

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 February 10, 2015

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

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. All Commission Members were present. The Pledge of Allegiance was led by Vice-Chair Blair and recited in unison.

1. APPROVAL OF MINUTES: The Regular Meeting Minutes of January 13, 2015.

Vice-Chair Blair made a MOTION to APPROVE the Regular Meeting Minutes of January 13, 2015 as written. The MOTION was SECONDED by Commissioner Lewis and the MOTION was APPROVED by a vote of (7-0) to the affirmative.

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

There were no comments.

3. REVIEW OF OPEN MEETING LAW:

City Clerk Sydney Muhle addressed the Commission to present the annual State mandated discussion on Arizona's Open Meeting Law (A.R.S. §38-431 to §431-09). Ms. Muhle stated that the Open Meeting Law is a set of laws intended to maximize public access to the governmental process and to make certain that deliberations and proceedings are open to the public so everybody has a chance to participate and to keep public bodies from making decisions in private.

Ms. Muhle stated that Councils, Commissions and Boards of any city or town are public bodies and any laws that apply to the City Council or any commission or board also apply to subcommittees as well. She noted that a meeting means a gathering of a quorum of a public body at which they discuss, propose, or take legal action, including deliberations. She said that members of the governmental body can be attended by technological devices including telephone and e-mail communications, if the plans to attend using this technology are stated beforehand in the agenda.

Ms. Muhle said that the public body may only discuss, consider, or decide on those matters listed on the agenda and other matters related thereto. She advised that if an item that is not listed on the agenda is brought up during a meeting, the better practice is to defer discussion or decisions on the matter to a later meeting date. Ms. Muhle said that the "Call to the Public" agenda item commonly found on agendas is not required by State Statute and public bodies may impose reasonable time, place and manner restrictions on speakers.

The Commission was told that a quorum is a majority of the members of the public body, which is four for the Planning and Zoning Commission, because there are seven members on the Commission. Ms. Muhle told the Commission that if there is a quorum of Commission members present at a social event or gathering of any kind, City business may not be discussed. Vacant positions do not reduce the quorum requirements.

The Commission was told that Commissioners may be disqualified from voting on particular matters if they have a conflict of interest. A disqualified Commissioner, although present, cannot be counted in determining a quorum.

Ms. Muhle stated that caution must be used when communicating to other Commissioners by telephone or other social media. She said a commissioner cannot communicate to three or more commissioners outside of an official meeting about matters to be considered by the Commission. She said the staff can communicate to the Commissioners outside of an official meeting, but cannot convey the position of other commissioners in that communication. Ms. Muhle advised that there are penalties associated with these violations of the Open Meeting Law that would be the responsibility of the individual and not to the City. These penalties may be up to \$500 per occurrence, and the individual may also be removed from the Commission.

Ms. Muhle stated that the Open Meeting Law protects the public and preserves their right to participate in government, protects public officials and maintains integrity of government, and ensures a better informed citizenry that builds trust between government and citizenry.

4. PAST COUNCIL ACTION:

A. KINGMAN CROSSING MAJOR GENERAL PLAN AMENDMENT APPLICATION:

Development Services Director Gary Jeppson addressed the Commission and stated that the City Council initiated a Major General Plan Amendment for the Kingman Crossing area. Mr. Jeppson went on to state that the Planning and Zoning Commission would have the Amendment on their Agenda in April.

5. OLD BUSINESS:

A. CONSIDERATION OF THE PLANNING AND ZONING COMMISSION INITIATING A TEXT AMENDMENT TO SECTION 10.000: LANDSCAPING OF THE ZONING ORDINANCE OF THE CITY OF KINGMAN ARIZONA

Principal Planner Rich Ruggles addressed the Commission stating that this is not a public hearing, but a further discussion regarding the Landscape Ordinance and the possibility of the Commission considering the initiation of a text amendment to the Zoning Ordinance. Mr. Ruggles acknowledged that at the past two Planning and Zoning Commission meetings staff had presented information regarding the current landscaping ordinance and some of the proposed modifications. Staff also presented research they had done on similar sized cities in the area, as well as information obtained from local landscapers and nurseries. In addition, the Planning and Zoning Commission also had a workshop to review and discuss the proposed landscaping ordinance on February 3, 2015 during the Annual Report luncheon.

He said that this is the third draft of a proposed text amendment presented by staff for the Commission's review. The proposed changes to Section 10.000 are as follows:

- a) Repeals the appeal process in which an applicant can ask for a waiver or deferral of the requirements of the landscape ordinance under certain conditions. Any appeal to the Zoning Ordinance would be heard by the Board of Adjustment.
- b) Clarifies the requirements of the landscape plan contents and submittal requirements as well as the requirements for ground treatments and plants.
- c) Repeals the 2:1 credit for landscaping in the right-of-way. The proposed ordinance would make landscaping between the sidewalk and property line a requirement to be provided and maintained in addition to the on-site landscaping requirements.

- d) Changes the requirement for landscaping of new development from 10-percent of the net site area to 10-percent of the gross site area and remodels and expansions from five-percent of the net site area to five-percent of the gross site area.
- e) Adds the recommended plant list currently located in Sections 14.000 and 35.000 of the Zoning Ordinance. At the February 3, 2015 Workshop, Commissioners asked staff to consult with local landscapers and nursery owners to update and expand the list.
- f) The new standards require landscape islands at the ends of every parking row as well as for every 15 parking spaces in a contiguous row. Islands are required to be the size of a typical parking space. Also a 10-foot wide landscape area is required as a buffer where a parking lot abuts a public right-of-way.
- g) Permits artificial turf to be counted towards 10-percent of the minimum landscape area.
- h) Clarifies the irrigation standards in which an automatic irrigation system is required, a backflow assembly is required, as well as other system design requirements.
- i) Clarifies the extent of the landscape area and protection requirements of landscape areas.
- j) Provides for an exemption from providing additional landscaping when over 95-percent 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.
- k) Changes the time frame for replacement of dead plant material from 90 days to 45 days.

Commissioner Kirkham made a MOTION to RECOMMEND the INITIATION of a Text Amendment to Section 10.000: Landscaping of the Zoning Ordinance of the City of Kingman, as proposed by staff. The MOTION was SECONDED by Vice-Chair Blair and the MOTION CARRIED with UNANIMOUS (7-0) APPROVAL in favor of the motion.

6. NEW BUSINESS:

A. SETTING A DATE TO HOLD A SECOND PUBLIC HEARING ON THE KINGMAN CROSSING MAJOR GENERAL PLAN AMENDMENT APPLICATION:

Gary Jeppson addressed the Commission and stated that this is an opportunity for the Planning and Zoning Commission to set a date for the second public hearing regarding the Kingman Crossing Major General Plan Amendment. The first public hearing is scheduled for Tuesday, April 14, 2015, at 6:00 in the Kingman City Council Chambers. Mr. Jeppson acknowledged that the Commission must hold at least one other public hearing in a different location. Mr. Jeppson suggested that the second public hearing could be held in the Police Department Training Room at 2730 East Andy Devine Avenue on April 28th.

Commission Members wanted to be certain that there would be adequate seating for any members of the public that desired to attend the public hearing and decided upon the Board of Supervisors meeting room at 700 West Beale Street, on April 28th at 6:00 P.M.

COMMISSIONERS COMMENTS:

Commission Members thanked staff for hosting the Annual Report Luncheon/Workshop.

Vice-Chair Blair made a MOTION TO ADJOURN. The MOTION was SECONDED BY Commissioner Kirkham, and the MOTION CARRIED WITH UNANIMOUS (7-0) APPROVAL in favor of the motion. Chair Mossberg declared the meeting adjourned at 6:26:45 P.M.

ADJOURNMENT[6:26:45 PM](#)

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 February 10, 2015 and the Special Meeting Minutes of the Planning and Zoning Commission of the City of Kingman held on February 3, 2015 at 3100 Andy Devine Avenue.

Dated March 10, 2015

Sandi Fellows Administrative Assistant and Recording Secretary for the City of Kingman