



CITY OF ELOY

THE CITY OF ELOY
PLANNING & ZONING COMMISSION MEETING
Wednesday, August 19, 2020, 6:00 PM
Eloy City Council Chambers-City Hall
595 North C Street
Eloy, Arizona 85131

AGENDA

- I. Call to Order**
- II. Roll Call**
- III. Invocation**
- IV. Pledge of Allegiance**
- V. Motion to approve the April 15, 2020 meeting minutes of the Planning and Zoning Commission**
 - A. April 15, 2020 Meeting Minutes
- VI. Old Business: Possible discussion and/or action on the following:**
- VII. New Business: Possible discussion and/or action on the following:**
 - A. Planning and Zoning Commission recommend approval of Minor Revisions to the Eloy City Code pertaining to portions of Sections **5-19, 21-2-2.5, 21-4-2.10 and 21-9-1.**
- VIII. Informational Item:**
 - A. Update on Status of Major General Plan Amendments for Calendar Year 2020
 - B. Update on the Status of Downtown Eloy
- IX. Communications:**
 - A. Ex-Officio Member Report-Councilman Dan Snyder
 - B. Good of the Order
- X. Motion to Adjourn**

POSTED BY THURSDAY, JULY 9, 2020, BY 5:00 P.M. AT ELOY CITY HALL, ELOY POST OFFICE, TROY THOMAS COMMUNITY CENTER, TOLTEC COMMUNITY/SENIOR CENTER AND CITY WEBSITE: www.elayaz.gov

A handwritten signature in cursive script that reads "Mary Myers". The signature is written in black ink and is positioned above a solid horizontal line.

Mary Myers, CMC, CPM
City Clerk

INDIVIDUALS WITH SPECIAL ACCESSIBILITY NEEDS MAY CONTACT LORENA LaSALDE-RIOS, ADA COORDINATOR FOR THE CITY OF ELOY AT 520-466-9201 OR 520-466-7455 (TDD). IF POSSIBLE, SUCH REQUESTS SHOULD BE MADE 72 HOURS IN ADVANCE. ONE OR MORE MEMBERS OF THE COMMISSION AND/OR STAFF MAY PARTICIPATE BY TELEPHONIC OR VIDEO MEANS.

**MEETING MINUTES OF
THE CITY OF ELOY
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, April 15, 2020
6:00 p.m.**

I. CALL TO ORDER

Chairperson Marlo Schuh called the meeting to order at 6:02 p.m.

II. ROLL CALL

One or more members of the Planning and Zoning Commission may attend by telephonic means.

Members present:

- | | |
|--------------------------------|-------------------------------|
| • Chairperson Marlo Schuh | • Commissioner Steve Paulson |
| • Vice-Chairperson Larry Brown | (Attended telephonically) |
| • Commissioner John Peterson | • Commissioner Allen Crawford |
| • Ex-Officio Daniel Snyder | |

Members Absent:

- Commissioner Kirk Tatom

Staff present:

- Jon Vlaming, Community Development Director
- Belinda Lopez, Planner

Others present:

- Jeff Uhrick, B&R Engineering, Inc.

III. INVOCATION

Chairperson Schuh led the Invocation and requested a moment of silence.

IV. PLEDGE OF ALLEGIANCE

Chairperson Schuh led the recitation of the Pledge of Allegiance.

V. MOTION TO APPROVE THE DECEMBER 18, 2019 MEETING MINUTES OF THE PLANNING AND ZONING COMMISSION

Chairperson Schuh asked for a motion to approve the meeting minutes of the Planning and Zoning Commission. Vice-Chairperson Brown made a motion to approve the December 18, 2020 meeting minutes as presented. Commissioner Paulson seconded the motion. The motion was approved with a vote of 5-0.

VI. OLD BUSINESS: POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

A. NONE.

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

A. CONDUCT A PUBLIC HEARING FOR A PRELIMINARY PLAT FOR ROBSON RANCH UNIT TWENTY "D" (20D) SUBDIVIDING 7.16 ACRES INTO 41 LOTS.

Mr. Vlaming introduced the agenda item. He commented there would be one more unit left for the future to the north of the subject unit, Unit 20D. This is a request for preliminary plat approval from B&R Engineering, Inc. on behalf of Sun Lakes-Casa Grande, LLC proposing a Preliminary Plat for Robson Ranch Unit Twenty D ("20D"), Case No.: PP19-022. The subject property is located within the age restricted master planned community of Robson Ranch. This project is located at the northeast corner of Harris Hawk Lane/Cherry Oaks Drive and Painted Horse Drive in the northeast quarter of Section 16, Township 7 South, and Range 7 East. The proposed subdivision contains a gross area of 7.16 acres.

The Eloy General Plan Land Use Plan identifies the subject property as Medium Density Residential. This property is zoned R1-6 (Medium Density Residential) with a Planned Area Development Overlay. Therefore, this request is in conformance with the Eloy General Plan and the Eloy Zoning Ordinance.

The minimum lot size is 4,800 square feet and the average lot size is 7,118 square feet. Primary vehicular ingress/egress to this subdivision will be from two access points that intersect with Chippewa Drive/Manzanita Avenue and Cherry Oaks Drive/Painted Horse Drive and a future all-weather, compacted aggregate base course (ABC) roadway that extends along Chippewa Drive and turns south on Toltec Road. A gate was previously secured across Chippewa Drive that will allow more proximate emergency access from the Eloy Fire District Station (#522) located at 4015 N. Toltec Road (approximately 1.5 miles to the south). The infrastructure for this subdivision, including the streets, water, sewer and open space tracts, will be privately owned and maintained. The proposed development of Unit "20D" will have a density of 5.72 dwelling units per gross acre.

There was a discussion about the subject subdivision being adjacent to Toltec Road and that there is a lot of dust generated from that road. Chairperson Schuh asked if there were any foreseeable paved road. Jeff Uhrick with B & R Engineering Inc. introduced himself and mentioned that he was not aware of any road improvements at this point for fire and emergency. Commissioner Crawford asked if the City of Eloy could start the construction along with the developer regarding Toltec Road. Ex-Officio Snyder and Commissioner Crawford suggested dust control on that road.

There being no additional comments from the Commissioners, Vice-Chairperson Brown made a motion to approve Case No. PP19-022 with Staff recommended stipulations, which was seconded by Commissioner Peterson. The motion was approved with a vote of 5-0.

B. NOMINATE AND ELECT A CHAIRPERSON TO SERVE FOR THE 2020 CALENDAR YEAR

Commissioner Paulson nominated Marlo Schuh to remain as a Chairperson for the 2020 calendar year.

C. NOMINATE AND ELECT A VICE CHAIRPERSON TO SERVE FOR THE 2020 CALENDAR YEAR

Commissioner Paulson nominated Larry Brown to remain as a Vice-Chairperson for the 2020 calendar year.

D. CONDUCT A PUBLIC HEARING TO CONSIDER THE 2020 ELOY GENERAL PLAN READOPTION

Mr. Vlaming explained that Arizona Revised Statutes (ARS) requires all cities, towns and counties to prepare and adopt a general or comprehensive plan. Statutes also identify that the plan is effective for 10 years from the date the plan was last adopted. The major chapters of the Eloy General Plan include the Introduction, Amendments and Process, Elements, and Implementation Strategies.

The City has updated and approved each of the plan's 11 elements over the past several years using the Major Amendment Process: Land Use, Circulation, Growth Areas, Parks, Open Space and Trails, Housing, Environmental Planning, Water Resources, Public Facilities, Downtown Development and Neighborhood Preservation, Economic Prosperity, and Cost of Development.

The public involvement process was as follows: on January 30, staff advertised for the Community Meetings and the 60-Day Review in the Casa Grande Dispatch. January 31st was when the 60-Day process started. Community meetings were held: February 12th in the Toltec Community Center; February 27th at the Robson Ranch Hermosa

Ballroom and March 10th in the City Hall Community Room. A notice was published on the Eloy Enterprise for the April 15th Planning and Zoning Commission Hearing. All information is located on the City of Eloy website on the following link: <https://www.elayaz.gov/628/Eloy-General-Plan-Readoption>

Mr. Vlaming asked the Commission to recommend readoption of the Eloy General Plan to the City Council. If approved, this request will go to the City Council on May 11 for a public hearing. The City will be ready for June 30th to accept Major Amendments applications.

Vice-Chairperson Brown made a motion to recommend readoption of the General Plan, which was seconded by Commissioner Crawford. The motion passed 5-0

VIII. INFORMATIONAL ITEMS

Chairperson Schuh asked if the members whose term were going to expired for the Planning and Zoning Commission were renewed. Mr. Vlaming responded yes.

IX. COMMUNICATIONS

Ex-Officio Snyder gave an update on the following:

- City Council placed the Franchise Agreement with South West Gas (SWG) on the primary election ballot. The city will receive two percent (2%) of gross receipts from the sale of delivery of gas within the city limits.
- City of Eloy renewed its contract with Right Away Disposal (RAD) for one more year. The recycling program has been suspended because the company lost a majority of the prison workforce because of the coronavirus pandemic. RAD is still picking up the recyclable items but everything is taken to the landfill until further notice.
- City Council approved new impact fees for water and wastewater for new developments.

X. MOTION TO ADJOURN

Commissioner Crawford made a motion to adjourn which was seconded by Vice-Chairperson Brown. The motion passed 5-0 and the meeting adjourned at approximately 6:45 p.m.

CITY OF ELOY

REQUEST FOR COMMISSION ACTION

Agenda Item: **VII.A.**

Date: **08/19/2020**

Date submitted:
07/06/2020

Action: Formal

Subject: Planning and Zoning
Commission recommend approval of
Minor Revisions to the Eloy City
Code pertaining to portions of
Sections 5-19, 21-2-2.5, 21-4-2.10 and
21-9-1.

Date requested:
08/19/2020

TO: Planning and Zoning Commission

FROM: Jerry Stabley

RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission recommend approval of Minor Revisions to the Eloy City Code.

DISCUSSION:

Staff has been conducting a review of the Ordinance over the past year to determine if there are ways that the code can be improved. Ordinance amendments are often complicated and can be difficult to explain. Because of this, staff is bringing amendments to the Commission in sizes that are more manageable.

The following major topic areas are addressed in this update: fences and single-family architectural requirements. Each of these focus areas are discussed below.

Fences and Hedges

The genesis of this update was conflicting standards for fences in the Zoning and the Buildings sections of the City Code. Over the years, changes to one of the sections of the Code were not reflected in the other. These conflicts made implementing the Code difficult.

Staff proposes to take the text on walls, fences and hedges out of the Buildings section of the Code and combine it with the information in the Zoning section. The term walls is dropped out of this section because walls are defined in the Code as: WALL: Means any exterior surface of a building or any part thereof, including windows. Because of this definition, staff believes that using the term fences exclusively will be clearer.

Probably the most significant change proposed here is to require that anyone who builds

a fence must first receive an approval from Community Development staff. This added requirement is based on experiences over a number of years where residents have built fences on someone else's property or too close to fire hydrants. Property owners will need to provide staff with survey or plat information so that we can determine if the fence meets code. Staff understands that this could add significantly to the cost of constructing a fence, but feel that it is the only way to address the issue.

Staff has had a number of inquiries lately about building fences before building homes. We understand the desire to build a fence concurrently with a home to facilitate storage of construction materials. The concern with building the fence before the home is that the home may never be built, and the lot will become a storage yard. The proposal does not allow fences to be built before homes are under construction.

We are recommending removal of the requirement that fences must be architecturally integrated with the building. That clause could be interpreted to require the use of stucco on block fences. Staff did add in that fence materials should be earth toned. This long-standing staff policy was never codified.

The proposed language also adds in the ability for homeowners to use Hacienda-style arches and gates in their front yards if they receive the approval of the Community Development Director.

Under definitions: the definition of fence was modified to include information from both the Zoning and Building sections of the code; the definition of fence height was eliminated because it is already covered in the code and a definition for hedges was added.

Single Family Architectural Requirements

Staff had some serious inquiries recently about building new homes in the Downtown area. When the property owners found that they would need to build two-car garages they decided not to move forward. Staff believes that we should require two car garages in new subdivisions that are approved from this time forward. In the Downtown and Toltec areas of the City, homes rarely have two car garages. Single car carports are typical for these areas, and Staff believes that our requirements for those areas should reflect that precedent.

Staff also wanted to make sure that roof mounted mechanical equipment would be allowed on existing single-family homes. We recommend that all new buildings be required to ground mount mechanical equipment.

FISCAL IMPACT:

There is no fiscal impact to the proposed changes.

TA2020-013 Eloy City Code

Chapter 5: Buildings and

Chapter 21: Zoning Ordinance

Delete the following section:

5-19: WALLS, FENCES AND HEDGES

Amend the following section:

21-2-2.5: SINGLE-FAMILY RESIDENTIAL DEVELOPMENT REQUIREMENTS AND GUIDELINES:

D. Single-Family Residential Architectural Requirements:

1. Roof mounted mechanical equipment on new buildings is prohibited. Mechanical equipment, electrical meter and service components, propane tanks, coolers, water filters and similar utility equipment shall be installed at ground level or wall mounted and shall be screened from public view and designed to appear as an integral part of the building.

2. All new single-family residences in new subdivisions shall include a minimum two (2) car garage. Carports shall be permitted in subdivisions that were approved before August 2020 and subdivisions with a manufactured home overlay. If a carport is permitted, new single-family residences and manufactured homes shall have, at a minimum, a single car carport. The design and materials of garages and carports shall be compatible with the main structure. Existing carports shall not be enclosed unless substituted with an additional carport or garage on the property. In RR-20, RR-5, RR-2.5, R1-54 and R1-43 zoning districts, the garage area shall not exceed thirty-five percent (35%) of the front face plane of the residential structure.

21-4-2.10: FENCES AND HEDGES

A. Permit Required:

1. Fences shall not be constructed without first making an application for and securing an approval from the Community Development department. The application shall include a site plan and elevations showing fence materials, colors, heights and gates. The site plan shall show the location of the fence and include survey or plat information that shows: property lines, setbacks, easements and rights-of-way.

2. In addition, fences greater than six feet (6') in height or retaining walls extending more than four feet (4') in height require a building permit and supporting structural

calculations prepared by a licensed structural engineer. Retaining concrete block walls shall adhere to adopted Building Codes.

- B. Locations: All hedges shall be located entirely upon the private property of the persons, firms, or corporations planning the hedge. All fences shall be located entirely upon the private property of the persons, firms, or corporations constructing, or causing the construction, of such fence unless the owner of the adjoining property agrees, in writing, that such fence may be erected on the division line of the respective properties. Fences are not required to be set back from the property line except as otherwise specified in this chapter. A fence shall be treated as an accessory use and will not be allowed without a primary use on the site.
- C. Approved Fence Materials: All fences shall be constructed with conventional fencing materials such as masonry, preformed concrete sections, treated wood, decorative metal, stone and vinyl. These materials should have earth tone colors. Within Residential, Industrial and Aviation Overlay Zoning Districts, chain link fences may be allowed with the approval of the Community Development Director. Chain link fencing is only permitted in Commercial Zoning Districts if it is inside of a fence that is constructed of allowed materials. Mesh affixed to chain link fencing shall not constitute "view obscuring". Wire fences, including, but not limited to, hog wire and chicken wire may be used for animal enclosures but cannot be used for a perimeter fence.
- D. Finished Elevations: Any fence that is constructed to have only one elevation "finished", which shall be defined as not having its supporting members significantly visible, shall be erected so that the finished elevation of the fence is exposed to the adjacent property or street.
- E. Fence and Hedge Height Standards:
 - 1. Fences or hedges located between the front yard building setback line and the front property line of a lot may not exceed four feet (4') in height in any zoning district, except as modified by Section 21-4-2.11. Hacienda-style front arches and gates cannot be erected without the approval of the Community Development Director.
 - 2. In areas behind a required front yard building setback and within the required rear and side yards, the maximum height of fences shall be six feet (6'), in a residential district and ten feet (10') in a nonresidential district.
- F. Measuring Fence and Hedge Heights: The height of any fence or hedge shall be calculated to the uppermost points as follows: In required yards abutting a street, the height of the fence or hedge shall be the height measured from the curb or finished grade of the street. On non-street property lines, the height may be measured from the finished grade on either side of the fence or hedge. Where two (2) lots abut one another, but have differing finish grades, the fence or hedge height shall meet the

requirements in Section 21-4-2.10-E on the high side and can be a maximum of two feet (2') higher on the low side.

G. Undulating Fence Required: All fences along arterial and collector streets with a continuous length greater than two hundred feet (200') shall use an undulating pattern at minimum intervals of one hundred feet (100') or at every other side lot line, whichever is less in distance, to provide variety and visual interest. The undulation depth from the street line shall be a minimum of three feet (3'). Alternate patterns to the above requirements may be approved by the Reviewing Authority as specified in Section 21-6-3 during preliminary and final plat, site plan and/or development plan review process.

H. Exemptions: The following are exempt from the height restrictions for fences and hedges:

1. Schools and other public or quasi-public institutions when necessary for the safety or restraint of the occupants, including correctional facilities.
2. Temporary construction sites which are enclosed for security purposes.
3. An agriculture activity in zoning districts that allow agricultural uses.
4. Uses in the ranchette residential districts, resort districts and planned area development districts.
5. Fence materials and height requirements other than specified elsewhere in this article may be approved by the Reviewing Authority as specified in Section 21-6-3 during the preliminary and final plat, site plan and/or development plan review process.

I. Use of Barbed Wire and Concertina Wire:

1. Barbed or concertina wire fences shall be prohibited in all zoning districts except in the General Industrial (I-2) District.
2. Barbed or concertina wire fences shall be allowed in the General Industrial (I-2) District if the barbed wire is located eight feet (8') or more above grade and a special permit has been considered and approved by the Reviewing Authority as specified in Section 21-6-3.
3. Barbed or concertina wire fences shall be allowed on temporary construction sites, provided that the barbed wire is located eight feet (8') or more above grade. Temporary barbed or concertina wire fencing located on construction sites shall be removed from the site at the time of final inspection, or a certificate of occupancy will not be issued.

J. Maintenance: Every fence or hedge will be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, or constitute a nuisance, public or private. Any fence, or a portion of any fence, which is removed shall be restored to its original or upgraded condition relative to construction, material and finish whenever exposed to any street or any adjoining property.

K. Other Residential Requirements

1. Corner Lots and Key Lots:

a. On a corner lot contiguous to a key lot, fences and hedges cannot exceed three feet (3') in height on the rear lot line extending ten feet (10') from the street. They also cannot exceed three feet (3') in height on the lot line along the street, extending ten feet (10') from the rear lot line.

b. On a key lot contiguous to a corner lot, fences and hedges cannot exceed three feet (3') in height on the side lot line which contiguous with the rear yard of the corner lot, extending ten feet (10') from the lot line along the street.

2. Gates Required: In those instances where a fence is erected as an enclosure, which restricts access from the front to rear yard, a gate shall be a minimum of three feet (3') in width. The location of such ingress points shall be positioned at any point paralleling the front line between the side lot line and the principal structure.

3. Tennis Courts: Fencing of outdoor tennis courts may be chain link and shall not exceed sixteen feet (16') in height and shall conform to the principal building setback requirement of the zoning district.

4. Swimming Pools: All swimming pools shall be enclosed by the fences of a single-family residential building or by a solid fence, a chain link or wrought iron fence not less than five feet (5') nor more than six feet (6') in height. Chain link fences for swimming pools cannot be used as perimeter fences. If the design or the material of the fence or gate is such that there are openings, such openings shall be of a size to prohibit a spherical object four inches (4") in diameter from passing through or under the fence or gate. All gates shall be substantially the same height as the wall or the fence and shall be self-closing and self-latching and be constructed in such a manner as to prevent uninvited access.

5. Noise Attenuation Fence Required: Residential subdivisions which are adjacent to a transportation corridor shall erect a masonry noise attenuation fence between the homes in the subdivision and the transportation corridor. The fence shall be eight feet (8') in height and shall be constructed of a minimum of six inch (6") thick concrete block or earthen berm. A transportation corridor shall be defined as any major arterial street, truck route, Interstate 10 and the Union Pacific Railroad.

21-9-1: DEFINITIONS:

FENCE: ~~An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.~~ A freestanding, upright structure of an approved material having a length much greater than the thickness, which encloses, divides, delineates, screens or protects an area.

FENCE OR WALL HEIGHT: ~~Where a fence or wall faces a public street, highway or alley, its height shall be measured from the top of the curb, or where no curb exists, the centerline of the street, highway, or alley. Where a fence or wall separates two (2) properties, the height shall be the average measured from each side of the base of the fence as established at the time of final grading. A retaining wall will be counted as part of the total wall or fence height where the minimum horizontal distance between the retaining wall and the fence is less than the average height of the retaining wall. Where the minimum horizontal distance between the retaining wall and the fence is greater than the average height of the retaining wall, the fence or wall height shall be measured from the base of the fence or wall.~~

HEDGE: A row of closely planted shrubs or other plants that form a living barrier.