; A Conditional Use Permit application for the property known as 788 W. School Bus Rd. also known as parcel 104-20-023G to allow for a towing and impound company to operate on the property as it is not allowable to be approved by zoning and town code. Commissioner Ron Shepherd seconded; all were in favor, motion carried unanimously 6-0.

Vote:	Ayes:	Shawna Murphy
		Dave Kalinowski
		Ron Shepherd
		Deanna Davis
		Brenda Ciminski
		Dan Muth

RECONVENE TO REGULAR MEETING

Chair Shawna Murphy closed the public hearing.

ITEM #15 REPORTS

Britney Reynolds informed the commission that Commissioner Dave Kalinowski would be resigning from the commission after this meeting. On behalf of the Town, Britney Reynolds thanks Commissioner Kalinowski for his service to the community. No other reports.

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ITEM #16 ADJOURNMENT

Chair Shawna Murphy moved to adjourn the meeting [6:59 p.m.].

Chair signature: Shawna Murphy

Director signature: [Signature]

