

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 March 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		
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 with the exception of Commissioners Lewis and Wimpee, Jr., who were excused. The Pledge of Allegiance was led by Commissioner Kress and recited in unison.

- 1. APPROVAL OF MINUTES:** The Regular Meeting Minutes of February 10, 2015 and the Special Meeting Minutes of February 3, 2015

Vice-Chair Blair made a MOTION to APPROVE the Regular Meeting Minutes of February 10, 2015 and the Special Meeting Minutes of February 3, 2015 as written. The MOTION was SECONDED by Commissioner Kirkham and the MOTION was APPROVED by a vote of (5-0) to the affirmative.

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

There were no comments.

3. NEW BUSINESS:

- A. REZONING CASE RZ15-001:** A request from ReMax Prestige Properties, applicant, and Leora Hammer, property owner, for a rezoning of certain property from R-1-6: Residential, Single Family, 6,000 square foot lot minimum to C-1: Commercial, Neighborhood Convenience. The request is to allow the use of the property for a commercial office. The subject property is 0.24 acres and is located at 503 Spring Street. The property is further described as Kingman Townsite Addition, Block 20, Lot 1 and West Half of Lot 2.

City of Kingman Planner Sylvia Shaffer addressed the Commission stating that the intent of this rezoning request is to develop the property for a commercial office building. The property at 503 Spring Street was part of the original Kingman Townsite and the single family residential home is one of the oldest in Kingman, built in 1887. The subject property is listed in the National Historic Register with the reference number of 8601115 and in the Kingman Historic Property Survey 1979.

She said the subject property to the north is zoned R-1-6 and C-2 and is the site of the Palo Christi School. To the east is developed with single family homes and zoned R-1-6. To the south of the subject site, across Spring Street, the property is zoned R-1-6 and is the site of the Mohave County Public Defender's Office. To the west across Fifth Street is zoned C-2 and includes a church and a single family home, which was once a kindergarten.

Ms. Shaffer reported that there are existing water lines in North Fifth Street and Pine Street adjacent to the site and an existing sewer line located in Spring Street adjacent to the site.

She said that the staff posted the public hearing notice on the site and sent notices of the public hearings to the property owners within 300 feet of the site. Sylvia said there was one letter received in opposition of the request. She stated that the City Fire Department has no issue with the proposed change; the Engineering Department recommends that curb and sidewalk improvements to Pine Street are included as a condition of the rezone. Ms. Shaffer said that the City Survey Department has no objection to the rezone, but recommends that the boundaries of the property be established if there are going to be any new improvements or construction to the property. Sylvia said that the City Building Department has acknowledged that a remodeling permit is required before commercial use of the building will be approved, and suggested that the applicant submit a proposed renovation plan. Bill Shilling, the Historic Preservation Committee Liaison, has recommended that the drainage issue be resolved prior to or during the construction phase of the proposed redevelopment of the property. UniSource Energy Services noted that there is an electrical issue that relates to a service wire over the existing garage, and is working with the applicant regarding the matter.

Ms. Shaffer stated that based on the Goals and Objectives of the Kingman General Plan 2030, the Standards for Review, Findings of Fact, and Analysis contained in the staff report that the staff is recommending approval of the rezoning request. Ms. Shaffer stated that the recommendation for approval of the rezoning of 503 Spring Street from R-1-6 to C-1 only if the following conditions are met:

- A. A building permit is required before commercial use of the building will be approved. The permit shall comply with 2012 IBC and ADA requirements.
- B. A survey is submitted with the building permit application for remodeling.

- C. Drainage issues shall be resolved prior to or as part of a building permit to remodel the existing single family residence into a commercial office.
- D. Off-street parking shall be provided to the rear of the building. The Commission may consider a request to modify the number of parking spaces in accordance with Section 22.730(3).
- E. A six-foot wall shall be constructed between the subject property and the adjacent R-1-6 zoned property to the east at the time of a building permit in accordance with Section 11.730 and 26.400.
- F. The historic character and appearance of the primary building shall not be altered.

Vice-Chair Blair acknowledged that in the past, any alteration, whether interior or exterior must be approved by the Historical Preservation Commission.

Mark Wimpee, Sr. of First Generation Builders and Bill Barnes of Remax Prestige Properties addressed the Commission stating that they wished to make the property into an office and do not plan to alter the exterior, in order to preserve the historic character of the structure. Mr. Wimpee went on to state that they will remodel the interior and plan to demolish the existing garage and storage building in the rear of the building, which does not have historical significance, to allow all parking and handicap access from Fifth Street. Mr. Wimpee acknowledged that there were currently major issues with drainage onto the property and the issues would be addressed.

Commissioner Kirkham was concerned that interior alterations could cause the structure to be removed from the Historical Register. Mr. Wimpee stated that he was certain interior modifications could be made as long as the exterior was not altered. Mr. Barnes stated that they would have five office spaces with a reception area and a storage area. He said the kitchen will remain as a break room and that the laundry room and half bathroom will be converted to an Americans with Disabilities Act (ADA) compliant restroom.

Commissioner Kress noted that there was ample C-1 zoned property currently vacant in the downtown area and questioned the need for the rezoning with so many available properties. Bill Barnes said the subject property had been vacant for some time and up for sale eighteen months. He said that although there was extensive work to be done to remedy the drainage issues, he purchased it because he desired a historical property.

Commissioner Angle asked the applicants if they had reviewed all of the comments from City Departments regarding the recommended conditions. The applicants acknowledged that they had already spoken to an Engineer and planned to address the concerns.

Neighboring property owner Marshall Nelson addressed the Commission, stating that he had lived in the neighborhood for eighteen years and was opposed to the rezoning. Mr. Nelson

went on to state that during the week, there is no available on-street parking for them or their guests in the front of their home because the employees with the Mohave County Public Defender's office located directly across the street utilize the Spring Street parking. Mr. Nelson stated that he has also had problems with his two driveways on Pine Street being blocked by vehicles that are left while people attend functions at the Palo Christi School. He said that he hoped that there would be ample parking for patrons if the property was rezoned to commercial. Mr. Nelson acknowledged that the employees from the Public Defender's office also use the area directly in front of their home or across the street for a smoking area and his family is highly sensitive to cigarette smoke. They are unable to open any windows during the week for health concerns. Mr. Nelson further stated that if alterations are done to the exterior, and the home is removed from the Historic Registry, it would be a shame to lose the historic value of one of Kingman's oldest homes. Mr. Nelson concluded with stating they are respectively requesting that the Commission decline the request to rezone 503 Spring Street.

Chair Mossberg stated that Craig Graves, who owns the property at 509 Spring Street presented a letter opposing the rezoning request. Mr. Graves sited the lack of parking already on Spring Street, as well as concern that more of the historical residences will be requesting commercial zoning, increasing traffic and causing Kingman to lose a valuable resource.

Commissioner Angle stated that he can understand the concerns of the neighbors, but if the property remained a residence, it is possible that there could be nine residents who were smokers move in. Mr. Angle went on to state that it appears the applicants recognize the historic value of the property and want to conserve it.

Vice-Chair Blair made a MOTION to RECOMMEND APPROVAL of the request to rezone 503 Spring Street with conditions A through F as presented by staff. Commissioner Kirkham SECONDED the MOTION, and the MOTION CARRIED with a vote of (4-1) with Commissioner Kress casting the opposing vote.

B. 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 10% of gross site to be landscaped for new development, requiring 5% of gross site to be landscaped for remodels and expansions of existing development, clarifying plan submittal requirements and irrigation standards, 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% developed.

Commissioner Angle recused himself from Text Amendment Case ZO15-001.

Principal Planner Rich Ruggles addressed the Commission stating that staff has identified areas within the Landscape Ordinance that need to be updated, noting that there have been no changes to this section of the ordinance since 1998. The purpose of updating the ordinance is to enhance the beauty and attractiveness of the City and to provide developers and staff with additional clarification regarding landscaping requirements. Mr. Ruggles went on to state that the current ordinance requires landscaping in parking areas but there are no specific design standards. Staff believes that the adoption of design standards for landscaping in parking lots will improve the appearance of the parking lot, reduce the scale and massing of paved areas, provide more shade for vehicles and pedestrians, reduce headlight glare, and add seasonal interest.

Mr. Ruggles stated that the process to consider changes to the Landscape Ordinance began with discussion at the December 2014 and January 2015 Planning and Zoning Commission meetings. On February 3, 2015, the Commission held a workshop to discuss specific areas of concern. He said that based on the discussions at the February 3rd workshop, a draft of the proposed text amendment was presented to the Commission for review at the February 10, 2015 meeting. At that time the Commission initiated the text amendment and set a public hearing for March 10, 2015.

Rich Ruggles stated that since the February 10, 2015 Planning and Zoning Commission meeting, staff has updated the recommended plant list which was located in the Zoning Ordinance under the Hualapai Mountain Road overlay and zoning districts. He said the list was updated after consulting with David Tribbett, a local nursery owner, several landscaping business owners, and The Low-Water Tree and Plant Guide for Mohave County.

Trees not recommended for use in parking islands or adjacent to sidewalks due to thorns or root issues are marked with an asterisk. Also, the caliper size for 15 gallon trees has been reduced, as the current standard is more appropriate for larger trees and non-desert varieties.

Mr. Ruggles stated that the proposed text amendment to Section 10.000, if approved, would make the following changes:

1. 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. He said that any appeal to the Zoning Ordinance would be allowed in the form of a request for a variance that would be heard by the Board of Adjustment.
2. Clarifies the requirements of the landscape plan contents and submittal requirements as well as the requirements for ground treatments and plants.
3. Repeals the 2:1 credit for landscaping in the right-of-way. Landscaping in the right-of-way would be required in addition to the minimum on-site landscaping.

4. 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 an area equal to five-percent of the gross floor area of the building to five-percent of the gross site area.
5. Reduces the required caliper size for 15 gallon trees. Desert adapted trees, which are encouraged by the recommended plant list, typically have smaller trunks at the time of planting.
6. Provides parking lot landscaping standards which are applied to off-street parking lots for new development with 15 or more spaces. The 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 which normally is 9 feet by 19 feet. Also a 10-foot wide landscape area is required as a buffer is required around the site perimeter wherever a parking lot directly abuts a public street.
7. Permits artificial turf to be counted towards 10-percent of the minimum landscape area.
8. Clarifies the irrigation standards in which an automatic irrigation system is required, a backflow assembly is required, as well as other system design requirements.
9. Clarifies the extent of the landscape area and protection requirements of landscape areas.
10. 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.
11. Changes the time frame for replacement of dead plant material from 90 days to 45 days.
12. Adds a modified version of the existing recommended plant list currently located in Sections 14.000 and 35.000 of the Kingman Zoning Ordinance to the Landscape section.

Mr. Ruggles stated that staff is recommending amending Section 10.000 LANDSCAPING of the Zoning Ordinance of the City of Kingman as presented in the staff report.

Property owner Brenda Stockbridge addressed the Commission and asked why it was necessary to implement additional landscaping requirements when there was already an ordinance regarding beautification and there were so many empty commercial businesses in town. Ms. Stockbridge noted that all of the businesses along Stockton Hill Road were landscaped. She went on to state that Kingman is never going to look like Chandler or Tucson, because this is the Mohave Desert, not the Sonoran Desert.

Richard Hamilton addressed the Commission stating that he was there on behalf of the Northwest Arizona Builders Association, and presented a letter from Toby Orr, president of the Kingman Contractors Association, to the Commission. Mr. Orr is opposed to the proposed text amendment, and noted that the existing ordinance is fairly restrictive. Mr. Orr went on to state that the City should try to enforce the existing ordinance rather than create additional regulatory burdens which will encourage businesses to move out of the City, attempt to avoid the rules, or do nothing at all.

Mr. Hamilton stated that he also had questions regarding the proposed text amendment. He asked why the appeals process would have to be initiated when the situation could be taken care of at that time. Mr. Hamilton went on to state that the 10-foot buffer rule on a remodel would place a hardship on developers, such as the applicants in the first agenda item. Mr. Hamilton stated that he has a business in the City and can't do anything with it due to the restrictions. He also asked why the replacement of dead plants had been changed from 90 days to 45 days. Mr. Hamilton acknowledged that Development Services staff has contacted the Contractors Association for input in the past, but that did not happen this time, so they have to comment during the public hearing. Mr. Hamilton further stated that the proposed required landscaping could hinder new businesses from coming to Kingman, and the Northwest Arizona Builders Association strongly recommends that this proposed text amendment not move forward.

Doug Angle addressed the Commission stating that he planned to submit plans for a new commercial building, which will be 75,000 square feet, and with the proposed 10-percent rule, 7,500 square feet would require landscaping, which he felt was reasonable. Mr. Angle stated that looking at other businesses he did not feel that all of them could meet the right-of-way plus 10-feet of buffer. Mr. Angle further stated that the 10-foot buffer requirement could deter business's and effect the value of property, since that would be 10-feet taken away from parking or the building itself, in addition to the parking lessened by the proposed parking lot landscaping.

Commissioner Kirkham acknowledged that staff and the Commission have spent a lot of time on this text amendment and when reviewing the landscape regulations of other cities, the proposed ordinance change is the direction the other cities are going. Vice-Chair Blair noted that the recommended plant list was compiled by landscapers and nursery owners in this area who know which plants are viable to Mohave County. Commissioner Kress stated that it is never going to be a good time to impose any requirements on a development, but she felt it is a good change to the landscaping ordinance that is now in effect.

Commissioner Kress made a MOTION to RECOMMEND APPROVAL of text amendment ZO15-001 to amend Section 10.000: Landscaping of the Zoning Ordinance of the City of Kingman. Vice-Chair Blair SECONDED the MOTION, and the MOTION CARRIED with a vote of (4-0) with Commissioner Angle abstaining.

Commission members commended staff for their diligent effort in researching and compiling the information for the proposed ordinance.

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 asked if there would be a drive-around to view the Kingman Crossing property for the upcoming Planning and Zoning Commission meeting. Mr. Jeppson acknowledged that there would be a drive-around.

Vice Chair Blair made a MOTION to ADJOURN. Commissioner Kirkham SECONDED the MOTION, and the MOTION CARRIED UNANIMOUSLY (5-0). Chair Mossberg declared the meeting adjourned at 6:56:52 P.M.

ADJOURNMENT 6:56:52 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 March 10, 2015.

Dated April 14, 2015

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