

**MINUTES OF THE REGULAR MEETING OF  
THE ELOY CITY COUNCILCITY OF ELOY  
595 NORTH C STREET  
OCTOBER 14, 2024  
6:00 P.M.**

**Staff Present:** David Malewitz-City Manager, Mackenzie Letcher-Assistant City Manager; Stephen R. Cooper-City Attorney, Mary Myers-City Clerk, Sylvia Payne-HR Director; Brian Wright-Finance Director, Dan Symer-Community Development Director, Matt Rencher-Public Works Director/City Engineer, Sergio Banales-Police Chief, Paul Anchondo-Community Services Director

**I. CALL TO ORDER**

Mayor Micah Powell called the meeting to order at approximately 6:00 p.m.

**II. ROLL CALL**

Council Members Present: Mayor Micah Powell, \*Vice Mayor Sara Curtis, Councilmember Sylvia G. Rodriguez, Councilmember Andy Sutton, Councilmember Dan Snyder, Councilmember Jose Garcia, Councilmember Michelle McKinley-Tarango  
\*Attended meeting telephonically

Council Members Absent: None

**III. MOMENT OF SILENCE**

Mayor Powell called for a moment of silence.

**IV. PLEDGE OF ALLEGIANCE**

Councilmember Snyder led the Council and the public in the Pledge of Allegiance.

**V. PUBLIC APPEARANCES**

**A. Scheduled**

**B. Unscheduled**

**Ann Howard, Eloy Arizona**

Ms. Howard inquired about the paving of Frontier Street . She wanted to know if the funding was coming from the city or the Pinal County road maintenance fund.

Mayor Powell conveyed that Council is not permitted to respond to questions. However, can direct staff to discuss the matter with her.

**VI. REPORTS AND ANNOUNCEMENTS**

**A. Council Member Announcements**

1. Councilmember Sutton made the following announcements:

- September 27<sup>th</sup> – Attended the Pinal Partnership breakfast in Florence. Proposition 486 was the topic of discussion.
- September 30<sup>th</sup> – Attended the Pinal Regional Transportation Authority (PRTA) meeting in Florence. Mayor Powell was presented with an achievement award for his dedication to the organization. There was also discussion about the \$80.0 million tax surplus. Approximately \$27.0 million has been refunded to 120 of the 140 applicants.
- October 3<sup>rd</sup>. – Attended the Town of Superior's State of the Town address. Also attending was Mayor Powell, and Councilmembers Garcia and G. Rodriguez.
- October 4<sup>th</sup> – Attended the opening of the "Den" at the public library. The Den is an area located in the library dedicated to teens. It provides a safe and fun environment for teens to meet and learn.
- October 5<sup>th</sup> – Attended the HOPE Coalition Street Festival and Car show at Main Street park.
- October 10<sup>th</sup> – Participated in the Eloy Housing Authority board meeting as a board member. The board approved a Request for Statement of Qualifications for real estate services to market and sell 26 housing units in the city.
- October 12<sup>th</sup> – Attended the "Music in the Park" event sponsored by the Community Services department.

2. Councilmember G. Rodriguez commended the Town of Superior's celebration of the State of the Town address. The event was held at the central park, with food vendors and dancers. There was a large community presence which she liked. Councilmember G. Rodriguez suggested the city consider making next year's state of the city address a community event like Superior.

3. Councilmember Garcia conveyed that he attended the 9<sup>th</sup> annual 5K run on Saturday, October 12<sup>th</sup>. The event raised funds to benefit the local food pantry.

4. Councilmember Tarango inquired about police logs. The city used to publish this in the local newspaper. She believes that it is important that the community knows what is going on in the city.
5. Councilmember Snyder had the following communications:
  - Commended Mr. Anchondo and his staff for doing a great job finding grant money to create the Den at the library. He said this is a great place for teens to engage with one another.
  - He and members of the Council attended the premier of "Space Cowboy" in Tucson, October 11<sup>th</sup>. The film documentary is about the life of cinematographer, Joe Jennings. Councilmember Snyder pointed out that most of the skydiving scenes in the movie were taken in Eloy. He strongly encouraged the public to see the movie.
6. Vice Mayor Curtis shared the following announcements:
  - Thanked everyone who attended the film premier in Tucson. She hopes the making of the film in Eloy will attract others in the film industry to the city.
  - She and several members of the Council attending the grand opening of the Orsted solar facility, located at Eleven Mile Corner Road, on October 10<sup>th</sup>.

**B. Mayor Announcements**

Mayor Powell conveyed the following announcements:

- Commended Sargent Violet Maestas for hosting another great 5K run. Mayor Powell said he served as announcer for the event.
- He along with Councilmember Snyder and city staff member, Mr. Letcher, will be traveling to Prescott tomorrow to attend the Arizona Rural Transportation Summit. Mayor Powell said he is being presented with an award from the organization.
- He commended the Space Cowboy filmmakers for producing a great movie.
- Participated in the "Stand Down for Veterans" event at the HOHP transitional housing in Casa Grande.

**C. City Manager Announcements**

Mr. Malewitz announced the following communications:

- A fundraising letter was recently sent out to staff and the public for the police department's annual Christmas event. Mr. Malewitz assured the public that the letter is legitimate. The money raised is used to purchase gifts for kids in the community. He said donations can be mailed or dropped off at the police department. Checks should be made payable to the "Friends of Apache Junction," with the words, "c/o Eloy Community Service Fund" on the memo line.
- Adopt a Street cleanup is scheduled for Saturday, October 19<sup>th</sup>, at 7:00 a.m., at Shumway Park.
- The Community Services department will sponsor its annual harvest festival on October 26<sup>th</sup>, from 6:00 p.m. to 9:00 p.m. at Main Street park.

- League of Arizona Cities and Towns Champions Week this week. City staff will be working on publishing various videos of city functions and departments throughout the week. Mr. Malewitz said the first video was posted on the city's Facebook page today.

## VII. CONSENT AGENDA

- A. Approval of Minutes: 9/23/2024 (regular)
- B. ~~Approval of a proposal submitted by Sunland Asphalt and Construction, LLC for an amount not to exceed \$125,000 for crack sealing, seal coating, and striping installation on Frontier Street between Toltec Road and Battaglia Road. (Removed for separate discussion/action)~~
- C. Approval to accept the quote from Empire Southwest, LLC. with an owner's contingency in the amount not to exceed \$30,000 to repair the rear brake assembly on the grader for the Public Works Streets Department.
- D. ~~A recommendation to the Arizona Department of Liquor Licenses and Control (ADLLC) for issuance of a new Series 10 liquor license (beer and wine) to Food Town IGA Eloy, located at 13 N. Santa Cruz Blvd., Eloy, Arizona. (Removed for separate discussion/action)~~

Councilmember Snyder requested item D removed from the Consent Agenda.

Councilmember Tarango requested item B removed from the Consent Agenda.

A motion was made by Councilmember Garcia and seconded by Councilmember Tarango remove items B and D from the Consent Agenda, and approve remaining Consent Agenda items as presented, passed unanimously by roll call vote (7-0).

### **B. APPROVAL OF A PROPOSAL SUBMITTED BY SUNLAND ASPHALT AND CONSTRUCTION, LLC FOR AN AMOUNT NOT TO EXCEED \$125,000 FOR CRACK SEALING, SEAL COATING, AND STRIPING INSTALLATION ON FRONTIER STREET BETWEEN TOLTEC ROAD AND BATTAGLIA ROAD.**

**Staff Cover Sheet Report** - *Council approve a contract with Sunland Asphalt and Construction, LLC for an amount not to exceed \$125,000.00, for the installation of striping along Frontier Street between Toltec Road and Battaglia Road.*

*Frontier Street is one of the most heavily traveled roadways in the City of Eloy, serving as a key connector between Eloy, Casa Grande, and unincorporated areas of Pinal County. This thoroughfare is vital for Robson Ranch, Toltec, and Eloy Proper communities. In 2022, left-turn lanes were added to sections of Frontier Street to improve traffic flow. However, the existing pavement markings were not properly*

*removed and were painted over. Over time, the current markings have significantly faded, and under certain lighting conditions, the older striping patterns are more prominent, leading to confusion among motorists who struggle to discern the correct lanes.*

*This proposal includes crack sealing and the application of a seal coat to the existing pavement to extend its lifespan. The seal coat will also serve the additional purpose of fully covering the old pavement markings, creating a "clean slate" for new markings to be applied in their correct locations. The initial striping will be done using temporary latex or water-based paint, followed by the application of thermoplastic paint within 30 days. Thermoplastic paint typically lasts 5 to 7 years before requiring re-striping. Removing the outdated markings will enhance safety and reduce driver confusion along this section of roadway.*

*Public Works Staff sent out the Scope of Work to four different companies. Two companies (SS Paving and Ellison-Mills Construction) did not provide responses. The other companies (Sunland Asphalt and Cactus Asphalt) did, and Sunland Asphalt and Construction was the lower of the two. The proposals are attached on Exhibit B.*

**FISCAL IMPACT:** *The funding amount of \$125,000 is approved in this year's streets budget and is available in the account GL# 16-446-3063.*

Councilmember Tarango conveyed that in reviewing the two quotes received for this project, she noticed the quote from Cactus Asphalt was much more detailed than Sunland Asphalt. She wanted to know if the additional information listed in the Cactus quote required as opposed to the Sunland Asphalt quote, which was very generic.

Mr. Rencher explained said the same scope was provided to all contractors. The exact same markings will be in the Sunland Asphalt estimate.

Councilmember Tarango said the Cactus quote included traffic control off duty officers which is rather costly. She noticed that Sunland does not mention anything about traffic control officers. Again, she asked if this is required.

Mr. Rencher said it is not required. Once traffic control is established (barricades) by the contractor, it is submitted to the city's engineering department for approval. Mr. Rencher said having an off duty officer to monitor the traffic is not necessary.

Councilmember Tarango asked about the effectiveness of the thermoplastic that will be applied to the road.

Mr. Rencher assured Councilmember Tarango and the Council that the application of the thermoplastic would be very retro reflective.

Mayor Powell wanted to know if the traffic control officer is removed from the Cactus quote, would their quote be close to Sunland's quote.

Mr. Rencher said no, Cactus would still be a little higher than Sunland.

A motion was made by Councilmember Sutton and seconded by Councilmember Tarango to approve a proposal submitted by Sunland Asphalt and Construction LLC for an amount not to exceed \$15,000 for crack sealing, seal coating, and striping installation on Frontier Street between Toltec Road and Battaglia Road, passed unanimously by roll call vote (7-0).

**D. A RECOMMENDATION TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL (ADLLC) FOR ISSUANCE OF A NEW SERIES 10 LIQUOR LICENSE (BEER AND WINE) TO FOOD TOWN IGA ELOY, LOCATED AT 13 N. SANTA CRUZ BLVD., ELOY, ARIZONA.**

**Staff Cover Sheet Report:** *Council forward a favorable recommendation to the ADLLC for issuance of a Series 10 liquor license for Food Town IGA.*

*Mr. Hemang Jaydutt Patel, the new owner of Food Town, has applied for a new Series 10 (beer and wine) liquor license with the ADLLC. He is requesting the City Council consider forwarding a favorable recommendation to the ADLLC for issuance of the license. If approved by the ADLLC, the Series 10 license would allow Mr. Patel to sell beer and wine in original, unopened containers for off-premises consumption. An interim liquor license was issued to Mr. Patel that allows him to continue selling beer and wine while his application is under review.*

*Per A.R.S. §4-201(B), a notice of intent to sell alcoholic beverages along with the application was posted at the place of business for at least 20 days (9/13/24 – 10/3/24) for public review. As of October 7, 2024, the City Clerk's office has not received any questions and/or comments from the public regarding the application.*

**FISCAL IMPACT:** *None*

Councilmember Snyder conveyed that he noticed there were two liquor license applications attached to the agenda item. He asked the city clerk for clarification.

The city clerk conveyed that Councilmember Snyder contacted her this morning inquiring about the two applications attached. In reviewing the agenda item, the application for Lucky Star Market was inadvertently included with the Food Town liquor license application. The city clerk asked the Council to disregard the first six pages after the staff report, as these pages are for Lucky Star, which is not on the agenda. The remaining pages pertain to the application for Food Town, which Council is considering tonight for approval.

Mayor Powell asked Mr. Cooper if Council could proceed with taking action on this item.

Mr. Cooper said yes, since the item on tonight's agenda specifically states the it is for Food Town.

A motion was made by Councilmember Snyder and seconded by Councilmember Garcia to forward a favorable recommendation to the Arizona Department of Liquor Licenses and Control (ADLLC) for issuance of a new Series 10 liquor license (beer and wine) to Food Town IGA Eloy, located at 13 N. Santa Cruz Blvd, passed unanimously by roll call vote (7-0).

### **VIII. BUSINESS**

#### **A. APPROVAL OF CHANGE ORDER #3 TO THE CONTRACT WITH SUNRISE ENGINEERING FOR AN AMOUNT NOT TO EXCEED \$75,000 TO INCLUDE A BUILDING AND ADDITIONAL SITE LAYOUT DESIGN FOR THE BELT PRESS AT THE WASTEWATER TREATMENT FACILITY.**

**Staff Cover Sheet Report:** *Staff recommends that the Council approve Change Order #3 to the Contract with Sunrise Engineering for additional design and site layout for the recently acquired belt press and the necessary structure to ensure proper operation of the equipment.*

*The City's Wastewater Treatment Plant (WWTP), located at the southwest corner of W. Houser Road and 11 Mile Corner Road, currently utilizes a Geo-Tube sludge dewatering system. This system, installed in 2013 as a cost-effective interim solution following the decommissioning of the City's sludge holding pond, has proven inefficient and labor-intensive in drying and disposing of sludge. To identify a more efficient alternative, the City engaged Sunrise Engineering to evaluate potential upgrades.*

*Sunrise Engineering assessed various sludge de-watering systems, including both belt and screw presses. After careful analysis, staff determined that a traditional belt press system, estimated at \$390,000, would be the most suitable and cost-effective solution for improving efficiency at the WWTP.*

*In February 2022, the Council approved a contract with Sunrise Engineering to design the mechanical belt press system to replace the existing Geo-Tube system. A solicitation for the belt press was issued in March/April 2022, with Phoenix Process Equipment being the successful bidder. On August 8, 2022, the Council approved Phoenix Process Equipment's bid of \$367,600. The belt press was manufactured and delivered in June 2023 but has not yet been installed due to additional design requirements.*

*Staff now recommends constructing a building to house the belt press equipment, protecting it from the elements and extending its service life. Once the procurement process has been completed, the contract for the construction of the building will be presented to the Council for approval at a later date.*

***FISCAL IMPACT:*** *Not to Exceed \$75,000 from the wastewater capital budget.*

Mr. Rencher provided the Council with an overview of Change Order #3 related to the concrete pad design that will support the belt press system at the wastewater treatment plant. According to Mr. Rencher, this part of the project was overlooked in the original contract. He added that he is also recommending designing a building to house the belt press system to protect it from outside elements and to extend service life. Mr. Rencher said the belt press was delivered last year, but has not been installed yet, due to the lack of some design considerations. Mr. Rencher briefly reviewed prior change orders 1 and 2 for this project, of which change order 2 was rejected by staff.

Councilmember Snyder wanted to know the total cost of the project.

Mr. Rencher said total cost including Change Order #3 and the building would bring the project cost to around \$800,000 to \$1.0 million. He pointed out that the amount is a substantial increase to what Council initially approved, but believes the additional cost is worth it to ensure that the project is done correctly.

Councilmember Snyder asked would the additional cost take away from other CIP projects.

Mr. Rencher said yes. In reviewing some of the additional projects listed in the CIP, staff does not believe those projects are viable at this time, due to higher priority projects.

Councilmember Tarango wanted to know would the warranty on the belt press that was delivered last year be affected due to non-use.

Mr. Rencher said it does affect the warranty. He is working with the providers to honor some of the warranty once it is up and operational. Manufacturers of the belt press has informed him that there is about six months left on the warranty.

A motion was made Councilmember Tarango and seconded by Councilmember Garcia to approve Change Order #3 to the contract with Sunrise Engineering for an amount not to exceed \$75,000 to include a building and additional site layout design for the Belt Press at the wastewater treatment facility, passed unanimously by roll call vote (7-0).

**B. ADOPTION OF RESOLUTION NO. 24-1598 DECLARING A PUBLIC RECORD FOR THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "ZTA2024-001 RESIDENTIAL WALLS AND FENCES."**

**Staff Cover Sheet Report:** *Staff recommends that the City Council adopt Resolution No. 24-1598 declaring a public record that certain document filed with the City Clerk and entitled "ZTA2024-001 Residential Walls and Fences."*

*This is a request by staff to adopt Resolution No. 24-1598, which establishes a public record for the document titled "ZTA2024-001 Residential Walls and Fences." The goal of this request is to create a public record that is filed with the City Clerk that can be referenced in an ordinance related to the associated zoning text amendment application (Case No. ZTA2024-001). With the creation of the public record, the City Clerk would not need to publish the multipage document in the local newspaper with the ordinance if the City Council approves the zoning code text amendment application. The ordinance will refer to this public record by reference, which thereby provides notification to the public that there is an additional record associated with the ordinance that is available to be viewed at the City Clerk's office upon request.*

**FISCAL IMPACT:** *No fiscal impacts are anticipated from this agenda item.*

Mr. Symer conveyed that Council adoption of the resolution would allow the city to publish the resolution as a public record instead of Ordinance No. 24-978 (next agenda item) in its entirety, whereby saving publication costs for the city.

A motion was made by Councilmember Garcia and seconded by Councilmember G. Rodriguez to read Resolution No. 24-1598 by title only, passed unanimously (7-0).

Councilmember Snyder wanted to know would the public have the opportunity to obtain a copy of the ordinance free of charge for a couple of weeks. He said the city is doing a lot of code changes, and would like the public to have the ability to obtain copies at no cost.

Mr. Symer conveyed that the Council approved a fee schedule this year, however all of the ordinances are available on the website. The public can also submit a public records request for a copy.

Vice Mayor Curtis pointed out that at the last meeting, the city clerk stated there would be no charge for digital copies.

The city clerk said this is correct. If the requestor wants the document emailed, it can be done at no cost to the requestor. However, if the requestor wants a paper copy or

the information on a thumb drive, there would be a cost associated with this type delivery.

Councilmember Snyder expressed some concerns about sending documents electronically based on his experience not receiving city documents due to size. He asked the city clerk to send a follow up email to the requestor after the document has been sent to confirm they've received it.

The city clerk agreed to do this.

It was at this time the city clerk read the resolution title into the record, noting corrections in the title and body of the resolution (~~CASE NO. ZTA2004-001~~ **CASE NO. ZTA2024-001**).

A motion was made by Councilmember Garcia and seconded by Councilmember G. Rodriguez to adopt Resolution No. 24-1598, with a correction as noted by the city clerk, passed unanimously by roll call vote (7-0).

**C. CONDUCT A PUBLIC HEARING AND CONSIDER THE ADOPTION OF ORDINANCE NO. 24-978, APPROVING CASE NO. ZTA2024-001: RESIDENTIAL WALLS AND FENCES, TO AMEND CHAPTER 21 ZONING, ARTICLE IV. GENERAL DEVELOPMENT REGULATIONS, SECTION 21-4-2.10: FENCES AND HEDGES, AND OTHER APPLICABLE ARTICLES AND SECTIONS OF THE ZONING ORDINANCE, TO INCORPORATE REQUIREMENTS FOR OPAQUE WALLS AND FENCES ON RESIDENTIAL LOTS WITH AN AREA OF ONE (1) ACRE AND LESS, EXCLUDING PROPERTY ZONED WITH A PLANNED AREA DEVELOPMENT OVERLAY.**

**Staff Cover Sheet Report:** *The staff recommends that the City Council adopt Ordinance No. 24-978 approving Case No. ZTA2024-001: Residential Wall and Fences to amend Chapter 21-Zoning: Article IV. General Development Regulations, Section 21-4-2.10: Fences and Hedges, and other applicable articles and sections of the Zoning Ordinance.*

***Request***

*A request by the City of Eloy as the applicant for a City Council-initiated Text Amendment to the City of Eloy's Zoning Ordinance to amend Chapter 21-Zoning: Article IV. General Development Regulations, Section 21-4-2.10: Fences and Hedges, and other applicable articles and sections of the Zoning Ordinance. The purpose of the amendment is to incorporate property development standard requirements for opaque walls and fences on lots with a size of one (1) acre or less when a dwelling unit (Single-family Attached or Detached, Duplex, Modular Home, Manufactured Home, or similar as determined by the Zoning Administrator) is*

*developed, substantially modified, or when an accessory structure is developed, excluding property zoned with the Planned Area Development Overlay.*

#### ***Summary of Proposed Standards***

*The proposed property development standards incorporate requirements for opaque walls and fences on residential lots with an area of one (1) acre or less that are used for Single-Family Attached or Detached Homes, Duplexes, Modular Homes, Manufactured Homes, or similar dwelling units. Except for properties zoned with the Planned Area Development (PAD) Overlay, these standards would apply to the development of a dwelling unit on a lot or parcel, as well as to the construction of an addition or accessory structure with a building valuation greater than sixty (60) percent of the appraised value of the subject property on a lot or parcel with a dwelling unit.*

*The required wall or fence is to enclose the rear, side, or street-side yard, or a portion thereof, and shall have a minimum height of five (5) feet, unless it is abutting an open space area where lower walls and fences are allowed. Lower opaque walls and fences may be provided when a lot abuts an open space, as follows:*

- A minimum of four (4) foot tall opaque wall or fence is allowed abutting or adjacent to an open space area that is greater than fifty (50) feet, but less than one hundred (100) feet in width;*
- A minimum of two (2) foot tall opaque wall or fence is allowed abutting or adjacent to an open space area that is greater than one hundred (100) feet, but less than two hundred (200) feet in width; and*
- A solid opaque fence or wall is not required between a lot or parcel abutting or adjacent to an open space area that is equal to, or greater than, one hundred (100) feet and less than two hundred (200) feet in width.*

*In addition, the proposed standard allows a property owner/developer to request the City Council to approve modifications to the standards as part of a Final Plat application. Also, minor editorial modifications have been incorporated.*

#### ***Discussion***

*The purpose of the proposed Text Amendment is to establish uniformity between new subdivisions that adhere to modern industry development standards and older, previously undeveloped subdivisions undergoing a resurgence in development activity. Throughout Eloy, several subdivisions were platted before the current industry standard of enclosing, screening, and securing rear, side, and street side yards with opaque fences and walls. Many of these lots are in older subdivisions, are individually owned, and do not have private requirements, such as Covenants, Conditions, and Restrictions (CC&Rs), that mandate walls and fences in accordance with current industry standards. Therefore, to establish uniformity between new and older subdivisions, the proposed regulation incorporates requirements for side,*

*street-side, and rear yards to be enclosed with opaque walls and fences while allowing for lower opaque fencing adjacent to open space areas. The reason for permitting lower opaque fencing adjacent to open space areas is to provide variety in wall and fence design, enhance the visual appearance of open space areas, allow property owners to enjoy views of these areas, and facilitate natural surveillance in accordance with Crime Prevention Through Environmental Design (CPTED) principles.*

*As previously stated, the proposed requirements would not apply to properties zoned with the Planned Area Development (PAD) Overlay. Developments with a PAD are intended to have a unique character implemented through flexible development standards that support innovative land planning and architectural design. To allow similar design flexibility in the requirements for opaque walls and fences in new subdivisions not zoned with the PAD, the proposed standards allow property owners or developers to request modifications to the standards from the City Council as part of a Final Plat application.*

*It should be noted that some PAD developments, such as Robson Ranch, have "Protected Development Rights" in accordance with previous approvals and the Arizona Revised Statutes. These rights allow developers and property owners to develop and maintain compliance with the development standards originally approved for the project, regardless of modifications to the Eloy Zoning Ordinance. Therefore, the proposed standards and requirements would not apply to such approvals.*

#### ***Issues for Consideration***

*In determining whether to approve, approve with conditions, or deny proposed text amendments, issues for consideration shall include but not be limited to (Staff's analysis of the consideration is included in bold italic text):*

*A. The proposed amendment will promote the public health, safety, and general welfare;*

- The proposed amendment incorporates requirements for opaque walls and fences on lots and parcels with new dwellings and substantial modifications to existing residential properties. This amendment assists in promoting public health, safety, and general welfare throughout the city and for its residents by:*
  - Securing rear, side, and street side yards;*
  - Allowing for the visual enjoyment and CPTED surveillance of open space areas;*
  - Promoting consistent development standards and implementation while allowing for diversity; and*

- *Promoting the appearance of a well-kept and maintained community while enhancing the character and stability of the residential areas of the City.*
- B. *The proposed amendment is consistent with the adopted Eloy General Plan and the stated purposes of this chapter; and*
  - *The proposed amendment is consistent with the General Plan through the incorporation of updated and new standards and guidelines to which developments are to adhere. This is an effort to achieve an economical and visually sustainable community by promoting consistent industry standards and enhancing and maintaining property values (General Plan Goals 3.1.1.1 and 3.1.1.2).*
- C. *The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.*
  - *The proposed amendment to require walls and fences to enclose rear, side, and street-side yards on lots of one (1) acre or less that are used for dwelling units is necessary and desirable. This amendment aims to create uniformity between new subdivisions, which adhere to modern industry development standards, and older, previously undeveloped subdivisions that are experiencing a resurgence in development activity. Furthermore, the proposed standards are intended to provide mitigation and screening from street noise, as well as to address issues of sight and glare.*

#### ***Community Involvement and Citizen Review Report***

*On Monday, August 5, 2024, staff held an Open House in the City Hall Community Room, and a One-on-One meeting took place on August 7, 2024, in the Community Development Conference Room. No members of the public attended either meeting. Both meetings were published in the Pinal Central Dispatch using a minimum 1/8 page ad on July 18, 2024, on the City of Eloy website, and on the City's website calendar. Additionally, the LED community notification signs outside the Community Services Department building on Main Street and the Toltec Community Center were used to provide information about the meetings and to inform the public that the proposed amendments were available for review. Furthermore, the home builders that typically develop homes in the Eloy were notified via email of the proposed amendment and the public hearing.*

*Alongside Eloy's standard notification procedures, the amendment information was emailed to the home-building community that obtained building permits for Single-Family Attached or Detached Homes, Duplexes, Modular Homes, or Manufactured Homes in 2023 and up to the present date in 2024, excluding those located in PAD*

*areas. As of October 3, 2024, staff has not received any comments on the proposed amendment.*

***Planning and Zoning Commission Meeting:***

*On September 18, 2024, the Planning and Zoning Commission held a public hearing on the above-referenced application. The Commission voted 3-0 to recommend approval of this application. One person from the public spoke in favor of the proposed amendment.*

***Effective Date of the Ordinance***

*To ensure adequate time is provided for notification of the ordinance's adoption, and its requirements and to allow home builders sufficient time to adjust their process to incorporate the requirements for fences and walls, staff has incorporated an effective date of January 1, 2025, into the ordinance.*

***FISCAL IMPACT:*** *There is no anticipated fiscal impact on the proposed changes.*

Mayor Powell declared the public hearing open.

Mr. Symer gave a brief overview of the proposed ordinance amending the current city code related to requirements for opaque walls in residential areas. He pointed out that the amendment would not affect properties zoned with a PAD overlay.

Mr. Symer fielded several questions from Council regarding:

- Wall height measurements for slope properties; and
- Residents with existing chain link fencing

Mayor Powell opened the floor for public comment.

There being no comments or questions from the public, Mayor Powell closed the public hearing.

A motion was made by Councilmember Snyder and seconded by Councilmember G. Rodriguez to read Ordinance No. 24-978 by title only, passed unanimously (7-0).

The city clerk read the ordinance title into the record.

A motion was made by Councilmember Garcia and seconded by Councilmember Sutton to adopt Ordinance No. 24-978, passed unanimously by roll call vote (7-0).

**D. ADOPTION OF RESOLUTION NO. 24-1602 DECLARING A PUBLIC RECORD FOR THAT CERTAIN DOCUMENT FILED WITH THE CITY**

**CLERK AND ENTITLED "CCTA2024-001 MODIFICATIONS TO THE BOARDS AND COMMISSION PROVISIONS."**

**Staff Cover Sheet Report:** *Staff recommends that the City Council adopt Resolution No. 24-1602 declaring a public record that certain document filed with the City Clerk and entitled "CCTA2024-001 Modifications to the Boards and Commission Provisions."*

*This is a request by staff to adopt Resolution No. 24-1602, which establishes a public record for the document titled "CCTA2024-001 Modifications to the Boards and Commission Provisions." The goal of this request is to create a public record that is filed with the City Clerk that can be referenced in an ordinance related to the associated Eloy Code amendment (Case No. CCTA2024-001). With the creation of the public record, the City Clerk would not need to publish the multipage document in the local newspaper with the ordinance if the City Council approves the zoning code text amendment application. The ordinance will refer to this public record by reference, which thereby provides notification to the public that there is an additional record associated with the ordinance that is available to be viewed at the City Clerk's office upon request.*

**FISCAL IMPACT:** *No fiscal impacts are anticipated from this agenda item.*

Mr. Symer conveyed that Council adoption of the resolution would allow the city to publish the resolution as a public record instead of Ordinance No. 24-982 (next agenda item) in its entirety, whereby saving publication costs for the city.

A motion was made by Councilmember Sutton and seconded by Councilmember Garcia to read Resolution No. 24-1602 by title only, passed unanimously (7-0).

The city clerk read the resolution title into the record.

A motion was made by Councilmember G. Rodriguez and seconded by Councilmember Tarango to adopt Resolution No. 24-1602, passed unanimously by roll call vote (7-0).

**E. CONSIDER THE ADOPTION OF ORDINANCE NO. 24-982, APPROVING CASE NO. CCTA2024-001: MODIFICATIONS TO THE BOARDS AND COMMISSION PROVISIONS OF CHAPTER 2 OF THE ELOY CODE.**

**Staff Cover Sheet Report:** *Staff recommends approval of Ordinance No. 24-982, approving Case No. CCTA2024-001: Modifications to the Boards and Commission Provisions of Chapter 2 of the Eloy Code.*

*The proposed amendment is to consolidate the roles of the Airport Advisory Board, Board of Adjustment, and Revitalization Commission under the jurisdiction of the Planning and Zoning Commission. The main goal is to enhance efficiency by having one commission focus on various planning, development, land use, and operational activities related to the city's objectives. Some of the key efficiency improvements resulting from this consolidation include:*

*Enhanced public participation: The public is able to participate and provide comments on a broader variety of topics to one commission that typically meets several times throughout the year, compared to the other board/commissions that may meet once a year – and often less than once a year.*

*Streamlined administration: Consolidation allows the Community Development department and City Manager's office to manage one commission instead of four, saving time and resources.*

*Simplified recruitment: The City Clerk's Office can focus on recruiting volunteers for one commission rather than four.*

*Cost savings: The consolidation requires less staff, reduces publication and notification costs, and eliminates overlap between boards/commissions.*

*Efficient use of commissioner time: Commissioners can contribute more productively across a complete spectrum of planning, development, land use, zoning, and related activities and responsibilities.*

*Often, boards/commissions are created to address specific tasks and/or objectives when an existing commission, a one-time task force or City Council or commission subcommittee, could more efficiently address such situations. The Airport Advisory Board and Revitalization Commission appear to have been created for such situations. While these boards/commissions were created for valid reasons, their stand-alone nature isn't sustainable due to limited scope, volunteer interest, and topics and items that necessitate the need for regular meetings.*

*The Planning and Zoning Commission was established in accordance with the provisions of §9-461.02 of the Arizona Revised Statutes, and consists of residents of the City of Eloy who have a broad range of primary responsibilities to advise and provide recommendations to the City Council. These responsibilities include all matters of the General Plan, Specific Area Plans, master planning, current and future land use planning, development, land use and operation characteristics, and zoning ordinance provisions and requirements. Furthermore, the Planning and Zoning Commission typically is the primary adviser to the City Council pertaining to matters related to the development of the city, including design guidelines, infrastructure needs, housing, historic preservation, development in the airport influence zone, and other matters assigned by the City Councils.*

*As it pertains to the Board of Adjustment, its existence is a requirement of Section §9-462.06 of the Arizona Revised Statutes. Therefore, the Board would remain, but the members of the Planning and Zoning Commission would perform the Board's functions. Due to the close and direct association and crossover of responsibilities*

*with those of the Planning and Zoning Commission, the consolidation of the Airport Advisory Board, Board of Adjustment, and Revitalization Commission responsibilities under the purview of the Planning and Zoning Commission is rational and appropriate. With the consolidation of the responsibilities under the Planning and Zoning Commission, the Airport Advisory Board and Revitalization Commission would be discontinued.*

*The recommended revised scope and purpose of the Planning and Zoning Commission is to act as an advisory board to the City Council on airport and airpark planning and development, architectural, site plan and subdivision guidelines, policies and requirements, code enforcement, design and development review of public and private development, downtown improvements, historic preservation and placement of markers, infrastructure guidelines, needs and policies, land use, redevelopment, revitalization, public art and its placement, zoning matters, matters assigned to the Commission by the City Council, and any other matter within the scope of the planning and zoning powers available to cities in Arizona.*

*To accommodate the additional responsibilities and to allow for a broader perspective of varying considerations, staff recommends enlarging the Planning and Zoning Commission from five (5) voting members to seven (7) voting members. Therefore, the Planning and Zoning Commission would consist of seven (7) voting members, one (1) alternate non-voting member, and one (1) ex-officio non-voting member. All members would be required to have an interest in the planned growth and development of the City. At least three members voting shall also have interests in representing any one of the following focuses: airport and airpark planning and development; redevelopment/revitalization and historic preservation; and economic development and housing. All focus areas are to be represented on the commission so that the additional responsibilities acquired from the Airport Advisory Board and Revitalization Commission are not overshadowed and still have community representation.*

*To assist with the Commission's responsibilities, the proposed text includes allowances for the Planning and Zoning Commission to form temporary subcommittees so that members may focus on specific tasks, such as the updates to the General Plan, Historic Preservation, Downtown Planning and Improvements, design guidelines, etc. The subcommittees would be required to report to the Planning and Zoning Commission as a whole, and any subcommittee recommendation would require the review and vote of the Commission to forward a recommendation to the City Council.*

*To accommodate the recommended modifications, separate amendments to the Zoning Ordinance are proposed under Case ZTA2024-002, which will be heard as a separate agenda item after Council task action on this item. The amendments to the Zoning Ordinance are necessary to align and remove redundancies and conflicts between Chapter 2 Article IV. Commissions and Chapter 21 Zoning as it pertains to*

*the responsibilities and duties of the Airport Advisory Board, Board of Adjustment, Revitalization Commission Planning, and Zoning Commission.*

***FISCAL IMPACT:*** *Staff anticipates fiscal savings in the efficiency of supporting one commission/board rather than four. Also, the number of staff needed to support one Commission/board is anticipated to be less, which will allow for more efficient use of staff time. Furthermore, having one commission/board rather than four is anticipated to decrease the necessary publication and notification costs to hold meetings and public hearings.*

Mr. Symer gave a highlighted overview of the proposed ordinance that would consolidate the Airport Advisory Board, Board of Adjustment, and Revitalization Commission to under the umbrella of the Planning and Zoning Commission.

Councilmember Snyder stressed the importance of being very selective in appointing members to serve on the Planning and Zoning Commission, because of the consolidation of several boards. He said it's important to have people serve on the board that is going to be committed to attending the meetings, and clearly understand that serving on this board is vital to the city.

Mayor Powell wanted to know has there been any interest from current members of these boards to serve on the newly consolidated Planning and Zoning Commission.

Mr. Symer, Mr. Malewitz, and Vice Mayor Curtis all confirmed that they have been approached by several members from these boards, and past members about their interest in serving on the new board.

Mayor Powell noted an error in the ordinance. The ordinance title cites the case number as CCTA2024-001: RESIDENTIAL WALLS AND FENCES.

Mr. Symer apologized for the error.

Mr. Cooper suggested Council make a motion to reconsider approval of the ordinance and then move to adopt it as amended.

A motion was made by Councilmember Garcia and seconded by Councilmember Snyder to read Ordinance No. 24-982 by title only, passed unanimously (7-0).

The city clerk read the ordinance title into the record, noting a correction in the title (~~RESIDENTIAL WALLS AND FENCES~~ **MODIFICATIONS TO THE BOARDS AND COMMISSION PROVISIONS OF CHAPTER 2 OF THE ELOY CODE**).

A motion was made by Councilmember Snyder and seconded by Councilmember G. Rodriguez to adopt Ordinance No. 24-982 with a correction as noted by Mayor Powell, passed unanimously by roll call vote (7-0).

**F. ADOPTION OF RESOLUTION NO. 24-1599 DECLARING A PUBLIC RECORD FOR THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "ZTA2024-002: PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT RESPONSIBILITIES AND REASONABLE ACCOMMODATIONS."**

**Staff Cover Sheet Report:** *Staff recommends that the City Council adopt Resolution No. 24-1599 declaring a public record that certain document filed with the City Clerk and entitled "ZTA2024-002: Planning and Zoning Commission and Board of Adjustment Responsibilities and Reasonable Accommodations."*

*This is a request by staff to adopt Resolution No. 24-1599, which establishes a public record for the document titled "ZTA2024-002: Planning and Zoning Commission and Board of Adjustment Responsibilities and Reasonable Accommodations." The goal of this request is to create a public record that is filed with the City Clerk that can be referenced in an ordinance related to the associated zoning code text amendment application (Case No. ZTA2024-002). With the creation of the public record, the City Clerk would not need to publish the multipage document in the local newspaper with the ordinance if the City Council approves the zoning code text amendment application. The ordinance will refer to this public record by reference, which thereby provides notification to the public that there is an additional record associated with the ordinance that is available to be viewed at the City Clerk's office upon request.*

**FISCAL IMPACT:** *No fiscal impacts are anticipated from this agenda item.*

Mr. Symer conveyed that Council adoption of the resolution would allow the city to publish the resolution as a public record instead of Ordinance No. 24-979 (next agenda item) in its entirety, whereby saving publication costs for the city.

A motion was made by Councilmember Sutton and seconded by Councilmember Garcia to read Resolution No. 24-1599 by title only, passed unanimously (7-0).

The city clerk read the resolution title into the record, noting corrections in the title and body of the resolution (~~CASE NO. ZTA2004-002~~ **CASE NO. ZTA2024-002**)

A motion was made by Councilmember G. Rodriguez and seconded by Councilmember Tarango to adopt Resolution No. 24-1599, with a correction as noted by Councilmember Garcia, passed unanimously by roll call vote (7-0).

**G. CONDUCT A PUBLIC HEARING AND CONSIDER THE ADOPTION OF ORDINANCE NO. 24-979, APPROVING CASE NO. ZTA2024-002: PLANNING AND ZONING COMMISSION RESPONSIBILITIES AND REASONABLE ACCOMMODATIONS, TO AMEND CHAPTER 21 ZONING, ARTICLE V. ADMINISTRATION, SECTION 21-5-3 PLANNING AND ZONING COMMISSION, AND SECTION 21-5-4: BOARD OF ADJUSTMENT, AND OTHER APPLICABLE ARTICLES AND SECTIONS OF THE ZONING ORDINANCE, PERTAINING TO THE CONSTRUCT, POWERS, AND RESPONSIBILITIES OF THE PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT.**

**Staff Cover Sheet Report:** *Staff recommends that the City Council adopt Ordinance No. 24-979, approving Case No. ZTA2024-002: Planning and Zoning Commission Responsibilities and Reasonable Accommodations, to amend Chapter 21 Zoning, Article V. Administration, Section 21-5-3 Planning and Zoning Commission, and Section 21-5-4: Board of Adjustment, and other applicable Articles and sections of the Zoning Ordinance, pertaining to the construct, powers, and responsibilities of the Planning and Zoning Commission and Board of Adjustment.*

***Request***

*A request by the City of Eloy as the applicant for a City Council-initiated Text Amendment to Chapter 21-Zoning, Article V. Administration of the Eloy Code, to remove and update conflicting provisions between Chapters 2 and 21 to facilitate the consolidation of the Airport Advisory Board, Board of Adjustment, and Revitalization Commission within the purview of the Planning and Zoning Commission. In addition, the request includes modifications to the Board of Adjustment provisions to allow for a request to amend the development standard to provide for reasonable accommodation by both the Arizona and Federal Fair Housing Acts. Also, the request includes allowing the Board of Adjustment to hear and decide appeals concerning the Zoning Administrator's interpretation and enforcement of Chapter 15. Subdivisions.*

***Purpose***

*The purpose of the proposed amendment is to facilitate the necessary modifications to Chapter 21 Zoning, Article V. Administration, is to align with the associate amendment request to Chapter 2 (Case No. CCTA2024-001) that consolidates the duties and responsibilities of the Airport Advisory Board, the Board of Adjustment, and the Revitalization Commission under the Planning and Zoning Commission. This amendment (Case No. ZTA2024-002) removes and updates conflicting provisions between Chapters 2 and 21. Secondly, the purpose of this amendment is to incorporate provisions that would allow the Board of Adjustment to review and make decisions on requests for modifications to the property development standards to facilitate reasonable accommodations in accordance with both the Arizona and Federal Fair Housing Acts. Finally, the purpose of the amendment is to incorporate provisions to allow the Board of Adjustment to hear and decide a property owner's*

*appeal of the Zoning Administrator's interpretation and enforcement of Chapter 15. Subdivisions.*

***Discussion and Summary of Proposed Standard***

*This proposed amendment to the Zoning Ordinance is necessary to align and remove redundancies and conflicts between Chapter 2, Article IV: Commissions, and Chapter 21 Zoning. It complements a separate amendment to the Eloy Code's Chapter 2, Article IV: Commissions, to consolidate the duties and responsibilities of the Airport Advisory Board, Board of Adjustment, and Revitalization Commission within the purview of the Planning and Zoning Commission.*

*For reference purposes, the recommended revised scope and purpose of the Planning and Zoning Commission is to act as an advisory board to the City Council on various matters, including airport and airpark planning and development, architectural and site plan guidelines, code enforcement, public and private development review, downtown improvements, historic preservation, infrastructure guidelines, land use, redevelopment, public art, and zoning matters. This scope includes the duties of the Board of Adjustment and other issues assigned by the City Council within the realm of planning and zoning powers available to cities in Arizona.*

*Regardless of whether the City Council chooses to initiate the consolidation of the duties and responsibilities of the aforementioned boards/commissions into the purview of the Planning and Zoning Commission, modifications to Chapter 2, Article IV: Commissions, Boards, and Bureaus, and Chapter 21 Zoning are still necessary to remove redundancies and conflicts within the Eloy Code.*

*New duties and responsibilities are proposed to be added to the Board of Adjustment. In accordance with both the Arizona and Federal Fair Housing Acts, methods to request reasonable accommodations for dwellings are necessary. The U.S. Housing and Urban Development Department generally describes reasonable accommodation as "a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling." Currently, the Zoning Ordinance does not contain provisions to allow for reasonable accommodation requests; furthermore, Section §9-462.04 of the Arizona Revised Statutes requires that any modification to a property development standard of ten (10) percent or greater requires a public hearing.*

*The proposed modifications would enable individuals with disabilities to submit requests for reasonable accommodation that would modify the property development standards of the Zoning Ordinance for a lot or parcel. In addition, the revised provisions would empower the Board of Adjustment to hear and decide on these requests for reasonable accommodations. Furthermore, the proposed modifications would allow the Board of Adjustment to impose reasonable conditions in a decision to approve a variance and reasonable accommodation.*

*Additionally, the proposed modification involves allowing the Board of Adjustment to hear and decide appeals concerning the Zoning Administrator's interpretation and enforcement of the subdivision ordinance (Chapter 15 Subdivisions) of the Eloy Code. The provision provides a method for the property owner to have due process regarding the interpretation and enforcement of the subdivision ordinance.*

***Issues for Consideration***

*In determining whether to approve, approve with conditions, or deny proposed text amendments, issues for consideration shall include but not be limited to (Staff's analysis of the consideration is included in bold italic text):*

- A. *The proposed amendment will promote the public health, safety, and general welfare;*
  - *The proposed amendment achieves the aforementioned consideration by providing for the coordination of land use, new development, redevelopment, historic preservation, and airport considerations through a single commission. This would allow for a comprehensive approach and analysis of related land use, development, and operation considerations. Also, the consolidation provides a single point of contact for the public to provide comments on the aforementioned considerations.*
  - *The proposed amendment achieves the aforementioned consideration by allowing persons with qualifying disabilities to request reasonable accommodation modifications to the property standards that are necessary for the person(s) to have housing that accommodates their needs.*
  - *The proposed amendment achieves the aforementioned consideration by incorporating provisions that allow the Board of Adjustment to review and decide on appeals of the interpretation and enforcement of the subdivision ordinance (Chapter 15 Subdivisions) of the Eloy Code.*
- B. *The proposed amendment is consistent with the adopted Eloy General Plan and the stated purposes of this chapter and,*
  - *The proposed amendment aligns with the General Plan by coordinating land use, new development, redevelopment, historic preservation, and airport considerations through a single commission, which would allow for a comprehensive analysis of information to provide a recommendation to the City Council in order to achieve a sustainable community (General Plan Goal 3.1.1.2). Furthermore, the amendment incorporates provisions to allow reasonable accommodation in accordance with both the Arizona and Federal Fair Housing Acts, which contribute to providing a range of residential uses (General Plan Goal 3.1.1.1).*

- C. *The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.*
- *The proposed amendment is necessary to provide for a comprehensive and coordinated approach to land use, new development, redevelopment, historic preservation, and airport considerations. Furthermore, the consolidation of responsibilities under the Planning and Zoning Commission allows the Commission to evaluate various social and economic considerations that contribute to a sustainable community.*

***Community Involvement and Citizen Review Report***

*On Monday, August 5, 2024, staff held an Open House in the City Hall Community Room, and a One-on-One meeting took place on August 7, 2024, in the Community Development Conference Room. No members of the public attended either meeting. Both meetings were published in the Pinal Central Dispatch using a minimum 1/8-page ad on July 18, 2024, on the City of Eloy website and the City's website calendar. The LED community notification signs outside the Community Services Department building on Main Street and the Toltec Community Center also provided information about the meetings. They informed the public that the proposed amendments were available for review.*

***Planning and Zoning Commission Meeting:***

*On September 18, 2024, the Planning and Zoning Commission held a public hearing on the above-referenced application. The Commission voted 3-0 to recommend approval of this application. One member of the public spoke on the proposed application but did not indicate whether they were in favor or opposition to the application. The individual opined that modifications could increase the workload of the Commission more than anticipated and in areas of greater scope than they may have anticipated when they volunteered for the appointment.*

***Effective Date of the Ordinance***

*To ensure adequate time is provided to recruit new volunteers and formulate new processes for the Commission, staff has incorporated an effective date of March 1, 2025, into the ordinance.*

***FISCAL IMPACT:*** *There is not a fiscal impact on the proposed changes.*

Mayor Powell declared a public hearing open.

Mr. Symer gave a brief overview of the proposed ordinance that would consolidate the Airport Advisory Board, Board of Adjustment, and Revitalization Commission under the jurisdiction of the Planning and Zoning Commission. The proposed ordinance would also amend provisions in the Board of Adjustment to allow for

reasonable accommodations for those with disabilities, according to state and federal law.

Mayor Powell opened the floor for Council and public comments and questions.

There being none, Mayor Powell closed the public hearing.

A motion was made by Councilmember Sutton, and seconded by Councilmember G. Rodriguez to read Ordinance No. 24-979 by title only, passed 6-0 (*Councilmember Garcia not present at the time of voting*).

The city clerk read the ordinance title into the record.

A motion was made by Councilmember Snyder, and seconded by Councilmember Tarango to adopt Ordinance No. 24-979, passed unanimously by roll call vote (7-0).

**H. ADOPTION OF RESOLUTION NO. 24-1600 DECLARING A PUBLIC RECORD FOR THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "ZTA2024-003 HISTORIC PRESERVATION OVERLAY AND MISCELLANEOUS MODIFICATIONS."**

**Staff Cover Sheet Report:** *Staff recommends that the City Council adopt Resolution No. 24-1600 declaring a public record that certain document filed with the City Clerk and entitled "ZTA2024-003 Historic Preservation Overlay and Miscellaneous Modifications."*

*This is a request by staff to adopt Resolution No. 24-1600, which establishes a public record for the document titled "ZTA2024-003 Historic Preservation Overlay and Miscellaneous Modifications." The goal of this request is to create a public record that is filed with the City Clerk that can be referenced in an ordinance related to the associated zoning code text amendment application (Case No. ZTA2024-003). With the creation of the public record, the City Clerk would not need to publish the multipage document in the local newspaper with the ordinance if the City Council approves the zoning code text amendment application. The ordinance will refer to this public record by reference, which thereby provides notification to the public that there is an additional record associated with the ordinance that is available to be viewed at the City Clerk's office upon request.*

**FISCAL IMPACT:** *No fiscal impacts are anticipated from this agenda item.*

Mr. Symer conveyed that Council adoption of the resolution would allow the city to publish the resolution as a public record instead of Ordinance No. 24-980 (next agenda item) in its entirety, whereby saving publication costs for the city.

A motion was made by Councilmember Snyder and seconded by Councilmember Sutton to read Resolution No. 24-1600 by title only, passed unanimously (7-0).

The city clerk read the resolution title into the record, noting corrections in the title and body of the resolution (~~CASE NO. ZTA2004-003~~ **CASE NO. ZTA2024-003**)

A motion was made by Councilmember Snyder and seconded by Councilmember Garcia to adopt Resolution No. 24-1600, with a correction as noted by the city clerk, passed unanimously by roll call vote (7-0).

- I. **CONDUCT A PUBLIC HEARING AND CONSIDER THE ADOPTION OF ORDINANCE NO. 24-980, APPROVING CASE NO. ZTA2024-003: HISTORIC PRESERVATION OVERLAY AND MISCELLANEOUS MODIFICATIONS, TO AMEND CHAPTER 21 ZONING: ARTICLE II. ZONING DISTRICTS, INCLUDING SECTIONS THEREIN, TO MODIFY THE TITLE OF THE PLANNED AREA DEVELOPMENT (PAD) ZONE, AND TO INCORPORATE THE HISTORIC PRESERVATION OVERLAY (HP) ZONE, INCLUDING THE RELATED PROCESSES AND REQUIREMENTS; AND ARTICLE VI. ZONING PROCEDURES, TO ADD HISTORIC PRESERVATION PROCEDURES, PROCESSES, CRITERIA, STANDARDS, AND GUIDELINES.**

**Staff Cover Sheet Report:** *The staff recommends that the City Council adopt Ordinance No. 24-980 approving Case No. ZTA2024-003: Historic Preservation Overlay and Miscellaneous Modifications, to amend the following of Chapter 21 Zoning: Article II. Zoning Districts, Section 21-2-1.1: Zoning Districts were established to update the provisions and incorporate the Historic Preservation Overlay zone to amend Article II. Zoning Districts, Section 21-2-7.1: Planned Area Development (PAD) to update the title of the PAD zone; and Article II. Zoning Districts, to add Historic Preservation Overlay (HP) zone, and related processes and requirements; and Article VI. Zoning Procedures, to add Historic Preservation procedures, processes, criteria, standards, and guidelines.*

***Request***

*A request by the City of Eloy as the applicant for a City Council-initiated Text Amendment to Chapter 21-Zoning of the Eloy Code, also referred to as the City of Eloy's Zoning Ordinance, to incorporate the Historic Preservation Overlay zone with the related processes, requirements, criteria, standards, and guidelines. Furthermore, the amendment includes modifying the Planned Area Development (PAD) title to include "Overlay."*

***Purpose***

*The purpose of the amendment is to create a new overlay zone called the Historic Preservation Overlay (HP). The objective of this overlay zone is to implement the General Plan through the recognition, preservation, and enhancement of landscape*

*features, objects, structures, and sites that represent distinctive events, and cultural, political, architectural, and archaeological elements (hereafter "Resources") that have historical and heritage significance within the Eloy. Furthermore, the amendment is intended to encourage the economic reuse of resources when appropriate, to promote cultural awareness through the recognition and preservation of resources, and to provide for the education and general welfare of the public. It should be noted that the proposed amendment to the Zoning Ordinance is also necessary to align and remove redundancies and conflicts between Chapter 2, Article IV: Commissions, and Chapter 21, Zoning pertaining to the historical preservation provisions. In addition, the amendment includes modifying the title of the Planned Area Development (PAD) to include "Overlay."*

#### ***Discussion and Summary of Proposed Standards***

*Many of the existing historic preservation provisions are located in historical Code's Chapter 2, Article IV: Commissions, Board and Bureaus under the Revitalization Commission duties. Upon approval of the associated Eloy Code amendment (CCTA2024-001 Modifications to the Boards and Commission Provisions), the provisions will be removed from the Eloy Code. Therefore, they need to be relocated to the appropriate location in the Zoning Ordinance. Furthermore, the Staff's review of the existing provisions found that they need to be updated to conform to current standards and regulations.*

*In accordance with the enabling zoning provisions of Section §9.462.01 of the Arizona Revised Statutes that address historic preservation zoning, the proposed Historic Preservation Overlay (HP) would be created with updated regulations that are consistent with the State and National guidelines and criteria. Furthermore, the method to apply for designation would be incorporated, which would follow the existing rezoning process. In addition, the application process for designation, modifications, and economic hardship determinations would be incorporated into the zoning procedures section of the Zoning Ordinance that houses the process for all other applications. Also, provisions would be incorporated into the Historic Preservation Overlay (HP) to allow for modification to the land use and property development standards to assist in zoning compliance and preservation. The proposed regulations also include:*

- Providing a clear method for property owners to obtain a Landmark or Historic District designation;*
- Aligning the regulations with the provisions, guidelines, and publications of the Arizona State Historic Preservation Office and the U.S. Department of the Interior's National Park Service's National Register Criteria for Evaluation;*
- Incorporate regulations to accommodate zoning provisions that may be necessary to ensure the property is able to maintain compliance with the Zoning Ordinance property development standards and to allow uses that are vital to the Landmark's preservation; and*

- *A method to identify and track properties that have received a Landmark or Historic District designation.*

*The amendment also incorporates modifying the title of the PAD. The PAD is an overlay district that is frequently confused by the public as a primary zone instead of an overlay. To be consistent with other overlay zones of the Eloy Zoning Ordinance and to assist with elevating the confusion, the proposed amendment would add "Overlay" to the PAD title.*

***Issues for Consideration***

*In determining whether to approve, approve with conditions, or deny proposed text amendments, issues for consideration shall include but not be limited to (Staff's analysis of the consideration is included in bold italic text):*

- A. The proposed amendment will promote the public health, safety, and general welfare;*
- ***The proposed amendment promotes public health, safety, and general welfare by allowing property owners and the City Council to zone properties with the HP overlay. This overlay requires landmarks and properties within the historic district to be maintained and prevents them from falling into a state of disrepair. Furthermore, the provisions of the proposed ordinance mandate that any modifications or additions to the property be in accordance with a preservation plan. This plan is to be included with the adoption of an Amendment to the Zoning Map (rezoning application) to rezone the property with the HP overlay. Additionally, the proposed amendment allows for the designation, acknowledgment, and preservation of properties associated with distinctive events and elements of cultural, political, architectural, archaeological, and historical significance. This is intended to provide a record of past events, ideas, occurrences, significant persons, and styles for future generations to celebrate, learn about, mourn, and remember Eloy's past.***
- B. The proposed amendment is consistent with the adopted Eloy General Plan and the stated purposes of this chapter; and*
- ***The proposed amendment aligns with the General Plan by focusing on the protection, preservation, rehabilitation, and adaptive reuse of historical and cultural landmarks and resources (General Plan Goal 3.9.1.2). Additionally, it requires the adoption of preservation plans that include guidelines and standards for reviewing new construction, as well as for the maintenance, upkeep, repair, and preservation of landmarks and properties within the historic district (General Plan Objective 3.9.5.4).***
- C. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions:*

- *The proposed amendment is necessary to implement a zoning method that aligns with the General Plan's goals and objectives, as well as the community's desire to preserve and maintain properties eligible for landmark and historic district designation. Additionally, the amendment establishes processes and procedures to ensure that property owners maintain their properties according to a preservation plan and applicable requirements once a property is zoned with the HP overlay, which acknowledges landmarks and historic districts are designations.*

***Community Involvement and Citizen Review Report***

*On Monday, August 5, 2024, staff held an Open House in the City Hall Community Room, and a One-on-One meeting took place on August 7, 2024, in the Community Development Conference Room. No members of the public attended either meeting. Both meetings were published in the Pinal Central Dispatch using a minimum 1/8-page ad on July 18, 2024, on the City of Eloy website and the City's website calendar. Additionally, the LED community notification signs outside the Community Services Department building on Main Street and the Toltec Community Center provided information about the meetings and informed the public that the proposed amendments were available for review.*

***Planning and Zoning Commission Meeting:***

*On September 18, 2024, the Planning and Zoning Commission held a public hearing on the above-referenced application. The Commission voted 3-0 to recommend approval of this application.*

***FISCAL IMPACT:*** *There is no anticipated fiscal impact on the proposed changes.*

Mayor Powell declared a public hearing open.

Mr. Symer provided the Council and public with a brief overview of the proposed ordinance that would amend the current zoning code to include historic preservation overlay. The amendment would designate historic properties with the proposed zoning for preservation, recognition and integrity.

Mayor Powell opened the floor for Council and public comments and questions.

There being none, Mayor Powell closed the public hearing.

A motion was made by Councilmember Garcia and seconded by Councilmember Sutton to read Ordinance No. 24-980 by title only, passed unanimously (7-0).

The city clerk read the ordinance title into the record.

A motion was made by Councilmember Sutton and seconded by Councilmember Snyder to adopt Ordinance No. 24-980, passed unanimously (7-0).

**J. ADOPTION OF RESOLUTION NO. 24-1601 DECLARING A PUBLIC RECORD FOR THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "ZTA2024-004: DEVELOPMENT STANDARDS AND BUILDING HEIGHTS EXCEPTIONS."**

**Staff Cover Sheet Report:** *Staff recommends that the City Council adopt Resolution No. 24-1601 declaring a public record that certain document filed with the City Clerk and entitled "ZTA2024-004: Development Standards and Building Heights Exceptions."*

*This is a request by staff to adopt Resolution No. 24-1601, which establishes a public record for the document titled "ZTA2024-004: Development Standards and Building Heights Exceptions." The goal of this request is to create a public record that is filed with the City Clerk that can be referenced in an ordinance related to the associated zoning text amendment application (Case No. ZTA2024-004). With the creation of the public record, the City Clerk would not need to publish the multipage document in the local newspaper with the ordinance if the City Council approves the zoning code text amendment application. The ordinance will refer to this public record by reference, which thereby provides notification to the public that there is an additional record associated with the ordinance that is available to be viewed at the City Clerk's office upon request.*

**FISCAL IMPACT:** *No fiscal impacts are anticipated from this agenda item.*

Mr. Symer conveyed that Council adoption of the resolution would allow the city to publish the resolution as a public record instead of Ordinance No. 24-981 (next agenda item) in its entirety, whereby saving publication costs for the city.

A motion was made by Councilmember G. Rodriguez and seconded by Councilmember Snyder to read Resolution No. 24-1601 by title only, passed unanimously (7-0).

The city clerk read the resolution title into the record.

A motion was made by Councilmember Garcia and seconded by Councilmember G. Rodriguez to adopt Resolution No. 24-1601, passed unanimously (7-0).

**K. CONDUCT A PUBLIC HEARING AND CONSIDER THE ADOPTION OF ORDINANCE NO. 24-981, APPROVING CASE NO. ZTA2024-004: DEVELOPMENT STANDARDS AND BUILDING HEIGHTS EXCEPTIONS, A REQUEST BY THE CITY OF ELOY FOR A TEXT AMENDMENT TO**

**THE CITY OF ELOY'S ZONING ORDINANCE TO AMEND CHAPTER 21 ZONING: ARTICLE II. ZONING DISTRICTS, ARTICLE IV. GENERAL DEVELOPMENT REGULATIONS, ARTICLE VI. ZONING PROCEDURES, AND ARTICLE IX. DEFINITIONS, MODIFYING THE DEVELOPMENT STANDARD OF ALL ZONES, NON-SPECIFIED CONDITIONAL USES, DEFINITIONS, AND INCORPORATING BUILDING HEIGHT EXCEPTIONS AND RELATED PROVISIONS AND REGULATIONS.**

**Staff Cover Sheet Report:** *The staff recommends that the City Council adopt Ordinance No. 24-981 approving Case No. ZTA2024-004: Development Standards and Building Heights Exceptions, a request by the City of Eloy for a Text Amendment to the City of Eloy's Zoning Ordinance to amend Chapter 21 Zoning: Article II. Zoning Districts, Article IV. General Development Regulations, Article VI. Zoning Procedures, and Article IX. Definitions to provide clarity, remove conflicts, modify the development standard of all zones, non-specified conditional uses, definitions, and incorporate building height exceptions and related provisions and regulations.*

*A request by the City of Eloy as the applicant for a Zoning Administrator-initiated Text Amendment to Chapter 21 Zoning of the Eloy Code, also referred to as the City of Eloy's Zoning Ordinance, to provide clarity, remove conflicts, incorporate residential square footage allowance to Mixed-use development, modify heights, and to allow building height exceptions for appurtenances, projections, and use related structures.*

**Purpose**

*The purpose of the amendment is to simplify, clarify, and revise existing property development standards to eliminate the need for interpretations, eliminate conflicts and irrelevant provisions, and reformat the development standard tables. Furthermore, the purpose of the amendment incorporates building height exceptions that are customary or essential to building design to comply with building codes, land uses, and industry standards and requirements.*

**Discussion and Summary of Proposed Standard**

*Several provisions in the existing property development standards and non-specified use provisions need to be simplified, clarified, and revised to eliminate the need for interpretation and brought into conformance with standard methods and heights of construction. In addition, the Mixed Use zone is being modified to incorporate residential square footage allowances to accommodate the currently allowed residential uses of the zone. Also, when the Zoning Ordinance was substantially updated in 2018, the allowance for building height exceptions for appurtenances, projections, and structures above the building height of a property's zone was not incorporated with the update. The building height exceptions appear to have been an oversight when the ordinance was adopted since several older buildings and structures exist in the City that have appurtenances, projections, and structures above the allowed building height.*

*Building height exceptions are typical and customary to zoning ordinances allowances. Furthermore, many communities have provisions in their ordinances to allow exceptions on a case-by-case approval. There are various reasons for such allowances and building exceptions, although the use of a building, land, and conformance to the Building Code are typically the primary reasons. Some examples include chimney and ventilation clearance, places of worship towers, unoccupied architectural features, agricultural, industrial, and manufacturing necessities, mechanical and utility screening, roof access and equipment, roof overruns, etc. Another such example is amateur radio towers owned by licensed persons. The Federal Communication Corporation (FCC) mandates that local governments allow for exceptions to the building height provision for amateur radio towers so that licensed operators may receive signals.*

*The proposed amendment includes building height exception allowance for clock towers, amateur radio towers chimneys, mechanical penthouses, and bulkheads for stairwells, elevator shafts, skylights, conveyor systems, cooling towers, gas and chemical holders, sports light poles and fixtures, grain elevators, fire towers, silos, water tanks, smokestacks transmission towers, windmills, unoccupiable belfries, building towers, cupolas, domes, spires and other similar structures as determined by the Zoning Administration. Section 8, page 15, of the proposed amendment (attached) specifies the proposed height exceptions and associated regulations, including setback requirements for residential property for specific allowances. It should be noted that the proposed amendment incorporates the ability for a property owner to request approval of a Conditional Use Permit for an alternative building height exception.*

#### ***Issues for Consideration***

*In determining whether to approve, approve with conditions, or deny proposed text amendments, issues for consideration shall include but not be limited to (Staff's analysis of the consideration is included in bold italic text):*

*A. The proposed amendment will promote the public health, safety, and general welfare;*

- The proposed amendment promotes public health, safety, and general welfare by allowing exceptions to building height regulations that are necessary to comply with the city's building and fire codes. This includes provisions for structures that extend above roofs to accommodate access, mechanical equipment, building exhaust, and ventilation. Additionally, the amendment would permit architectural features, structures, and design elements for architectural composition and scale of buildings, to screen undesirable features, and incorporate elements that are customary for specific uses, such as places of worship, farming, and manufacturing.*

- B. The proposed amendment is consistent with the adopted Eloy General Plan and the stated purposes of this chapter and*
- The proposed amendment aligns with the General Plan by establishing standards that support the development of a sustainable community by removing barriers, incorporating heights utilized in standard methods and construction, and allowing building height exceptions that are typically necessary to maintain and lure commercial, employment, and industrial uses and developments to enhance Eloy's economic vitality and growth (General Plan Goals 3.1.1.2, 3.3.1.3, and 3.10.1.1).*
- C. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.*
- The proposed amendment is both necessary and desirable. It allows heights that are standard with the method of construction and structures and equipment to extend above roofs to accommodate access, mechanical equipment, building exhaust, and ventilation, which are needed to ensure compliance with the city's building and fire codes. Additionally, the amendment permits features, structures, and exceptions that are typically necessary to promote and attract commercial, employment, and industrial uses, thereby fostering an economically sustainable community.*

***Community Involvement and Citizen Review Report.***

*On Monday, August 5, 2024, staff held an Open House in the City Hall Community Room, and a One-on-One meeting took place on August 7, 2024, in the Community Development Conference Room. No members of the public attended either meeting. Both meetings were published in the Pinal Central Dispatch using a minimum 1/8 page ad on July 18, 2024, on the City of Eloy website and on the City's website calendar. Additionally, the LED community notification signs outside the Community Services Department building on Main Street and the Toltec Community Center provided information about the meetings and informed the public that the proposed amendments were available for review.*

*Staff did receive one verbal set of comments from representatives of Freepoint Eco-Systems pertaining to the proposed width/diameter of the silos. The individuals stated that to achieve the heights proposed, a large width/diameter is necessary, such as a diameter of up to forty-two (42) feet. The staff followed up on comments and researched silo widths, and reviewed manufacturer information. Depending on the volume and purpose of the silo storage (gas, liquid, grains, dry materials, etc.), a variety of silo heights and diameters are available to achieve the needs of the user, including diameters greater than forty-two (42) feet. To address the comments, and in response to staff findings, the proposed footprint area of any individual silo was increased from 200 square feet (a width/diameter of approximately fourteen (14) feet)*

to 625 feet (a width/diameter of twenty-five (25) feet). The staff opines that greater widths/diameters may be warranted based on industry needs, although they may have an imposing visual impact. Therefore, obtaining a Conditional Use Permit approved by the City Council to allow alternatives to be reviewed in a case-by-case situation is a more appropriate approach to address individual and unique needs. The proposed amendment already incorporates a Conditional Use Permit for such considerations. Staff findings and modifications were shared with the representatives of Freepoint Eco-Systems, and no additional comments have been provided.

***Planning and Zoning Commission Meeting:***

*On September 18, 2024, the Planning and Zoning Commission held a public hearing on the above-referenced application. The Commission voted 3-0 to recommend approval of this application.*

***FISCAL IMPACT:*** *There is no anticipated fiscal impact on the proposed changes.*

Mayor Powell declared a public hearing open.

Mr. Symer highlighted the proposed text amendments to the current zoning code related to development standards and building heights exceptions.

Mayor Powell opened the floor for Council and public comments and questions.

There being none, Mayor Powell closed the public hearing.

A motion was made by Councilmember Garcia, and seconded by Councilmember Sutton to read Ordinance No. 24-981 by title only, passed unanimously (7-0).

The city clerk read the ordinance title into the record.

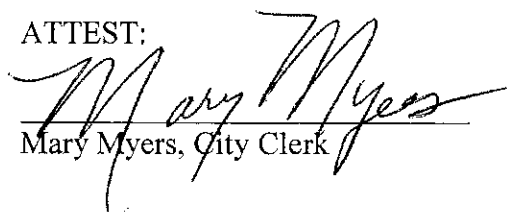
A motion was made by Councilmember Snyder and seconded by Councilmember Sutton to adopt Ordinance No. 24-981, passed unanimously (7-0).

**X. ADJOURNMENT**

There being no further business, Mayor Powell adjourned the meeting at approximately 7:31 p.m.

  
Micah Powell, Mayor

ATTEST:

  
Mary Myers, City Clerk