

**CITY OF KINGMAN
 REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION
 Council Chambers
 310 N. 4th Street
 Kingman, Arizona**

6:00 P.M.

Minutes

Tuesday July 14, 2015

Members Present:	Staff Present:	Visitors Signing In:
Allen Mossberg, Commission Chair	Gary Jeppson, Development Services Director	See attached list
Mike Blair, Commission Vice-Chair	Rich Ruggles, Principal Planner	
Gene Kirkham, Commission Member	Sylvia Shaffer, Planner	
Vickie Kress, Commission Member	Sandi Fellows, Recording Secretary	
Dustin Lewis, Commission Member		
Council Liaison Present:		

REGULAR MEETING MINUTES

CALL TO ORDER & ROLL CALL

Chair Mossberg called the meeting to order at 6:00 P.M. and the Recording Secretary called the roll. Commissioner's Angle and Wimpee, Jr. were excused. All other Commissioners were present. The Pledge of Allegiance was led by Commissioner Kress and recited in unison.

- 1. APPROVAL OF MINUTES:** The Regular Meeting Minutes of June 9, 2015, and the Regular Meeting Minutes of May 12, 2015.

Commissioner Kirkham made a MOTION to APPROVE the Regular Meeting Minutes of June 9, 2015 as written. The MOTION was SECONDED by Vice-Chair Blair and the MOTION CARRIED with UNANIMOUS (5-0) APPROVAL. Vice-Chair Blair made a MOTION to APPROVE the Regular Meeting Minutes of May 12, 2015. Commissioner Kirkham SECONDED the MOTION, and the MOTION CARRIED with UNANIMOUS (5-0) APPROVAL to the affirmative.

- 2. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC:**

There were no comments.

- 3. PAST COUNCIL ACTION:**

- A. SUBDIVISION CASE SB15-002:** A request from Robert and Eleanor Villandre, Trustees, property owners, and Angle Homes, Inc., applicant, for approval of the **Abandonment of Cheyenne Estates, Tract 6013**. The proposal would abandon to acreage an undeveloped subdivision

consisting of three lots and an unimproved portion of a public street, Maya Drive, located south of Cheyenne Avenue. The property is located along the south side of Cheyenne Avenue east of Packsaddle Road and is zoned R-1-40: Residential, Single Family, 40,000 square foot lot minimum. The property is further described as a Subdivision of a Portion of the NW ¼, of Section 28, T.21N., R.16W. of the G&SRM, Mohave County, Arizona.

Development Services Director Gary Jeppson reported that the City Council had approved the abandonment of Cheyenne Estates.

4. OLD BUSINESS:

- A. **ZONING ORDINANCE TEXT AMENDMENT CASE ZO15-001**: A city-initiated request to consider a text amendment to Section 10.000: Landscaping of the City of Kingman Zoning Ordinance. The proposed text change would revise this section by repealing the appeal process, repealing the 2:1 credit for landscaping in the right-of-way, adding an updated recommended plant list, adding parking lot landscaping standards, requiring an area equivalent to five-percent of the development area to be landscaped for remodels and expansions of existing development, clarifying plan submittal requirements, updating design elements including the irrigation standards and permitting some artificial turf as a landscape element, changing the time frame for replacement of dead plant material from 90 days to 45 days, and providing an exemption from the landscaping requirements for remodeled properties on sites that are over 95-percent developed.

Principal Planner Rich Ruggles addressed the Commission stating that the purpose of updating the Landscaping Ordinance is to enhance the beauty and attractiveness of the city and to provide developers and staff with additional clarification regarding landscaping requirements.

The Planning and Zoning Commission and planning staff have been working on proposed language for updating the Landscape Ordinance since December 2014. The Commission and staff have consulted with local landscape businesses, initiated a workshop on February 3, 2015 and met with members of the Northwest Arizona Builders Association (NABA) in May 2015 to develop a consensus regarding the draft language of the proposed Landscape Ordinance.

The revised proposed text amendment to Section 10.000, if approved, would make the following changes:

1. **The repeal process in which an applicant can ask the Planning and Zoning Commission and City Council for a waiver or deferral of the requirements of the landscape ordinance under certain conditions would be repealed. Appeals would still be allowed in the form of a request for a variance that would be heard by the Board of Adjustment.**
2. **The site plan content and plan submittal requirements are updated and the requirements**

for ground treatments and plants are revised.

3. **The 2:1 credit for landscaping in the right-of-way is repealed. Landscaping in right-of-way would be required in addition to the minimum on-site landscaping.**
4. **A definition of “development area” for calculating the landscape requirement for remodels and expansions of existing buildings has been added.**
5. **The required caliper size for 15-gallon trees is reduced. Desert adapted trees, which are encouraged by the recommended plant list, typically have smaller trunks at the time of planting.**
6. **A modified version of the existing recommended plant list currently located in Sections 14.000 and 35.000 of the Kingman Zoning Ordinance has been added to the Landscape section.**
7. **Parking lot landscaping standards are added which are applied to off-street parking lots with 15 or more spaces for all new development. The parking lot landscaping is counted toward the total required landscape area. The standards require landscape islands at the ends of every parking row as well as one for every 15 parking spaces in a contiguous row. The exact location of the islands may vary in the row. Islands are required to be the size of a typical parking space which normally is 9-feet by 19-feet. Parking areas used exclusively for outdoor sales and display purposes are exempt from the landscape island requirements. Finally, a 10-foot wide landscape buffer area is required around the site perimeter wherever a parking lot with 15 or more spaces for new development directly abuts a public street.**
8. **Artificial turf may be counted towards 10-percent of the minimum landscape area.**
9. **Irrigation standards are added in which an automatic irrigation system is required, a backflow assembly is required, as well as other system design requirements.**
10. **Language concerning the extent of the landscape area and protection requirements of landscape areas is added.**
11. **Storm water detention areas are permitted to be landscaped.**
12. **An exemption from landscape requirements is permitted when over 95 % of the gross site is already developed with buildings and parking areas and a building is being remodeled. The exemption does not apply to any expansions of a building beyond the existing building envelope.**
13. **Changes the time frame for replacement of dead plant material from 90-days to 45-days.**

14. Some new language has been proposed regarding the use of weed barriers in landscape areas. The Engineering Department has recommended that permeable landscape fabric or plastic be used instead of sheet plastic in landscape areas. Sheet plastic tends to act as a barrier to water absorption which can affect the amount of storm water runoff that is generated by the development of the site. Language has been added under Storm Water Detention which states that if sheet plastic is used, the project engineer will need to take in to account the effects this barrier will create when making calculations for the on-site detention requirements. Additional detention may be needed in that situation.

Staff is recommending approval of amending Section 10.000 LANDSCAPING of the *Zoning Ordinance of the City of Kingman*.

The Planning and Zoning Commission members commended staff for their work on the proposed Text Amendment.

Commissioner Kirkham made a MOTION to forward the proposed Text Amendment to the City Council with the changes recommended by staff. The MOTION was SECONDED by Vice-Chair Blair, and the MOTION CARRIED UNANIMOUSLY (5-0) in favor of the motion.

5. NEW BUSINESS:

- A. **ABANDONMENT CASE AB15-001:** A request from Steven Paul Latoski, applicant and adjoining property owner, for approval of the vacation (abandonment) of a portion of Vermont Street located between Sunset Boulevard and Arlington Street. The applicant requested a 42-foot wide by 107.13 foot long portion of the public right-of-way to be vacated which is abutting property which is owned by the applicant. The subject property is described as Lots 1-3, Block 7, Kingman Metropolitan Addition, No. 2 (APN 311-17-122). The city will consider abandoning the full length of Vermont Street which is 50 feet wide by 214.26 feet long located between Sunset Boulevard and Arlington Street.

Planner Sylvia Shaffer addressed the Commission stating that the request was for approval of the vacation (abandonment) of a portion of Vermont Street located between Sunset Boulevard and Arlington Street. The applicant, Steven Latoski, would like to expand his property to include the proposed abandoned portion of Vermont Street.

Ms. Shaffer went on to state that there are existing water and sewer lines in Sunset Boulevard up to Vermont Street, and in Arlington Street near Vermont Street. Arlington and Sunset are mostly paved to the site, where Vermont Street is not improved. Ms. Shaffer stated the subject site is relatively rocky and located on a steep hillside. The property lies within Flood Zone "X", according to the FEMA panel map. Zone "X" areas are determined to be outside of a 0.2% annual chance of flooding.

The site has been posted and a public notice was published in the Kingman Daily Miner. Thirty surrounding property owners within 300 feet of the subject property were notified of the public hearing. A telephone call was received from a neighboring property owner who was concerned about the proposed abandonment. The property owner also came to the office to discuss the proposed abandonment. After the office visit and clarification of what is proposed, the property owner did not have further concerns.

City Engineering, Building and Fire Departments have no objection to the proposed abandonment. The City Surveyor supports the City's recommendation to vacate the portion of Vermont Street between Sunset Boulevard and Arlington Street and that each adjacent owner have the opportunity to consider the vacated section of Vermont Street from their property to the centerline. UniSource Energy has no objection to the proposal, and has no requirement for an 8-foot public utility easement to be reserved as part of this vacation of a portion of Vermont Street. Frontier Communications also has no objection to the proposal.

Ms. Shaffer stated that the abandonment of this portion of Vermont Street would allow the applicant to acquire the abandoned portion of the right-of-way for a reasonable amount of money that would be determined by the City Council. Staff is recommending that the full width right-of-way, 50-feet wide by 214.26-feet long, between Sunset Boulevard and Arlington Street be vacated because a dead end street would be of no use to the City for either utilities or other purposes. Vermont Street is currently unpaved and undeveloped as it is located on rocky hillside terrain. Vacating this right-of-way will not negatively impact the neighborhood or remove access to any of the neighboring property owners.

If the vacation of the portion of Vermont Street is approved by the City Council, any resolution of vacation shall be subject to the giving of consideration by the owner of the abutting property in an amount deemed by the Common Council to be commensurate with the value of the right-of-way. In determining the value, the Council shall give due consideration to the degree of fragmentation and marketability and any public benefit received by the City in return for the right-of-way. The City's interest in the right-of-way shall be extinguished upon payment of the consideration, if any, and after recording of the resolution vacating the right-of-way.

The applicant initially proposed an estimated value of \$100 for the 42-foot wide by 107.13-foot long of Vermont Street requesting to be vacated. The typical lot size in this area is 25-foot x 107-foot. Staff conducted research and received an estimated value of \$1,000 per lot (25-foot X 107-foot) based on a recent sales of similar property in the area on Sunset Street, APN 311-17-122. The applicant provided a revised estimated value based on a similar current property listing in the area of \$333-\$500 per lot (25-foot X 107-foot) located on Arlington Street, APN 311-17-155. A portion of Vermont Street (25-foot X 214-foot) was vacated in 2004 between Sunset and Louise Avenue north of the subject property. At that time the City Council approved an estimated value of \$750 per lot (25-foot X 107-foot).

If the entire portion of Vermont Street is vacated from Sunset Boulevard to Arlington Street, the vacated portions would be four equal sections, each approximately 25-foot X107-foot. There are four adjacent property owners on each side of Vermont. Therefore, each property owner would have to submit a check to the City of Kingman for the per section dollar amount approved by the City Council. Upon payment, title to each section of the right-of-way would pass to the adjacent owner.

The applicant requested that if the neighboring property owners participate or benefit from the vacation of the entire portion of Vermont Street from Sunset Boulevard to Arlington Street that they equally share the cost of the initial application fee of \$500 submitted by the applicant. The applicant requested that the City obtain the shared cost by the benefitting property owners to include the amount of \$125 per property owner (except the applicant) in the estimated value for each lot and refund \$375 to the applicant.

Commissioner Lewis asked if the lots compared with the subject property to come to a fair market value were of similar terrain. Ms. Shaffer acknowledged that one lot was in the general area, and the other was of similar terrain in the area, and the price met in the middle of both.

The applicant, Steven Latoski stated that he supports the recommended valuation of \$500.00 for each of the four 25-foot by 107-foot lots that abut the four separately owned parcels between Sunset and Arlington. Mr. Latoski went on to state that he feels the lots offer no practical development potential, with their highest and best use being combined with abutting properties. Mr. Latoski presented the Commission with an active listing that had been on the market for some time, of three lots on Arlington Street, 800-feet west of Vermont Street, where the asking price is \$1,500 for the three lots, or \$500 per lot. Mr. Latoski further stated that his original application requested the abandonment of the portion of Vermont Street abutting his property only. Staff's recommendation of full width abandonment of Vermont Street benefits three other property owners. Mr. Latoski requested that if the other three property owners benefit from the vacation of the entire portion of Vermont Street from Sunset Blvd. to Arlington Street, they should equally share the cost of the initial application fee of \$500 submitted by the applicant. The applicant requested that the City obtain the shared cost by the benefitting property owners, including the amount of \$125 per property owner, in the estimated value for each lot and refund \$375 to the applicant.

Commissioner Kirkham asked if the other property owners were from out-of-state. Mr. Latoski acknowledged that two of the property owners were from out-of-state and one was local. Commissioner Kirkham noted that these property owners would be receiving a bill for something they were not aware of. Gary Jeppson clarified this stating that the property would remain in the City's ownership, unless the property owner sought to purchase it.

Neighboring property owner Lorry Cannon addressed the Commission stating that he has lived on Arlington Street for 20 years and is strongly opposed to the request. Mr. Cannon stated that the property in question belongs to the City and is public property and although is not suitable to be developed, is passable by foot or mountain bike. Mr. Cannon noted that many people hike up the mountain to watch fireworks, walk their dogs or enjoy the sunset, and he does not feel that someone else's desire to acquire more property should affect the quality of life of others. He stated that it is possible to get to Clacks Canyon from Vermont Street.

Property owner Richard Acconcia addressed the Commission stating he has lived there for 26 years, and one of the reasons he bought his property was because of the hillside terrain, as he enjoyed hiking in the area. He is opposed to the proposed request.

Dawn Cannon addressed the Commission stating that the subject property would be a good place for public biking or walking trails, and once public access is revoked it is difficult to get back. Ms. Cannon said that neighborhood children use the Vermont Street access, as well as people who walk their dogs. Ms. Cannon is opposed to the proposed request, feeling it is not fair to deny residents of an area they have enjoyed for years in order to allow monetary gain for one person.

Commissioner Lewis acknowledged that looking at an aerial view of the property it appears that vehicle traffic has occurred primarily on the private property, not on the right-of-way. Commissioner Lewis went on to state that the trails and bike paths to the mountain appear that they would still be accessible to residents.

Commissioner Kirkham acknowledged that the residents do have a right to access their mountain trails, and he noted that the other three property owners do not have a voice in this decision. Commissioner Kirkham went on to state that the other property owners should have a voice in the amount proposed to be paid for the property, or a decision as to splitting the cost of the applicant's application fee.

Vice-Chair Blair stated that he would support the applicant's original request.

Commissioner Lewis made a MOTION to recommend APPROVAL of the original request to vacate a portion of public right-of-way abutting property owned by the applicant. The MOTION was SECONDED by Vice-Chair Blair. The MOTION CARRIED with a vote of (4-1) with Commissioner Kress casting the opposing vote.

COMMISSIONERS COMMENTS: Limited to announcements, availability/attendance at conferences and seminars, requests for agenda items for future meetings and requests for reports from staff.

Commissioner Kirkham stated that on June 26, 2015, the City of Kingman hosted the “Great Race” at the Powerhouse, noting that participants from the event had stated they had numerous stops along the route, and Kingman was by far the best.

Commissioner Kirkham went on to state that on July 4 the City had a block party in the downtown area, and it was a well-received event, with people of all ages dancing to a disk jockey. He commended our City Manager, John Dougherty and Dora Manley for putting together such a great event at such short notice, and stated he would like to see it become an annual event.

Vice-Chair Blair stated that he had a request from the Jerry Ambrose Veterans Council to save the white plastic lids from your disposable water bottles, as a undisclosed company will reimburse Veterans for ten minutes on the dialysis machine. Vice-Chair Blair said if you save them, call him and he will come and pick them up.

Vice-Chair Blair made a MOTION to ADJOURN. The MOTION was SECONDED by Commissioner Kirkham and UNANIMOUSLY (5-0) APPROVED. Chair Mossberg declared the meeting adjourned at 6:43:55 PM.

ADJOURNMENT 6:43:55

ATTEST:

APPROVED:

Sandi Fellows
Recording Secretary

Gary Jeppson
Development Services Director

STATE OF ARIZONA)
COUNTY OF MOHAVE)ss:
CITY OF KINGMAN)

CERTIFICATE OF PLANNING AND ZONING COMMISSION MINUTES:

I, Sandi Fellows, Planning and Zoning Administrative Assistant and Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Planning and Zoning Commission of the City of Kingman held on July 14, 2015.

Dated August 11, 2015

