

**THE PLANNING & ZONING ADVISORY COMMISSION  
FOR THE TOWN OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE  
Thursday, March 7, 2019 6:00 P.M.**

**P&Z MEETING  
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL  
DEWEY-HUMBOLDT, ARIZONA**

## **AMENDED AGENDA**

The issues that come before the Planning & Zoning Advisory Commission are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Commission believes that the meeting be a safe place for people to speak. With this in mind, the Commission asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Agenda items may be taken out of order. Please turn off all cell phones. The Commission meeting may be broadcast via live streaming video on the internet in both audio and visual formats. A quorum of Council may be present. One or more members of the Commission may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

**1. Call To Order**

**2. Opening Ceremonies**

**A. Pledge of Allegiance**

**3. Roll Call** Commissioners Lori Crofutt, Ken Murphy, Lon Ullmann, Vice Chair Jeff Siereveld and Chair Victor Hambrick.

**4. Swearing in of New Members**

**5. Election of Officers**

**6. Informational Reports**

Individual members of the Commission and public may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the Commission and public of such events, actions or activities. The Commission will take no discussion, consideration, or action on any such item except that an individual member of the Commission may request an item be placed on a future agenda.

**7. Town Manager's Update on Current Events and Activities**

No discussion, deliberation or legal action can occur.

**8. Consent Agenda**

All matters listed under the Consent Agenda are considered to be routine by the Commission and will be enacted by one motion. Any item may be removed from the Consent Agenda for separate consideration at a Commissioner's request. If a citizen desires separate consideration of an item, he or she should approach a Commissioner prior to the meeting and ask that the Commissioner request that the item be removed.

**A. Approval of Meeting Minutes**

**1. Planning and Zoning Meeting of May 3, 2018**

## 9. Public Comment on Non-agendized Items

The Commission wishes to hear from Citizens at each meeting. Those wishing to address the Commission need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Commission. Individuals may address the Commission on any issue within its jurisdiction. At the conclusion of Comments from the Public, Commissioners may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Commissioners are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. The total time for Comments from the Public is **20** minutes. A 3-minute time limit may be imposed on individuals within this total. The audience is asked to please be courteous and silent while others are speaking.

## 10. Unfinished Business

Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

## 11. New Business

Discussion and Possible Action on matters not previously presented to the Commission.

### A. Discussion and possible action on Council-referred analysis of Section 153.086 (13)(a-g) Outdoor Storage, Steel Storage Containers.

## 12. Public Hearing Agenda

None

## 13. Adjourn

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

### Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the 28th day of February, 2019, at \_\_\_\_\_ a.m./p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: \_\_\_\_\_, Town Clerk's Office.

### **For Your Information:**

Next Town Council Work Session: Tuesday, April 2, 2019 at 2:00 p.m.

Next Town Council Meeting: Tuesday, March 19, 2019 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, April 4, 2019 at 6:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Julie Gibson, Town Clerk.

**TOWN OF DEWEY-HUMBOLDT  
PLANNING AND ZONING ADVISORY COMMISSION  
REGULAR MEETING MINUTES  
MAY 3, 2018**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, MAY 3, 2018 AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA, CHAIR VICTOR HAMBRICK PRESIDED.**

**1. Call To Order**

Chair Hambrick called the meeting to order at 6:00 p.m.

**2. Opening Ceremonies**

**A. Pledge of Allegiance**

Led by Commissioner Rich Schauwecker.

**B. Swearing in of new Commissioner, Ken Murphy, to the Planning & Zoning Commission**

Town Clerk Gibson swore in new Commissioner Ken Murphy.

**3. Roll Call** Commissioners: Lori Crofutt, Rich Schauwecker, Ken Murphy, Lon Ullmann, and Chair Victor Hambrick were present. Commissioner Karen Brooks and Vice Chair Jeff Siereveld were absent.

**4. Informational Reports**

None.

**5. Planner's Update on Current Events and Activities**

**A.** Community Planner (CP) Steven Brown stated there are no updates at this time.

**6. Consent Agenda**

**A. Approval of Meeting Minutes:**

Commissioner Schauwecker made a motion to approve the Minutes from the April 5, 2018 Planning & Zoning Regular Meeting, seconded by Commission Ullmann. The motion passed unanimously.

**7. Public Comment on Non-agenized Items**

None.

**8. Unfinished Business** Discussion and Possible Legal Action may be taken.

None.

**9. New Business** Discussion and Possible Legal Action may be taken.

None.

## 10. Public Hearing Agenda Discussion and Possible Legal Action may be taken.

- A. **Request for a Use Permit UP 17-003 for approximately 2.99 acres of real property, applied for by Luis Pena, representing Heli Swift Aviation, located at 2845 S. SR 69, also known as Yavapai County Assessor's Parcel Number 402-08-069W in the C3-35 (Commercial and Minor Industrial) zoning district to allow the operation of a helicopter training facility, which utilizes flightless helicopter trainers on concrete pad, and with the trainer being stored inside a building when not in use.**

### 1. Staff Report

CP Brown stated the General Plan Designation is Commercial, Zoning is C3-35 (Commercial and Minor Industrial). The location is 2845 S. SR 69. An aerial photo of the property is attached. The applicants are seeking a Use Permit to allow the operation of a helicopter flight training school. To offer the general public an affordable means to aviation training. The Cicare SVH-4 flight trainer will be on the premises and stored inside in a metal building. Brought out on a concrete slab, not ever becoming airborne. Hours of operation will be Monday-Friday 9am-5pm and Saturday 10am-4pm.

Staff provided the following links to videos of the operation of the Cicare SVH4 for your information.

<https://www.youtube.com/watch?v=g1mrNmXVINo>

<https://www.youtube.com/watch?v=MD642Ygoccs>

The subject property to the north is zoned C2-1 Commercial, General Sales and Services. The property to the south is zoned C3-35 Commercial and Minor Industrial. The property to the west, across SR 69, is zoned M2-1 Industrial Heavy. The property to the east is zoned R1-12 Residential Single Family.

The property is accessed by Omega Dr., a private dirt road, north of Third St. There is no access to SR 69 currently, and none is proposed. The subject property is designated by the 2009 General Plan as "General Commercial", and is intended for retail, office, and industrial uses. Typical zoning districts applicable to this designation include all commercial and industrial zones. This proposal, if approved, would be in compliance with the General Plan.

The property where the Use Permit is sought, is zoned C3 (Commercial and Minor Industrial).

C3 zoning allows a number of uses by right, as well as all the principal and accessory uses permitted in any more restrictive zoning districts.

C2 zoning district, which is a more restrictive district than the C3, includes among the permitted uses dancing, art, music and **business and trade schools**.

The use proposed as a flight training school is a trade school in that it is an early step in a career in aviation.

Use Permits are required in the C3 district for commercial uses **contiguous to residential districts**.

The C3 zoning district where this Use Permit is sought is in direct contact with the R1-12 Residential zoning district directly to the east. Therefore, a Use Permit is required.

Additionally, due to the proximity of the residential zoning district and uses, it would be reasonable to impose limitations on any approval of a Use Permit, on the hours of operation, if the Commission feels that is appropriate.

Public notices were sent to property owners within a 300-foot radius of the project site. One neighbor attended the Public Participation Meeting held by Mr. and Ms. Pena at the property at 11:00am on Wednesday, March 28, 2018. Following the Public Participation meeting and to date, the Town has received no letters of support, and one letter opposing the request.

Staff will forward to the Commission any public further comments as they are received. That concludes the Staff's report.

## **2. Open Public Hearing**

Chair Victor Hambrick opened the Public Hearing at 6:21 p.m.

Mr. Pena came forward and answered Commission questions. He explained that he owns the property and the helicopter. The facility will be used for helicopter flight training and expects to have 10-12 students. The helicopter has a gas engine that is naturally aspirated, and operates at approximately 88 decibels. The flight pad will be 60 feet in diameter. He noted that he is shielding the flight pad by a large building and there is a fence surrounding the property.

CP Brown stated plans were sent to ADOT and we did not receive any comments from them. The Building Official and him were both under the impression that the simulator would be housed in the building. Upon learning the pad was located outside, it was recommended that a Use Permit would be required.

Bob Mattheis lives next to the property and spoke about safety issues concerning this facility.

Myron King has lived next to this property for 5 years. His wife is asthmatic and since moving here her lung capacity has greatly improved. He is worried about her health. The noise from the helicopter is going to bounce off the mountain and will be a lot louder. Omega is a private road, that he maintains, and thinks it generate a lot more maintenance. He stated there are other neighbors that don't want the helicopter school there too.

Philip Bagwell moved here 4 years ago. He is a Vietnam Vet that has PTSD and his wife has heart conditions. They moved here for the peaceful atmosphere and he is concerned that the helicopter will cause his PTSD to get worse. He is also concerned about arsenic problems.

Chair Hambrick asked for any other public comments or questions? None forthcoming.

## **3. Close Public Hearing**

Chair Victor Hambrick closed the Public Hearing at 6:48 p.m.

## **4. Commission Discussion and Possible Legal Action**

There was further Commission discussion regarding the Heli Swift Aviation application.

Chair Hamrick asked if there were any other questions?

CP Brown stated the Planning & Zoning Commission should review the attached material and make recommendation to the Town Council to either approve or deny the Use Permit.

Staff recommends the following conditions be made a part of this approval:

- 1) The use is compatible with permitted uses in the underlying zoning district.
- 2) The use is in compliance with the Town's General Plan and applicable town regulations.
- 3) The use meets or exceeds the conditions and criteria described in Town Code Section 153.091.
- 4) The hours of operation of the flight simulator outdoors shall be limited to Monday-Friday 9 a.m. - 5 p.m. and Saturday 10 a.m. – 4 p.m.
- 5) The Use Permit is approved for a term of five (5) years, to be reviewed at the end of that period to determine if renewal for an additional period is appropriate. Application for Renewal shall be made by the owners of the property following the same process as for a new Use Permit.

Commissioner Schauwecker stated, *"In hearing all the details, I don't see as much support for this application as against it. So, I make a motion that we do not recommend this permit to the Council."* Commissioner Crofutt seconded the motion. The motion passed by a vote of 4-1. Chair Hambrick voted against the motion.

CP Brown stated that Planning & Zoning will make a recommendation to the Town Council at the next Regular Council meeting on May 15th. The Town Council will make the final judgment on the Use Permit.

**11. Adjourn** The meeting was adjourned at 7:09 p.m.

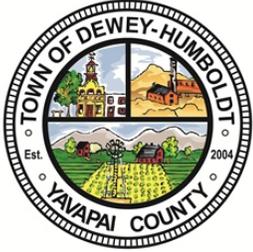
---

Chair Victor Hambrick

ATTEST:

---

Julie Gibson, Town Clerk



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8643**  
**Fax 928-632-7365**

---

# Staff Report

## Planning and Zoning Advisory Commission Meeting

### March 7, 2019

Date: February 27, 2019

To: Planning and Zoning Commission

From: Ed Hanks, Town Manager

---

#### **11.A. Review and Possible Recommendation to Town Council on Amendments to Town Code Section 153.086.13 - The Outside Storage of Steel Containers**

##### **BACKGROUND:**

On February 19, 2019, the Town Council had on its' Agenda, the following item:

***E. Discuss amending outside storage 153.086 (13) (a) to (g) Steel Cargo Containers, discuss as a possible emergency measure, allow on 25,000 s/f lot (CAARF – CM Collins)***

At the conclusion of their discussion, the Council voted unanimously to direct further consideration of possible amendments to Town Code Section 153.086.13 to the Planning and Zoning Advisory Commission (P&Z). They further directed that the P&Z be provided with a playing of the video archive of the 2/19/19 Council discussion on this matter, and that the Chair of the Firewise Committee be invited to make a presentation on their concern for the manner that steel storage containers are provided for in the code.

As you will learn from the video, among the concerns of the Council were:

- The restriction on steel storage containers as accessory uses, to properties of 2 acres or greater.
- The restriction on steel storage containers as accessory uses to one per residential property.
- The requirement that steel storage containers, as accessory uses be subject to setbacks in effect for the underlying zoning district.
- An issue not addressed by the Council, that should be, is the limitation of steel storage containers as accessory uses only in the RMM and less restrictive zoning districts. The more restrictive R1L zoning districts, which make up approximately 75% of the Town, are by virtue of this requirement, not eligible for the siting of steel storage containers as accessory uses.

Section 153.086.13 reads as follows:

**§ 153.086 OUTSIDE STORAGE.**

(13) *The outside storage of steel storage containers is allowed as an accessory use, solely for the storage of personal items owned by the property owner, occupant or business (in appropriate commercially designated areas **in the RMM or less restrictive use districts** provided as follows:*

- (a) An approval letter from the Zoning Administrator is obtained prior to placement of the unit.*
- (b) Containers shall meet the minimum yard requirements of the primary structure in the applicable density district as well as building separation and lot coverage requirements.*
- (c) All containers shall be painted and maintained either the primary structure color or an earth tone consistent with the surrounding terrain prior to placement.*
- (d) Any electrical service to comply with applicable adopted building codes and other town codes.*
- (e) No residential unit to exceed eight feet by 20 feet.*
- (f) Minimum residential use parcel size is two acres.*
- (g) Only one unit per residential parcel.*
- (h) Any unit not able to meet the foregoing performance criteria will require a use permit prior to permitting and installation. Temporary uses of such containers (up to two years) can be administratively approved in conjunction with approved construction/remodeling projects.*

**STAFF RECOMMENDATION:**

The Planning Commission should review the attached material and direct staff to forward recommendation(s) to the Town Council.