

DRAFT Minutes of the regular meeting and public hearing of the Winslow Planning and Zoning Commission held on June 14, 2021, at 6:00 P.M. in the City Hall Conference Room, 21 Williamson Avenue, Winslow, Arizona. All Commission members appeared telephonically.

MEMBERS PRESENT

Chairman Shumway
Vice-Chairman Smithson
Commissioner Coolidge
Commissioner Zaccaria
Commissioner Hardy
Commissioner Gravier

MEMBERS ABSENT

Commissioner Pacheco

STAFF

John Barkley, City Manager
Trish Stuhan, City Attorney (telephonic)
Marshall Larsen, City Inspector (telephonic)
Peggy Wilson, Recording Secretary

Vice-Chairman Smithson called the meeting to order at 6:02 pm. Commissioner Hardy led the Pledge of Allegiance. No invocation was offered. Roll was called. Chairman Shumway and Commissioner Pacheco were absent.

Motion: Moved by Vice-Chairman Smithson, seconded by Commissioner Coolidge to excuse the absent members, Chairman Shumway and Commissioner Pacheco. The motion passed unanimously, with Co-Chairman Smithson and Commissioners Coolidge, Zaccaria, Hardy and Gravier voting yes..

APPROVAL OF MINUTES – November 9, 2020

Motion: Moved by Commissioner Coolidge, seconded by Commissioner Hardy to approve the minutes of November 9, 2020 as presented. The motion passed unanimously, with Vice-Chairman Smithson and Commissioners Coolidge, Zaccaria, Hardy and Gravier voting yes..

CALL TO THE PUBLIC.

Vice-Chairman Smithson opened the call to the public. The following individuals spoke in favor of Mr. Jamin Moore’s request for Conditional Use Permit for two (2) 40-foot storage containers: Francis Pekins, Kimm Zufelt, Tom Hardy, Roland Hancock.

Vice-Chairman Smithson closed the call to the public.

COMMISSION CONSIDERATION AND ACTION

- A. Public Hearing, Consideration and Possible Action on a request from the Property Owner for a Conditional Use Permit for keeping chickens, in compliance with Winslow Municipal Code, Section 17.60.190, located at 701 W. Mahoney Street, Winslow, Arizona, also identified as Navajo County Assessor’s Parcel Number 103-14-031.**

Vice-Chairman Smithson called for any comments or questions from the Commission Members regarding Item 6A. A short discussion was held with the City Attorney regarding opening this item up for public discussion. Vice-Chairman Smithson opened the public hearing for this item. Hearing no comment, Vice-Chairman Smithson closed the public hearing portion of the item. (Chairman Shumway joined the meeting at 6:14 p.m.) Vice-Chairman Smithson turned the remainder of the meeting over to the Chairperson.

Chairman Shumway inquired if there was any further discussion from the Commission Members regarding this item. Hearing none, Chairman Shumway called for a motion.

Motion: Moved by Commissioner Gravier, seconded by Commissioner Zaccaria, to approve Item 6A as presented. The motion passed unanimously by roll call vote, with Chairman Shumway and Commissioners Smithson, Coolidge, Zaccaria, Gravier and Hardy voting yes.

B. Public Hearing, Consideration and Possible Action regarding request from Property Owner for a Conditional Use Permit for placement of One (1) or Two (2) 40-foot storage containers, in compliance with Winslow Municipal Code, Section 17.16.050 and 060, located at 3515 Sunrise, Winslow, Arizona, also identified as Navajo County Assessor's Parcel Number 103-56-018.

Chairman Shumway turned the time to the City Manager to advise the Commission Members regarding this item. John Barkley, the City Manager, advised the Commission Members that his understanding of the code is, as to whether the code will allow one or two containers as is requested in the application for Conditional Use Permit, that the interpretation of the City Code would be up to the Commission Members. He indicated that four or five of the neighbors of the applicant spoke under the Call to the Public indicating one hundred percent approval of allowing two containers on the property.

Chairman Shumway inquired if the subject containers are already placed on the property. Jamin Moore, the applicant, advised that the containers are on the property as of this past week, as he had to move them from Phoenix. He advised that he does recognize the authority of this Commission and would abide by whatever decision is made, even removing the containers if required. He further stated that the containers are nice looking, painted, and blend well with the property. He indicated that they sit at the back of his property.

Chairman Shumway requested information from the City Attorney as to whether the municipal code in Arizona has a defining term wherein it states that "singular is plural, and plural is singular". A discussion followed wherein the City Attorney, Trish Stuhan, advised the Commission that, because the City Code actually states the word "One" followed by the number "(1)" in parentheses, that in her legal opinion, it would take a code amendment to allow 'more than one (1)' container. The City Attorney advised further that the Commission is not bound by her interpretation, and further indicated that there are no indications in the Rules of Construction about 'singular vs. plural'. A discussion followed regarding what process the Commission would follow if they wanted to approve the application for two containers. The City Attorney further explained that City Council gives them the ability, per the code, to approve one (1) container, and then to consider if this Commission wants to look into a code amendment to allow more than one container. Then the applicant can return and request the second container if the City Council approves the code amendment for more than one container.

Commissioner Smithson inquired what would be the process of obtaining a code amendment and whether that would have to go on the agenda for the next meeting. The City Attorney advised of the text amendment process of the zoning code and asked the City Manager to comment more on the applicant's process. The City Manager advised the Commission that a provisional or conditional approval where the applicant would be allowed to let the containers remain until such time as the text amendment issue goes through the City Council process, as a resolution for this

meeting. The City Attorney indicated that would be a possible solution since the Applicant has an active application for a Conditional Use Permit going through Council process. The City Attorney further explained the Commission's procedure for tonight's meeting.

Chairman Shumway opened the public portion of this issue. Jamin Moore , the applicant, spoke regarding the application fee issue if this matter is not completed at this meeting. The City Manager indicated to the applicant that he will not be charged for the second time. Chairman Shumway closed the public portion of this matter.

Chairman Shumway commented to the Commission Members that in his opinion, this Commission does not have the discretion to approve two containers at this meeting, and that he feels a code amendment would be the better way to go. He indicated that he would like to see one container approved tonight, and hoped the City would agree to delay enforcement regarding the second container until such time as a code amendment process could take place and incorporate the City Manager's indication that the applicant would not have to pay for the 'amended application' on the second container. Commissioner's Coolidge, Smithson and Gravier all indicated their agreement with Chairman Shumway's suggestion.

Motion: Moved by Commissioner Smithson, seconded by Commission Coolidge to approve one (1) storage container for the property, and present the process to be adjusted for future reference. Chairman Shumway called for a roll call vote, with Chairman Shumway and Commissioners Smithson, Coolidge, Zaccaria, Gravier and Hardy voting yes.

Chairman Shumway advised the applicant to get with the necessary City personnel to start the process of the text amendment procedure. Commissioner Hardy advised that the code should be reviewed for the 20-foot length of the containers as well, as most of these container applications are for 40-foot containers.

ADJOURNMENT.

Motion: Moved by Commissioner Coolidge, seconded by Commission Smithson to adjourn at 6:35 P.M. The motion carried unanimously, with Chairman Shumway, and Commissioners Smithson, Coolidge, Zaccaria, Hardy and Gravier voting yes.

Chairman

ATTEST:

Recording Secretary