

Minutes of the Planning and Zoning Hearing held on Monday, September 9, 2024, at 6:00 p.m. in the main hall of the Winslow Visitor's Center, 523 West Second Street, Winslow, Arizona.

STAFF

David Coolidge, City Manager

Marshall Larsen, City Inspector

Suzy Wetzel, City Clerk

Larrilynn Oso, Recording Secretary

Jack Fitchett, Economic Development Director

Jason Sanks, Zoning Hearing Officer

Trish Stuhan, City Attorney (via Zoom)

The Zoning Hearing Officer called the hearing to order at 6:04 p.m. and asked those in attendance to silence their cell phones.

Let the record reflect that Mr. Daniel Lupien (applicant for Item 2C) was in attendance.

CONSIDERATION AND ACTION

- A. Public Hearing, Consideration and Possible Action regarding amendment to Winslow Municipal Code Title 17 – Zoning, related to the keeping and maintaining of fowl within the city. The effect of the amendment would be to comply with State law changes regarding backyard fowl which prohibits the City from adopting any law that prohibits a resident of a single-family detached residence on a lot that is one-half acres or less in size from keeping up to six fowl in the backyard of the property. The amendment includes regulations regarding keeping of male fowl (roosters), enclosure requirements and general safe-keeping and nuisance requirements.**

The Zoning Hearing Officer provided a staff report and brief summary of the amendment. The City Attorney also noted for the Zoning Hearing Officer to open the item for public hearing and discussion. One community member, Steven Rogers spoke in favor of the amendment to the Winslow Municipal Code.

With no further comments from members of the public, the Zoning Hearing Officer closed the public hearing and continued with the recommended approval of the proposed text amendment of the Winslow Municipal Code Section 17.60.190 Chickens to the Winslow City Council.

- B. Public Hearing, Consideration and Possible Action regarding amendment to Winslow Municipal Code Section 17.50.050 - Planned Area Development Approval Procedures, Subsection B –Preliminary PAD Plan Review and Approval, related to the process for adoption of Preliminary and Final Planned Area Developments.**

The Zoning Hearing Officer provided a brief overview and staff report regarding the amendment. In efforts to update the current, antiquated two-step process consisting of both “preliminary” and “final” phases. The amendment also serves to accommodate unique projects by providing a customizable zoning package for the City to consider

for approval. The “preliminary” PAD step of this process would allow for preliminary approval, but not vest the zoning. Following preliminary approval, the developer would then need to continue with the process to the “final” phase, and provide project details with a Development Review Package and request Final PAD approval that has vested the PAD Zoning.

The Zoning Hearing Officer opened the meeting for public hearing for this item. The following community members spoke during the public hearing:

Anne Schmidt	Theresa Del Mar
Julia Sells	Raymundo Baca
Heather Pruett	Raymond Lucero
Kurt Harrington	

The Zoning Hearing Officer and the City Attorney responded to questions and comments from the seven community members. Some concerns and responses expressed were related but not limited to the following:

- **Possible Affects to the Public Hearing Process / Consideration and Concern for Citizen Input**

In response to inquiry as to if the amendment may affect the public hearing process, the Zoning Hearing Officer clarified that though the process would become more streamlined, both the preliminary and final steps of the process would remain. The Zoning Hearing Officer also noted that residents will have a chance to voice concerns during both public hearings for the preliminary and final submission of the PAD and that this amendment is not focused on restricting nor eliminating public input.

Additional clarification was provided by the Zoning Hearing Officer to address concerns that should the original developer not continue to the final phase of the process, the next developer would also be held to the same, approved terms of the initial phase, if those terms by the new developer are not able to be met, the new developer would then be required to address the City Council for development renegotiation.

Further discussion regarding this comment occurred. The Zoning Hearing Officer responded and again noted that the text amendment does not modulate citizen’s ability to express their opposition for a particular development by noting that citizens retain the opportunity to participate in the public hearings process. The amendment allows the City to hold the applicant to a control-based behavior in which the process of development may be reviewed, considered and measured with applicable negotiations and stipulations.

The City Attorney also provided additional clarification, citing that the State provides for cities and towns to regulate zoning and land uses on property. The text amendment allows for more control in the preliminary process to ensure

substantial compliance and benefits for the City and citizens. After the preliminary process, the zoning map would be updated to illustrate that there is a project has passed the preliminary phase, therefore the map will also indicate practical necessity for financing and developing while the developer will still be responsible for meeting and upholding the agreed terms of the preliminary phase of the process.

- **Contingency for Developments Not Finalized**

Responding to public inquiry for developments that complete the preliminary phase but do not reach the final part of the process, the Zoning Hearing Officer clarified that zoning decisions will not be reverted. Any new, potential developer will need to comply with the preliminary plan. If that new developer is not able to comply with the preliminary plan, they will be required to apply for, and request a rezoning hearing, starting the process anew.

To add, the City Attorney also noted that Planed Area Developments (PAD) are beneficial to the growth of the City though acquiring funding may be difficult. This text amendment will serve to ensure that negotiated terms are maintained.

- **Map Graphics Indicating Preliminary Developments**

The Zoning Hearing Officer noted a suggestion made by public comment to utilize specific graphics on the zoning map that indicate a preliminary development pending final approval.

Three other public comments that were made, one public comment inquired about the status of a Development Agreement with Atlas Global. To clarify, the Zoning Hearing Officer and the City Attorney noted that there is not a final agreement that has been reached with Atlas Global as this discussion item only specifically addresses a text amendment for City's Preliminary and Final processes of PADs and not Atlas Global's development plan which will be discussed in item 2C. The City Attorney again provided clarification on the two-step approval process, permitting and city code and text amendments.

The Zoning Hearing Officer responded to two other inquiries regarding Atlas Global's effect on citywide taxes and the concern that industrial development has on the elimination of parking spaces. The Zoning Hearing Officer again noted that these comments will need to be made and addressed under item 2C.

The City Attorney also added that this item was concerning a citywide text amendment under the Winslow City Code general provisions and laws and is not tax related or inclusive under the discussion of Atlas Global's PAD. To further explain the amendment, the City Attorney noted that the preliminary phase of the developer's PAD will need to show substantial conformance in their concept ideas and planning and that it is an agreeable continuation in the final phase to the terms sought by the City. Larger projects will also need to take necessary steps to negotiate on terms such as but not limited to: limitations

on resource usage, donation of real property, right away, waste water, police, fire and schools. Whereupon the City Council will need to consider and accept what is presented.

With no further comments from members of the public, the Zoning Hearing Officer thanked citizens for their comments noting that members of City Council will be made aware of the discussion of this item. The Zoning Hearing Officer closed the public hearing and continued with the recommended approval of the proposed text amendment of the Winslow Municipal Code Section 17.50.05 Planned Area Development Procedures to the Winslow City Council.

- C. **Public Hearing, Consideration and Possible Action on a request from a Property Owner (Atlas Global) to rezone approximately 1618 acres of real property for a project called the “Winslow Commerce and Industrial Park”, generally located south of the BNSF rail line, west of AZ-87, north of the Arizona State Prison Complex Winslow, and east of the Winslow Airport, from Industrial zoning district to PAD Planned Area Development District in accordance with Chapter 17.50 of the Winslow City Code, and to approve a Preliminary PAD Plan of Development for the property. The developer would be required to submit a final PAD Plan prior to construction, although staff recommends approval of the rezoning ordinance and zoning map amendment with the Preliminary PAD Plan. The effect of the rezoning will be to establish permitted uses and development standards for a mixed-use commerce and industrial park.**

The Zoning Hearing Officer noted an adjustment for the record of the PAD’s real property acreage from 1618 acres to 1479 acres. The Zoning Hearing Officer noted that the reason for the decrease was due to a parcel that was removed and therefore reduced the total acreage of the real property.

The Zoning Hearing Officer also provided descriptive information for this item including a PowerPoint presentation which included the following highlights:

- Planned Area Development – What Is It?
- Proposed Site Development Addressing the following:
 - The location and nature of the various uses and their areas in acres
 - The proposed circulation system
 - Relationship of the project to surrounding land uses;
 - Evidence of proposed land use compatibility with the goals of the General Plan.
- Final PAD with Development Review Applications:
 - Conformance with Preliminary PAD Uses, Development Standards, Design Guidelines
 - Detailed Site Plans
 - Grading and Drainage Plans
 - Building Elevations

- Landscaping
 - Lighting
 - Traffic Impact Studies
 - Utility Demand Studies
- Winslow Commerce and Industrial Park Context Aerial Map
- 2024 Zoning Map – PAD Boundaries - The Zoning Hearing Officer noted that no industrial properties would be placed near the Coopertown and Southside neighborhoods.
- 2024 General Plan Land Use Map – PAD Boundaries
- General Plan Conformity
- Discussion Points:
 - Difference in Commerce Park and Industrial
 - Traffic Generation and Conceptual Access Statement
 - Economic and Fiscal Impact
- Recommended Motion

The presentation provided by the Zoning Hearing Officer also consisted of the following PAD Objectives:

- A. To allow and promote or to require, variation in building design, lot arrangements and land uses for a maximum choice in the types of environments for residential, commercial, and industrial uses and facilities;
- B. To provide for a coordinated, visually and functionally linked, and compatibly arranged variety of land uses through innovative site planning.
- C. To Include circulation that incorporates complete streets with in the final PAD plan, interconnection of uses by non-motorized vehicles or transit, and safe interconnection of the PAD with surrounding land uses and transportation systems;
- D. To establish and maintain useable open space that is accessible by all residents and users in the PAD;
- E. To minimize adverse environmental impacts on surrounding areas; and
- F. To fulfill the goals, objectives, and policies of the City of Winslow General Plan and amendments thereto.

After his presentation, the Zoning Hearing Officer noted that a copy of the presentations may be emailed upon request. The Zoning Hearing Officer then offered the applicant to provide a statement before opening the hearing for public discussion. Mr. Daniel Lupien began by thanking City administration and the Winslow Community for their input and participation of the PAD process. Mr. Lupien also provided a PowerPoint presentation which included the following highlights:

- Atlas Global Development's Commitment:
 - Planning has evolved into a partnership with the Winslow community.
 - Community outreach has shown that growth in Winslow is wanted.
 - Atlas Global is committed to creating a plan with appropriate infrastructure and pace.

- Winslow has not seen significant growth for nearly 50 years. Atlas Global is committed to the improvement of economy, job force and housing in Winslow.
- Winslow Commerce and Industrial Park:
 - Plans have evolved in partnership with the community feedback.
 - Listening to Community allows for planning for the future.
 - Community Conversations: List of public outreach events.
- Design Guidelines:
 - Concern and Solutions
- Mitigated Community Impacts
 - Concern for community impact has decreased the PAD acreage from approximately 4000 acres to 1400 acres.
 - Development discussion with the City has resulted in a vision for the PAD that Atlas Global must abide by.
 - Water rights have been given to the City.
 - Housing developments (approximately 500 homes) would be built to help mitigate development impacts.
 - Lindbergh Parkway will serve to reroute Commerce Park traffic away from the Southside and Coopertown neighborhoods.
- Atlas added property for better design
- High Quality Design Standards
- Winslow Commerce and Industrial Park Honors the Intent of the Development Code
- Planned Area development

After his presentation, Mr. Lupien addressed those in attendance, noting that Atlas Global is committed to the community and wants to ensure that the right decisions are made for the betterment and growth of Winslow. With that, Mr. Lupien provided his cellphone number: 602-361-6855 should a member of the public wish to contact him. He also noted that the input from community members has been greatly considered and incorporated into meaningful adjustments within the PAD. Lastly, Mr. Lupien noted that Atlas Global is committed to the development of the Commerce and Industrial Park.

The Zoning Hearing Officer noted that negotiations were held between the City and Atlas Global, along with their legal counsel Rose Law Group to achieve caps on proposed acreage, limitation on undesirable usage such as warehousing cargo containers, land and water use restrictions in which more than 20% of daily water demand by Atlas Global would require explicit and special approval by City Council.

The Zoning Hearing Officer opened the meeting for public hearing for this item. The following community members spoke during the public hearing:

Theresa Del Mar	Raymundo Baca
Julia Sells	Steven Rogers
Becky Ruby Kolomitz	

The Zoning Hearing Officer and the City of Winslow Economic Development Director responded to questions and comments from the five community members. Some concerns and responses expressed were related but not limited to the following:

1. Water Demand and Traffic Studies

The Zoning Hearing Officer responded to public comment noting two errors on the Planned Area Development Presentation - Traffic Generation slide. Interstate 40 is incorrectly identified as Interstate 10 as well as mislabeling the overpass as an underpass. The Zoning Hearing officer stated that the applicant will be advised on the need for correction of the map labels.

The Zoning Hearing Officer also responded to concern expressed for the data provided in the water usage study and a suggestion for review of multiple data sources. The Zoning Hearing Officer noted that the City Engineer would be consulted regarding the review of data reporting.

2. Coordination of Grant Funding for the Lindbergh Parkway

The Zoning Hearing Officer responded to inquiry to provide clarification on the coordination of grant funding and the construction of the Lindbergh Parkway. The Zoning Hearing Officer noted that if the City is unable to construct the Parkway; Atlas Global is responsible for the construction. The Zoning Hearing officer referred the question to Mr. Jack Fitchett, City of Winslow Economic Development Director to provide further information to which he indicated that the project feasibility study will take approximately 18-24 months with an additional 3-4 years of construction. The Economic Development Director also noted that traffic increase will happen gradually and not instantaneously.

3. Winslow Progress and Growth Opportunity

The Zoning Hearing Officer noted public comment from a community member who expressed appreciation for Atlas Global's public outreach and inclusion of public concerns and solutions that have been made within the PAD process. The community member also spoke in favor of the PAD, stating that growth and progress is an important opportunity to ensure the betterment of lives for Winslow and future generations.

4. Data Reporting, Commerce Park Acreage, Future Zoning and Environmental Studies

The Zoning Hearing Officer responded to several diverse questions from a community member. The Zoning Hearing Officer began by addressing concern over what the community member perceived as possible inflation of data information related to the Fiscal and Economic Impact studies provided in the PowerPoint presentation. The Zoning Hearing Officer stated that the data was tabulated by a third-party and reputable firm Elliot D. Pollack and Company. The Zoning Hearing officer further discussed the comment and professional review process that occurred with the data reports to assure accurate

information deprived of influence. The traffic study for example would be difficult to manipulate based on the use of calculations made on existing data.

The Zoning Hearing Officer then addressed inquiry on Commerce Park acreage and zoning as it relates to the Coopertown neighborhood and other nearby residential areas. The Zoning Hearing Officer provided clarification and assurance that within this PAD process, there was a major emphasis of protecting both the Coopertown and South Side areas from industrial impact. Furthermore, should additional acreage be requested, the developer will be held to completing the PAD process once again to seek Council approval. This process will also be held to the jurisdictional regulations and requirements such as but not limited to environmental and ADEQ studies by third-party firms.

5. Annexation

The Zoning Hearing Officer provided clarification to a community member on the subject and formal process of annexation, ensuring that this was not relating to a discussion about imamate domain but property annexation.

With no further comments from members of the public, the Zoning Hearing Officer stated his appreciation for the participation of community members that spoke and for the applicant's presentation. The Zoning Hearing Officer also stated that significant time and effort was spent on protecting both the Coopertown and South Side neighborhoods in this process as well as the overall impact to the City. Quality development, negotiations and compliance standards were a large part of the process resulting in the applicant making effort to conform and meet the terms presented by the City.

The Zoning Hearing Officer closed the public hearing and continued with the recommended approval of the Preliminary PAD zoning request for the Winslow Commerce and Industrial Park based on the following four conditions:

1. The Planned Area Development shall maintain general conformance with the exhibits provided by the applicant, as presented to the Zoning Hearing Officer at the September 9, 2024 public hearing, except for the following exception:
 - a. The 139 acres of unincorporated Navajo County property will be removed from the Development Plan prior to presentation and action by the City Council.
2. The applicant shall submit a Final PAD application in conjunction with each phase of Development Review of the project. Per the project's associated Development Agreement, the property zoning shall vest with the Preliminary PAD approval and subsequent amendments.

3. The developer shall construct all necessary utility and street infrastructure to service the project, subject to the terms outlined in the project's associated Development Plan and Development Agreement.
4. Utility demand studies will be required with future Development Review applications within the park. All Water Demand Studies that indicate a daily demand exceeding 20% of the City's peak daily water demand for a single use or development shall require approval by the City Council. This will ensure sufficient facilities, infrastructure, and water resources are available to maintain acceptable water service Citywide.

ADJOURNMENT

The hearing was adjourned by the Zoning Hearing Officer at 8:08 p.m.