

**MINUTES OF THE WORK SESSION OF THE PLANNING & ZONING
COMMISSION OF THE TOWN OF THATCHER
September 4, 2012**

MEMBERS PRESENT: Chairman Ramon Morales, Members Jerry Hoopes, David Griffin, Pat Nelson, Bret Whitmer, Eddy Carlton, and Town Engineer Heath Brown

MEMBERS ABSENT: Member Mike Ajeman

VISITORS: Geri Palmer, Paul Palmer, Nathan Palmer, Calvert Allred, Mark Stevens, Maurine Allred, Kayde Allred, Tracy Allred, Katelyn Allred Brawley, Dustin Allred

Chairman Ramon Morales called the meeting to order at 7:02 PM, establishing that there was a quorum.

Pledge of Alliance

Roll Call

Approval of Minutes

Chairman Ramon Morales asked if there was any discussion of the June 2012 meeting minutes and there was no discussion. A motion was made by Mr. Jerry Hoopes to accept the minutes and seconded by Mr. David Griffin. The vote was unanimous and the minutes were approved.

Public Hearing:

Request for Zone Change

Chairman Morales asked if there was any discussion from the public. Mr. Paul Palmer read the letter he sent out to neighbors advertising the neighborhood meeting (See Attached). Mr. Palmer also stated he feels with the college, apartments, townhomes, and cemetery nearby, that this request for R-3 zoning fits in with the neighborhood.

Mr. David Griffin asked who currently lives in the home where Mary's Mission resides. Mr. Palmer replied that his son Nathan and family live in the home. Mr. Morales asked if they are living in the entire house. Mr. Palmer answered that a section of the house including a large bedroom, the garage, and a hobby room were converted into a separate apartment. Mary's Mission is using the remaining front of the home, although they have not placed anyone in the building for three years. Mr. Eddy Carlton asked if the two sections of the home are connected inside. Mr. Palmer explained that there are two doors between the two dwellings. One has been sheet rocked over and the other is dead bolted from both sides.

Mr. Mark Stevens stated that he is OK with the Hatch family taking care of an ailing parent, but is opposed to the R-3 zoning. His concern is what types of uses are allowed in an R-3 zone like an apartment complex. He stated that there are many single-family homes in the area to the south and east. Mr. Stevens reported that his brother and his mother were not able to attend, both live in the area and are opposed to the rezone.

Mr. Calvert Allred stated that he recently purchased the property adjacent to the Hatch's and his mother lives very near. He seconded Mr. Stevens' comments; not opposed to Hatch's ailing parent but does not want R-3. He also stated that this is the 2nd or 3rd time Mr. Palmer has applied for this change and is not sure of his overall plan.

Mr. Tracy Allred stated he is familiar with the Gila River Apartments and doesn't want the same type of situation in this area. The Town of Thatcher is building a new park across the street and he fears this type of zoning would impact that new facility.

Kayde Allred stated that this area has traditionally been large lots, agriculture, horses, etc. He is worried that denser housing would lead to restrictions on animals and such and would increase the foot traffic that illegally crosses his family's property.

Dustin Allred stated that he enjoys the single-family neighborhood and lives there for that purpose. He is against the zone change because he doesn't want the "feel" of the neighborhood to change.

Calvert Allred explained that at the neighborhood meeting held at the Hatch's home, the Hatch's stated they were not aware of the possibility of applying for a permit which would allow them to create a dwelling unit to care for their ailing parent.

Mr. Carlton asked what the square footage of the Mary's Mission home is. Mr. Palmer said it is now about 3,400 SF with the enclosure of the garage, and his son's family is living in about 1,300 SF of it.

Mr. Bret Whitmer asked if Mary's Mission has a long-term lease on the home. Mr. Palmer explained that it was originally a three-year lease but expired about two years ago and has been month to month since.

Mrs. Pat Nelson asked what Mr. Palmer's plans were and that if he intended to use the home as a dormitory eventually. Mr. Palmer stated that if his son moves out, he would try to find another tenant for the apartment and has no plans to use the home as a dormitory. Concerning his own home, he plans on staying there indefinitely.

Decision on Public Hearing:

Decision on Zone Change Request

Mr. David Griffin stated that if the property were to be re-zoned, it would set a precedent

for others in Town with a small area, or a small number of lots, to request a zone change, similar to this situation. Also, he stated that if an individual creates a problem for themselves, it is not the Planning and Zoning Commission's, or the Town's, obligation to correct the problem or bend the rules. He also stated that the property owners on the south and east sides of the proposed site are obviously not in favor of the change in zoning.

Mr. Griffin asked why Mary's Mission stopped housing kids at this site. Mr. Palmer explained that in Sierra Vista they can put more kids in one home and it made more economic sense to move them there.

Mrs. Nelson asked Mr. Palmer if he obtained a building permit for the remodel of the house. Mr. Palmer said he did not. Mr. Heath Brown explained that the Town was unaware of the modifications until Mary's Mission requested an inspection of the home before moving residents in. Once the Town discovered the duplex situation, Mr. Palmer was informed that he could only use the home as a single-family residence.

Mr. David Griffin asked Mr. Palmer if he had applied to Graham County for a re-zone to multi-family before his property was annexed into the Town of Thatcher. Mr. Palmer explained that yes he did prior to building the homes, and was denied. Then, after building the homes he went to the County again for rezone and was again denied. Next, he asked for annexation by the Town of Thatcher and intended to ask the Town for a re-zone, but was approached by Mary's Mission and went that route instead.

Mr. Carlton asked Mr. Brown what the options were for the Hatch's and Palmer's regarding these issues. Mr. Brown explained that the Hatch's could apply for a temporary use permit that would allow a mobile home or guesthouse to be used for a temporary dwelling to care for a parent. However, once the parent was gone, the mobile home must be removed or the guesthouse must resort to no permanent residence. If the guesthouse was attached to the main home and was connected on the interior and functioned as part of the main home, the owner can rent out a bedroom as long as the five unrelated occupant rule is obeyed.

Regarding the Palmer's request, a variance application is not an option because a re-zone is required for multi-family dwellings.

Mr. Jerry Hoopes made a motion to deny the rezone request. Mr. Eddy Carlton seconded the motion. The vote was unanimous and the motion passed.

The Planning and Zoning Commission recommends to the Thatcher Town Council that the request for rezoning be denied.

Staff Report and Discussion:

Mr. Whitmer asked for some discussion on Section 29-7-2 M. This article states: "All buildings shall harmonize architecturally with the residential character of the neighborhood". There was some discussion on this matter about interpretation, relevance, application, etc.

Mr. Whitmer asked about the status of the zoning code revisions. It was agreed that this issue be placed on the agenda for the October P&Z meeting and a vote made to recommend to the Town Council to have this work performed by a professional consultant.

Adjournment:

Mrs. Pat Nelson made a motion to adjourn and Mr. David Griffin seconded it. The vote was unanimous and the meeting adjourned.