

Minutes of the Planning and Zoning Hearing held on Monday, March, 13, 2023 at 6:00 p.m. in the City Hall Conference Room, 21 Williamson Avenue, Winslow, Arizona.

**STAFF**

David Coolidge, City Manager

Jason Sanks, Zoning Hearing Officer

Brian Law, Zoning Hearing Officer

Jon Paladini, City Attorney

Marshall Larsen, City Inspector

Suzy Wetzel, City Clerk

Larrilynn Oso, Recording Secretary

The hearing was called to order by the Zoning Hearing Officer at 6:00 p.m.

Let the record also reflect that applicants Anna DeWitt (In-Person) and Magdi Kodi (via Zoom) were present at the hearing. Several community members including Connie Gover, and Monica Armenta were also present (in-person).

**CONSIDERATION AND ACTION**

- A. Public Hearing, Consideration and Possible Action on a request from the Property Owner for a Conditional Use Permit for Rodeo / Roping Arena, in compliance with Winslow Municipal Code, Section 17.40.040, located at 821 Transcon Lane, Winslow, Arizona, also identified as Navajo County Assessor's Parcel Number 103-31-009.**

Zoning Hearing Officer Jason Sanks provided an overview of information in regard to the request for the Conditional Use Permit and applicant property. The Zoning Hearing Officer also presented the staff report, which included photographs of the location and discussion regarding Winslow Municipal Code, section 17.40.040.

The Zoning Hearing Officer discussed the prospective use of the property, and the context of the area in the overall evaluation and determination of the Conditional Use Permit.

The Zoning Hearing Officer opened the public hearing. There were no comments regarding the request and/or the staff report. The Zoning Hearing Officer closed the public hearing and proceeded to move forward with his recommendation to recommend the approval of the Conditional Use Permit to allow a roping arena subject to the conditions stated in the staff report.

In response to an inquiry by applicant Anna DeWitt, the Zoning Hearing Officer provided clarification that with the granted approval of this Conditional Use Permit, the applicant may proceed with submitting for an arena lighting permit without being required to request for current permit modification.

**B. Public Hearing, Consideration and Possible Action on a request from the Property Owner for a Conditional Use Permit for an outpatient clinic, in compliance with Winslow Municipal Code, Section 17.36.060, located at 723 N. Apache Avenue, Winslow, Arizona, also identified as Navajo County Assessor's Parcel Number 103-17-408 and 103-17-409A.**

Zoning Hearing Officer Jason Sanks provided information in regard to the applicant's request for a Conditional Use Permit. The Zoning Hearing Officer also presented the staff report, which included information regarding the clinic, photographs of the location, as well as business and floor plan information provided by the applicant. The Zoning Hearing Officer discussed hearing procedural information for the benefit of the public that were in attendance and provided an overview of the staff report which also included information regarding treatment services, hours of operation and a proposed number of employees.

The Zoning Hearing Officer stated that the zoning ordinance pertinent to this application does not factor for the type of patients / treatments that will be provided by the clinic as afforded by the protection of the Americans with Disabilities Act. Rather, consideration of the zoning code focuses on aspects such as location of buildings, parking, the generation of traffic and their influence on adjoining properties and businesses.

Following the summary of the staff report, the Zoning Hearing Officer allowed for the applicant to make a presentation. Harmony and Wellness, LLC representative Magdi Kodi stated that he did not have any further information to present, and was willing to answer questions from the public. The Zoning Hearing Officer opened the public hearing. Connie Gover, Superintendent for the Winslow Unified School District stated her concern for the type of clinic that was being proposed. She noted student foot traffic near the clinic location, the building's close proximity to the district offices as well as an Early Headstart Program being nearby.

In response to concerns stated by Monica Armenta, the Director for the Early Headstart Program, the applicant provided an operational timeframe for the outpatient treatment sessions and designated smoke breaks. The applicant noted that a smoke break area is located within a fenced space in the back of the clinic building and will not impede or disturb surrounding business and/or residences in the area.

Discussion continued regarding client parking, transportation and security concerns. Initially, the applicant stated that a security guard would be hired to monitor daily operations at a later time, based on the growing volume of patients. The Zoning Hearing Officer and applicant discussed the proposed timeframe for hiring security. However, citing the concern stated by the public, the applicant offered that Harmony and Wellness, LLC will ensure that a security guard will be hired and onsite on day one of operations.

Without any further questions or concerns, the Zoning Hearing Officer closed the public hearing.

In response to an inquiry from the Zoning Hearing Officer regarding conditions for a recommendation to approve the Conditional Use Permit, the City Attorney provided clarification that additional conditions referring to containment of the breakout area and onsite security guard may be added as an amendment to the existing conditions.

The Zoning Hearing Officer proceeded with his recommended approval of the Conditional Use Permit to allow an outpatient clinic at 723 N. Apache Avenue. The Zoning Hearing Officer reviewed three of the current conditions in full, and the applicant was asked if he agreed with the amendment of the two additional conditions. The applicant provided verbal agreement to all five conditions as noted by the Zoning Hearing Officer.

The Zoning Hearing Officer completed his recommendation to approve the Conditional Use Permit and thanked those present for their participation in the hearing.

### **ADJOURNMENT**

The hearing was adjourned by the Zoning Hearing Officer at 6:45 p.m.