

**CITY OF KINGMAN
 PLANNING AND ZONING COMMISSION
 Council Chambers
 310 N. 4th Street
 Kingman, Arizona**

6:00 P.M.

Minutes

Tuesday June 14, 2016

Members Present:	Staff Present:	Visitors Signing In:
Allen Mossberg, Commission Chair	Gary Jeppson, Development Services Director	See attached list
Mike Blair, Commission Vice-Chair	Rich Ruggles, Principal Planner	
Gary Fredrickson, Commission Member	Sandi Fellows, Recording Secretary	
Vickie Kress, Commission Member		
Thomas Schulte, Commission Member		
Council Liaison Present:		
Stuart Yocum, Council Member		

REGULAR MEETING MINUTES

CALL TO ORDER & ROLL CALL

Chair Mossberg called the meeting to order at 6:14:07 P.M. The Pledge of Allegiance was led by Commissioner Kress and recited in unison. The Recording Secretary called the roll. Commissioner Bailey was excused. Commissioner Lewis was unexcused. All other Commission members were present.

1. APPROVAL OF MINUTES: The Regular Meeting Minutes of May 10, 2016.

Vice-Chair Blair made a MOTION to APPROVE the Regular Meeting Minutes of May 10, 2016 as written. The MOTION was SECONDED by Commissioner Kress and the MOTION CARRIED with UNANIMOUS (5-0) APPROVAL to the affirmative.

2. CALL TO THE PUBLIC:

There were no comments.

3. PAST COUNCIL ACTION:

A. ZONING ORDINANCE TEXT AMENDMENT CASE ZO16-002: A city-initiated request to consider a text amendment to Sections 4.000, 14.000, 15.000, 16.000, 18.000, 22.000, 26.000, and 35.000 of the Zoning Ordinance of the City of Kingman regarding landscape related provisions and regulations concerning fences and walls. If approved, the text amendment would amend certain references to the landscape standards in located in several sections of the Zoning Ordinance in order to maintain consistency with Section 10.000: Landscaping, which was previously amended by Ordinance No. 1796-R. Additionally, certain clarifications are also proposed concerning standards for fences and walls.

Development Services Director Gary Jeppson addressed the Commission and reported that the City Council did adopt the Text Amendments to amend references clarifying the landscape standards in several sections of the Zoning Ordinance.

4. OLD BUSINESS:

- A. **ZONING ORDINANCE TEXT AMENDMENT CASE ZO16-001:** A city-initiated request to consider a text amendment to Section 26.000: General Development Standards, Subsection 26.820 Secure Storage Units, Cargo, Freight, or Overseas Containers of the Zoning Ordinance of the City of Kingman. The proposed text change, if approved, would allow secure storage units, cargo, freight or overseas containers as permitted uses in the C-2: Commercial Community Business district.

Gary Jeppson addressed the Commission and stated that this was a continued public hearing from the previous Planning and Zoning Commission meeting in May. He explained that the City Council has initiated a zoning ordinance text amendment to permit storage containers in the C-2 Zoning District.

Mr. Jeppson went on to state that currently, secure storage/cargo containers are allowed in C-3 and Industrial Zoning Districts, with certain requirements, such as sight obstructing fencing. He noted that storage containers are utilized for numerous purposes, but do not meet current City building codes, and cannot be used as facilities for personnel offices, retail facilities, restrooms, eating facilities, and living quarters without modifications to bring the units into code compliance. Mr. Jeppson stated that the proposed inclusion of storage container density in the C-2 zoning district will accommodate business located there by allowing them to utilize the containers as storage containers in their storage yards.

Mr. Jeppson stated that there was discussion at the previous public hearing concerning how other jurisdictions were using the containers as occupied structures and staff was asked to look into it. Mr. Jeppson acknowledged that there is Container Park in Las Vegas, and a home made out of shipping containers in Flagstaff. He noted that the containers used in both areas were engineered and stamped by architects to be utilized in this manner. Mr. Jeppson went on to state that if an architect or structural engineer came to our community and wanted to use the containers to build with, it would be allowed, as long as it met the building code. He stated that the question before the Commission at this time was if storage containers that not meeting the building codes should be allowed in C-2 Zoning Districts.

Mr. Jeppson presented a number of pictures showing cargo containers throughout the City. He explained that most of the area along Beale Street is zoned C-2, as well as along various lots along Stockton Hill Road, south of Interstate-40, and in the area northeast of Airway Avenue and Prospector Street. There is also a C-2 Zoning District along Hualapai Mountain Road.

Commissioner Kress asked if the two breweries downtown that had the cargo containers were in compliance. Mr. Jeppson stated that the House of Hops was currently undergoing construction and had a building permit, which allowed them to use the containers for building materials, thereby making them compliant. The Blackbridge Brewery was not in compliance, even though their containers were behind the building, as they were located in a C-2 Zoning District. Mr. Jeppson noted that a building permit would need to be secured and the structures would have to come into conformance with the current building code, with the architects or engineers approved stamp for the property to be in compliance. Mr. Jeppson went on to state that if the proposed ordinance was

approved, the containers behind the Black Bridge Brewery could be in compliance as unoccupied structures.

Vice-Chair Blair asked if the proposed ordinance could specify that the containers must be behind sight-obstructing fencing. Mr. Jeppson stated that it could.

Commissioner Schulte acknowledged that there appears to be an enforcement problem. He stated that there are numerous cargo/storage containers throughout residential neighborhoods, behind churches, at the hospital and in C-2 Zoning Districts. Commissioners noted that the City is not in compliance, as there are containers in the parks.

Vice-Chair Blair stated that at this point he could not make or vote on a motion in good conscience that would benefit all the parties involved.

Chair Mossberg opened the public hearing.

Blake Schritter, co-owner of Black Bridge Brewery, addressed the Commission stating that there are at least one-hundred-fifty of the storage containers throughout the town, and thirty-three of them are on City property. He noted that the City does not allow the containers in C-2 Zoning, but the C-2 Zoning stretches all the way down Beale Street, and there are containers on just about every property. He stated that there are storage containers in C-3 Zoning along Stockton Hill and Andy Devine, but they are not behind sight-obscuring fencing. Mr. Schritter went on to state that he has two of the storage units on Beale Street, for beer storage only, and the containers are very well constructed and finished with baked enamel paint. They are behind the business and cannot be seen from Beale Street, yet the City is making an issue out of them being there. He stated that he feels like he is being discriminated against.

Terry Thompson, who owns the House of Hops in downtown Kingman, addressed the Commission. He stated that he is in the process of doing construction at his business and is allowed to have the two cargo containers next to his building until the construction is complete. He noted that he had originally applied for a permit to have the containers there, but was told by the Building Department that permits were not issued for cargo containers. Mr. Thomson acknowledged that he did plan to remove the containers once construction was complete.

Mr. Thompson stated that utilizing the cargo containers and hiding them behind walls is diminishing the hard work that the contractors, electricians and plumbers in this town are trying to do so they can feed their families. He stated that China and Japan do not want the shipping containers back, they will not take them. Mr. Thomson said that if we want to be a container city, then pass the appropriate Ordinance, and be ready for it, because they will be everywhere. He stated that they are very affordable, bulletproof, and structurally sound, but they will put the contractors, electricians and plumbers out of work. Mr. Thomson noted that they are for shipping cargo across the ocean, not to live in. He went on to state that instead of using the cargo containers, the City parks would look much nicer if they used stick built structures for storage.

Chair Mossberg stated that the Commission has had success in the past scheduling ‘workshops’ where the public and Commission members had an opportunity to discuss conflicting issues, in a more relaxed setting. He asked Councilmember Stuart Yocum, Mr. Thompson and Mr. Schritter if they would consider attending a ‘workshop’ regarding the cargo containers. Councilmember Yocum, Mr. Thomson and Mr. Schritter all agreed to attend the workshop.

Vice-Chair Blair made a MOTION to TABLE the requested Text Amendment, and schedule a workshop with Commission members, staff and any interested members of the public. The motion was SECONDED by Commissioner Schulte, and the motion CARRIED UNANIMOUSLY (5-0).

Chair Mossberg advised the Commission members to let the Recording Secretary know when they could be available, and Sandi would schedule the workshop at their convenience.

5. NEW BUSINESS:

A. CONSIDERATION OF INITIATION OF TEXT AMENDMENT: The Commission will consider a possible initiation of a Text Amendment to Sections 14.000, 15.000, 22.000, and 35.000 of the Zoning Ordinance of the City of Kingman related to driveway locations along city streets.

Principal Planner Rich Ruggles addressed the Commission stating that the possible initiation would affect four sections of the Zoning Ordinance related to driveway locations along city streets. Mr. Ruggles stated that on May 17, 2016, the City Council passed Ordinance 1813, making changes to certain portions of the Kingman Street and Sidewalk Development Rules and Regulations, also known as the Street Policy.

Mr. Ruggles went on to state that the Street Policy was modified to state that all new development, including commercial and residential uses that require a building permit, will now be required to be accessed from the streets that are being maintained by the City of Kingman as of the ordinance date. The purpose of this revised regulation is to avoid new development on streets that have no improvements and have never been previously maintained by the City. While new subdivisions are required to have fully improved streets within the development, older subdivisions platted prior to the 1960’s generally had no such requirement. The minimum residential standard for platted streets that were not previously improved was that the street must be improved and maintained as an all-weather graded dirt street. For commercial development there is the additional requirement that the portion of the street in front of the developed property is required to be improved with a half street pavement section, and curb, gutter and sidewalk.

Under the new policy, if a street is not currently being maintained by the City, the developer would be responsible for improving the street with a full pavement section along with curb, gutter and sidewalk in front of the property being developed. Those improvements would also have to be extended to the nearest paved street. The purpose is to avoid the costs to the City of having to maintain new graded dirt streets. If an existing dirt street is on the City’s Unimproved Streets Maintenance List, new development can still occur along that street in accordance with existing regulations.

Mr. Ruggles stated that in addition to these changes, Section 1-12 of the Street Policy was also modified, regulating the location and width of driveways. He explained that some of the changes were done to bring the Street Policy into harmony with Section 22.000: Off-Street Parking and Loading, in regards to driveway widths. However the distance a driveway may be located from a curb return at an intersection was increased on local streets from 10 to 30 feet; on rural streets from 20 to 30 feet; and on collector streets and minor arterial streets from 20 to 100 feet; and on major arterial streets from 30 to 200 feet. Additionally, where a corner lot abuts an arterial street and a collector or local side street, the driveway access will only be permitted from the non-arterial side street.

Mr. Ruggles noted that the Kingman Zoning Ordinance makes a number of references to driveway locations in Sections 14.000, 15.000, 22.000 and 35.000. Planning staff has reviewed the Zoning Ordinance and suggests certain modifications to these sections in order to bring the ordinance in to harmony with the Street Policy.

Mr. Ruggles stated that decisions options for the Commission's consideration today are:

1. Initiate the proposed text amendment. If initiated, there would be a public hearing at the July Planning and Zoning Commission meeting to consider a recommendation on the proposed text amendment.
2. Do not initiate the proposed text amendment at this time. The commission may request certain changes or ask staff to bring back additional information before initiating the text amendment.

Vice-Chair Blair made a MOTION to initiate the proposed text amendment. The motion was SECONDED by Commissioner Kress, and the motion CARRIED with UNANIMOUS (5-0) approval in favor of the motion.

6. COMMISSIONERS COMMENTS:

Commissioner Fredrickson stated that a section of the Zoning Ordinance, 26.500, regarding the landscaping for new home construction, appears to have been omitted from the Landscaping Ordinance. He asked staff to create an agenda item regarding the consideration of requiring a developer to have a certain amount of plantings and rock work with all new home construction.

Commissioner Fredrickson also requested that staff create an agenda item in regard to 26.830 of the Zoning Ordinance, the storage of boats, trailers and campers. He noted that Code Enforcement does not seem to have the proper language within the Ordinance to prohibit residents from storing their recreational vehicles in front yards or on the City streets.

Commissioner Schulte acknowledged that it was Flag Day as well as Armed Forces Day. He thanked all that have served for their service.

Commissioner Schulte stated that he has noticed the Council Members and City Managers have been using I-Pods or Tablets at the City Council meetings. He noted that it could save a substantial amount of paper if Commissioners could utilize City issued or their own personal electronic devices. He asked if staff could look into this and place it on a future agenda.

Commissioner Kress made a MOTION to adjourn. The motion was SECONDED by Vice-Chair Blair and UNANIMOUSLY (5-0) approved. Chair Mossberg declared the meeting adjourned at 7:07:15 P.M.

ADJOURNMENT 7:07:15 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 June 14, 2016.

July 12, 2016