



August 2, 2022

To: Planning & Zoning Commission  
Chair: Ray Tuttle  
Vice-Chair: Wayne Layton  
Members: Brandon Homer, David Griffin, Billy Orr, Machael Layton, Dan Turley

**Re: AUGUST P&Z MEETING: Tuesday, August 9<sup>th</sup>, 6:00 PM**

All,

Your attendance is requested at a Planning & Zoning meeting at the date & time listed above. We welcome Dan Turley as the newest member of the Commission and appreciate Jerry Hoopes' many years of service. We have two main items on the agenda:

1. The Final Plat for Red Lamp. The Town is moving forward with developing / disposing of the Red Lamp property. We are working with attorneys, landscape architects, engineers, etc. on the actual development. The easiest way to split up the parcel & sell it off is by creating multiple parcels on a plat. Basically, all of the area outside the actual buildings will be maintained by a property owners' association (POA, similar to an HOA). However, each party will own (& pay taxes on) their own lot... as proposed on the attached plat. Normally we would hold a Preliminary Plat hearing & then a Final Plat hearing. However, we're combining both the Preliminary Plat and Final Plat into a single hearing (since the Town is the "Developer", the typical delay between the two seemed un-necessary). I'm sending you what I have now. I apologize that it's not complete, but I'm trying to finalize this week. I'll get you an updated one as soon as I have it.
2. A request to re-zone parcel 104-01-022T from a mix of C-2 (Highway Commercial) and R1-43 (single family residential) to a combination of R-4 (Multi-Family Residential) and R1-10 (Single-Family Residential). The purpose of the re-zone is to construct an elderly care facility (on the R-4 portion) with the potential for future single-family lots (on the R1-10 portion). The total parcel is approximately 69.76 acres and is located at the southwest corner of Reay Lane and Ridgeview Way in Thatcher. The applicant is Jim Belilove.

Staff feels that an R-4 zone is what is needed to accommodate the proposed development of the property into a large elderly care facility. Smaller facilities are allowed in all residential zones, but a large one is only allowed in R-4 (or R-3 with a conditional use permit). Other allowed uses in R-4 are multi-family apartment complexes. If re-zoned without any conditions, apartments would be an allowed use on the R-4 portion. Given the location (proximity to Reay Lane, proximity to Burn Pits, feed lot & flood zone), staff feels this is an excellent location for apartments (should the elderly care facility not materialize) and we would support an R-4 zoning with no conditions. However, if the Commission wants to grant the ability to develop an adult care facility without the "fear" of future apartments, a conditional zoning could certainly be recommended... approving R-4 zoning, conditional that it only be developed as an elderly care facility.

The remaining property is being requested to re-zone to R1-10 (single family residential, 10,000 square foot minimums). This would allow them to try to do a future subdivision with smaller lots. They have a lot of that property that will be taken up with floodzone, which will restrict development, but they will be extending the sewer, water, etc. for their care facility already. Obviously any future subdivision would have to meet all of our codes & would come back to y-all for consideration.

It is important to note that a re-zone grants the use. Typically, you are considering just the use, not specific improvements, etc. Any future development will have to be reviewed by staff (non-subdivision) or P&Z & Council (for a subdivision). However, if there are things you feel strongly about, they could certainly be added as conditions of zoning. Your options (with every re-zoning case) are:

- *Recommend approval of the request*
- *Recommend denying the request*
- *Recommend approval of the request with conditions (or stipulations). Any recommendation other than a simple approval or denial should be very specific and would run with the property as a condition of the zoning. This could (in this specific case) include the recommended approval of the R-4, but not the R1-10, for instance).*

The Town's general plan can be found on the website:

<https://www.thatcher.az.gov/home/showpublisheddocument/1008/637901936330630000>

This site falls in the "Reay Planning Area" (introduced on page 20). On page 38, the character area is further explained. Specifically, it states "This area is intended to be suburban in character and support residential, high-density residential and commercial uses along the Reay Corridor with opportunities for employment uses west of the Town Core...". Staff feels the requested re-zone is very much in compliance with the General Plan.

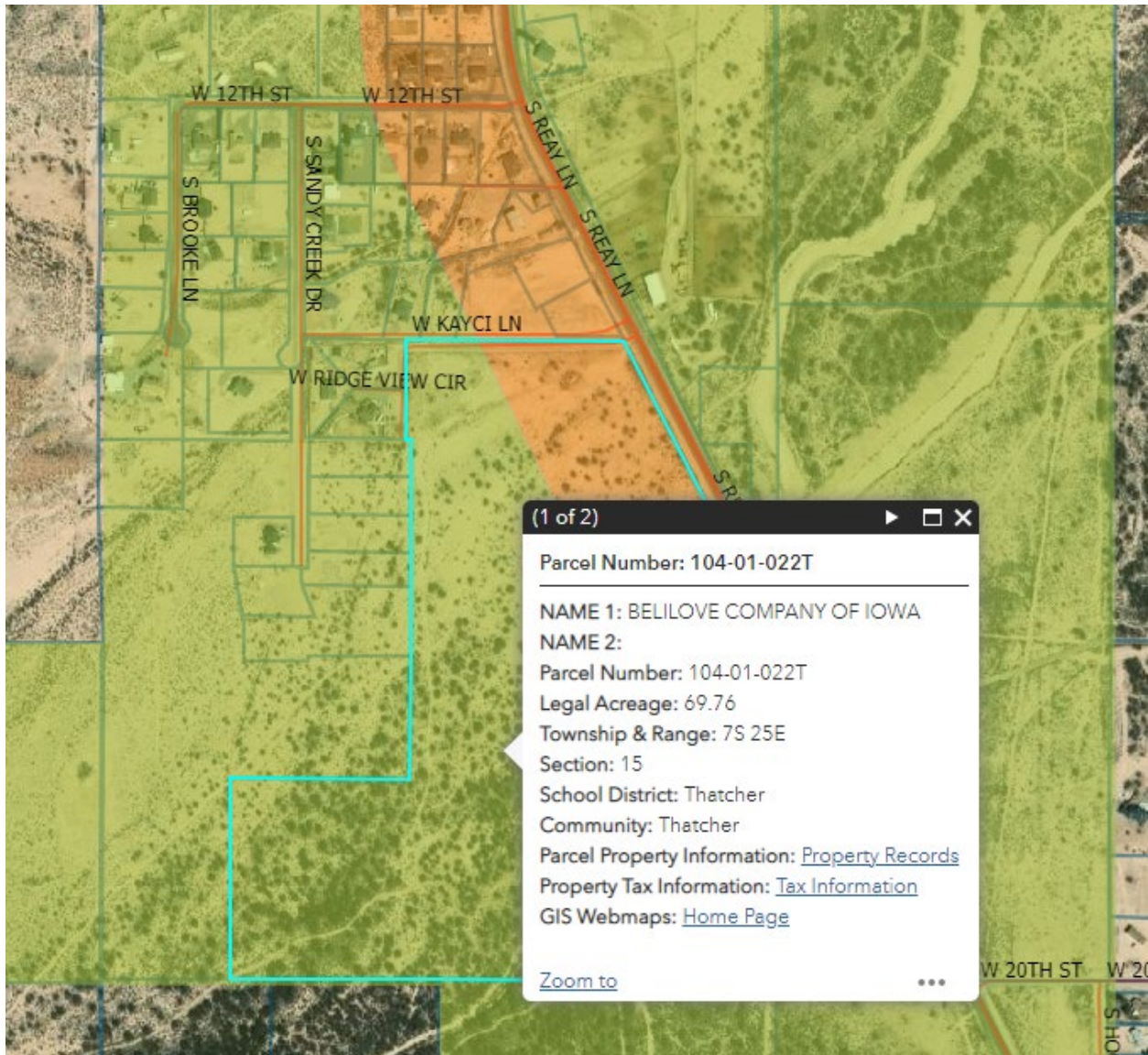
I have attached the minutes from the June meeting as well as the agenda for the upcoming meeting. If you have any questions at all, please don't hesitate to contact me.

Thank you,



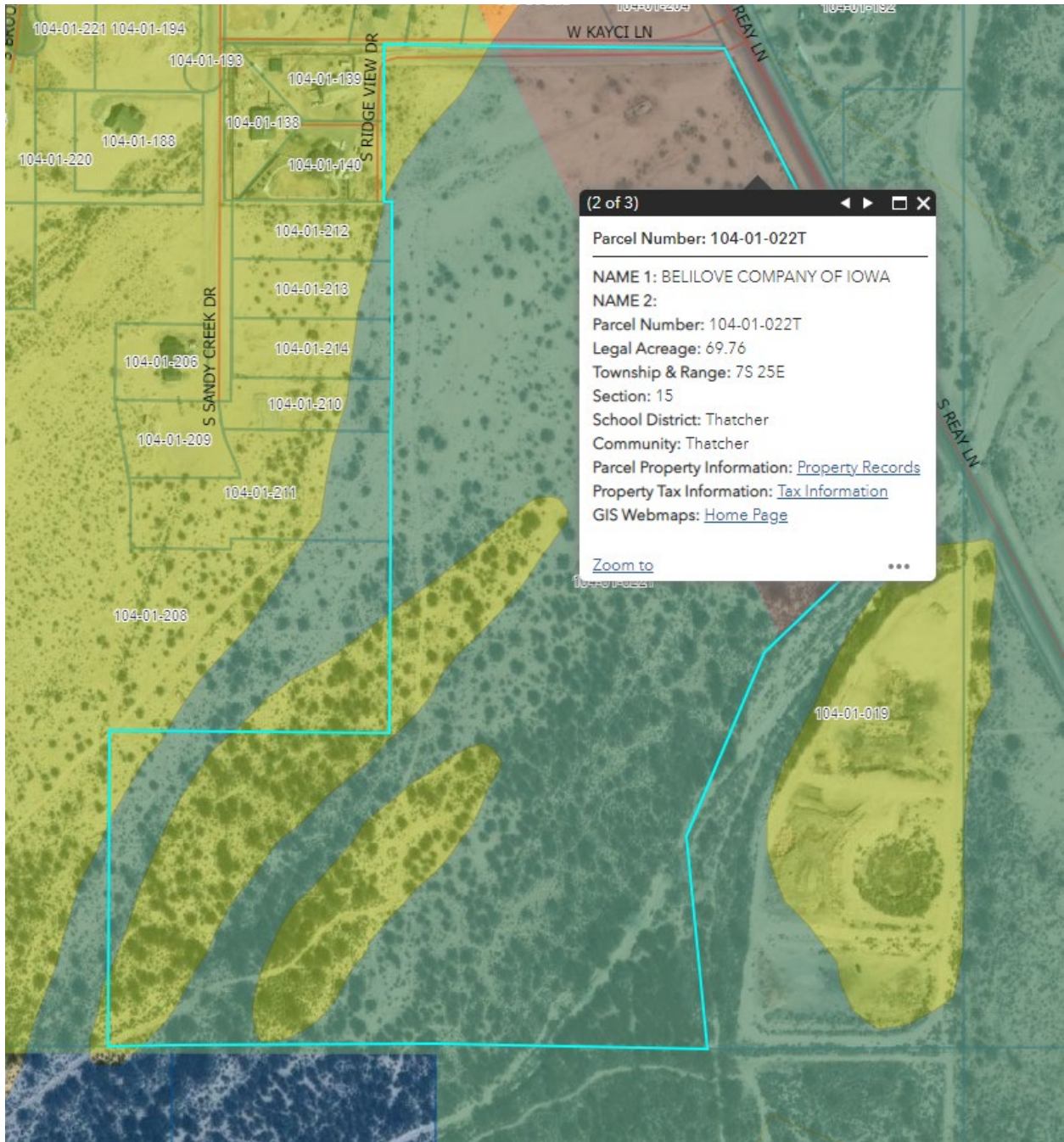
Tom Palmer  
Town Engineer  
(928) 322-7065 (cell)  
[tpalmer@thatcher.az.gov](mailto:tpalmer@thatcher.az.gov)

Cc: Alan Bryce, Zoning Administrator



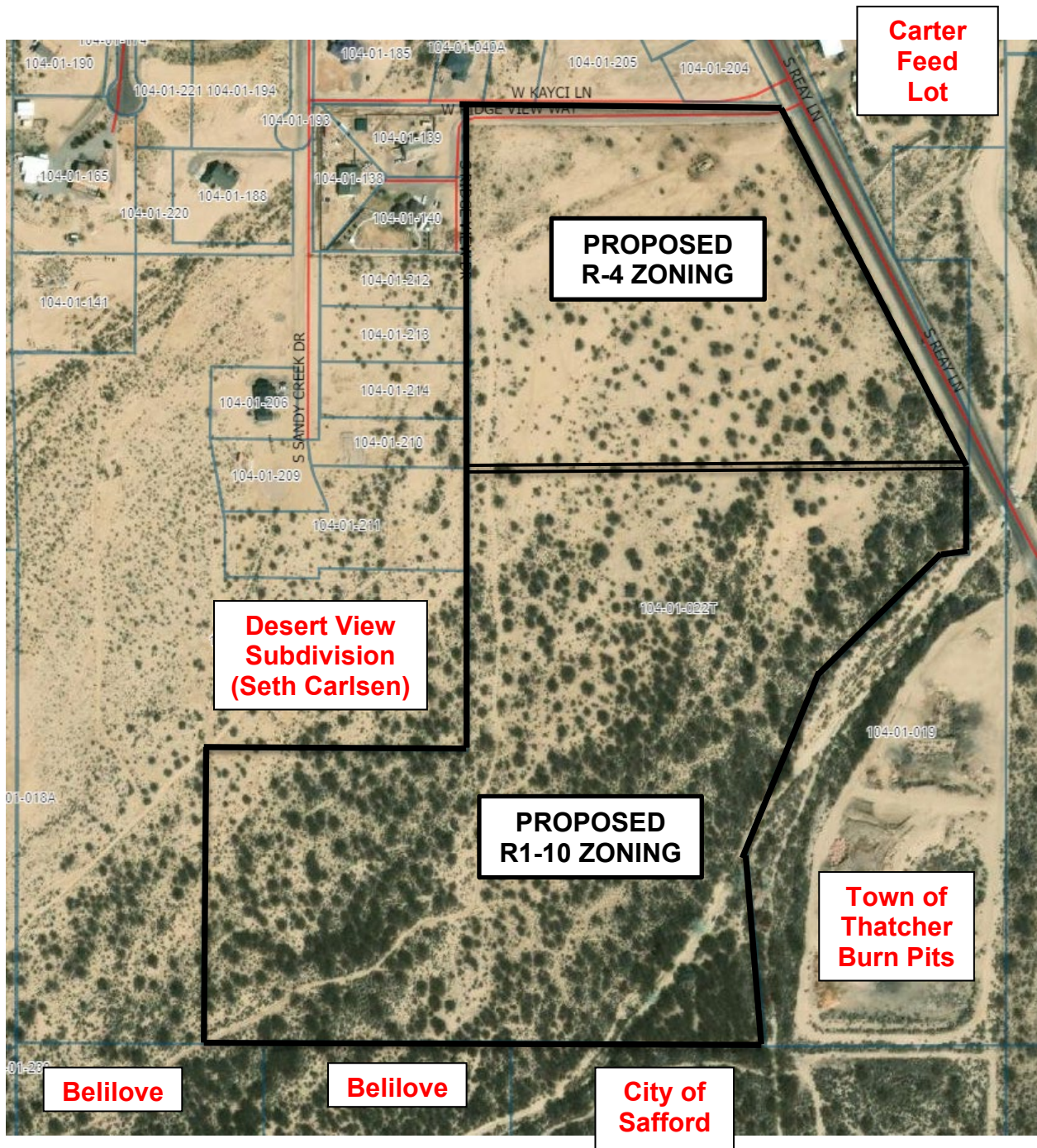
**EXISTING ZONING OF BELILOVE PROPERTY  
(Orange is C-2 & Yellow is R1-43)**





**BELILOVE PROPERTY**  
**(blue-grey is existing flood zone)**





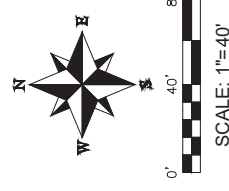
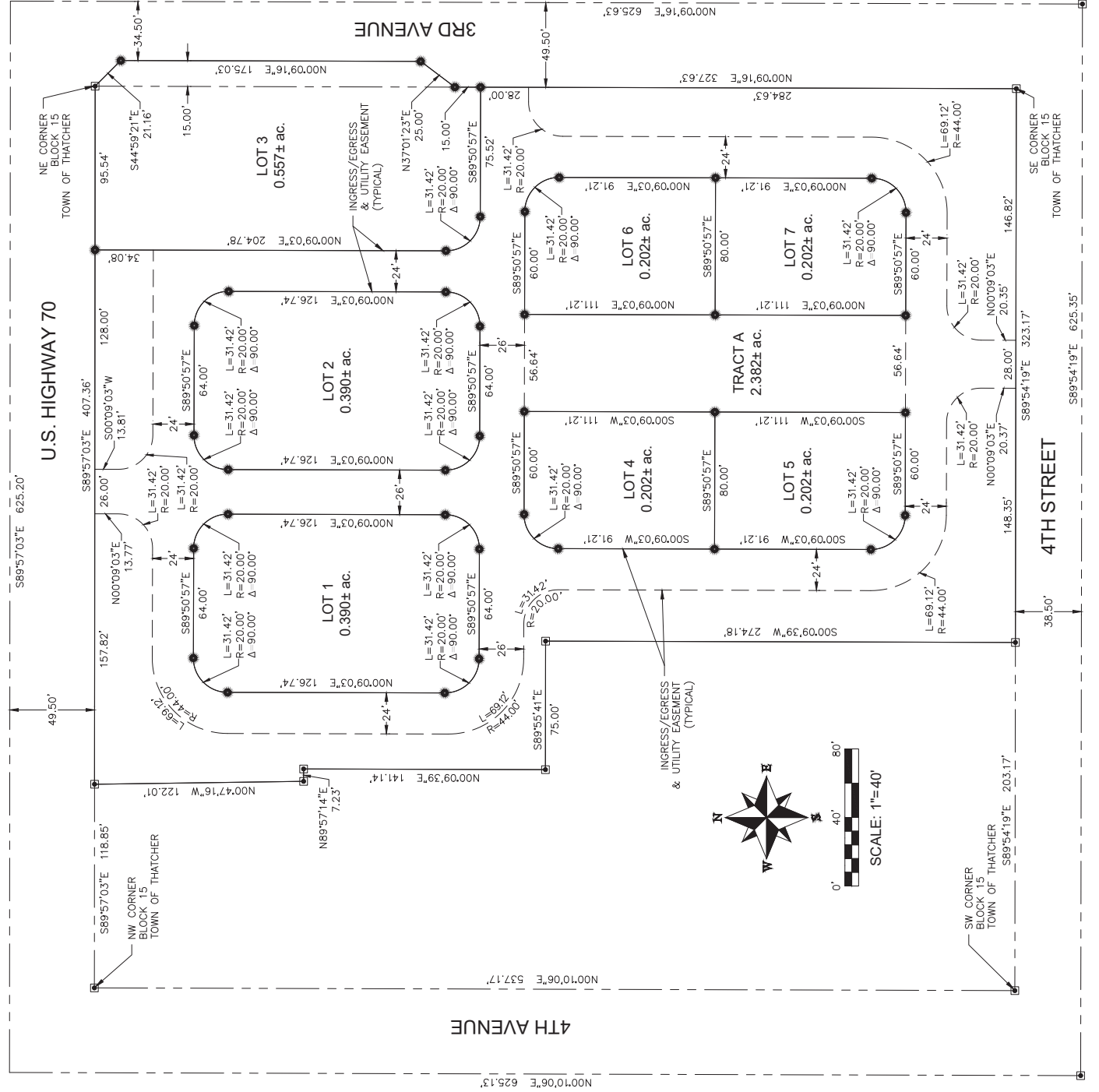
**BELILOVE PROPERTY  
(showing surrounding properties)**

# RED LAMP COMMERCIAL PLAZA

A PORTION OF BLOCK 15 OF  
THE TOWN OF THATCHER  
GRAHAM COUNTY, ARIZONA.  
ASSESSOR PARCEL # 104-09-149

## LEGEND

- ▣ PROPERTY OR BLOCK CORNER PER RECORD OF SURVEY #2018-02134, GRAHAM COUNTY RECORDS
- NEW PROPERTY CORNER



**PRELIMINARY PLAT  
FOR RED LAMP  
COMMERCIAL PLAZA**

SHEET: 1 of 1    PRINTED SIZE: 18" x 24"

# AGENDA FOR PUBLIC MEETING OF THE PLANNING AND ZONING COMMISSION FOR THE TOWN OF THATCHER

Tuesday, August 9, 2022 @ 6:00 PM

1. Welcome and Call Meeting to Order
2. Pledge of Allegiance
3. Roll Call – Introduce new P&Z member
4. Approval of the Minutes from the June 13, 2022 P&Z meeting
5. Public Hearing – Preliminary / Final Plat  
*To consider the Approval of the Final Plat for the RED LAMP COMMERCIAL PLAZA*
6. Discussion & Recommendation – Preliminary / Final Plat for Red Lamp  
*Commission will vote to recommend approval, denial or approval with conditions to the Town Council. The Town Council will make the final decision on the matter at the August 15<sup>th</sup> Council meeting.*
7. Public Hearing – Rezoning Request  
*A request to re-zone parcel 104-01-022T from a mix of C-2 (Highway Commercial) and R1-43 (single family residential) to a combination of R-4 (Multi-Family Residential) and R1-10 (Single-Family Residential). The purpose of the re-zone is to construct an elderly care facility (on the R-4 portion) with the potential for future single-family lots (on the R1-10 portion). The total parcel is approximately 69.76 acres and is located at the southwest corner of Reay Lane and Ridgeview Way in Thatcher. The applicant is Jim Belilove.*
8. Discussion & Recommendation – Rezoning Request  
*Commission will vote to recommend approval or denial of the proposed use permit to the Town Council. The Town Council will make the final decision on the matter at the August 15<sup>th</sup> Council meeting*
9. Annual Election of Officers
10. Staff report
11. Adjournment

*Individuals with special accessibility needs may contact the Town of Thatcher, at (928) 428-2290.  
If possible, such requests should be made 48 hours in advance.*

Posted by \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

# MINUTES OF THE REGULAR MEETING OF THE THATCHER PLANNING & ZONING COMMISSION

Monday, June 13<sup>th</sup>, 2022 – 6:00 pm

MEMBERS PRESENT: Chair Ray Tuttle, Vice-Chair Wayne Layton, David Griffin,  
Billy Orr, Machael Layton, Brandon Homer

MEMBERS ABSENT: Jerry Hoopes

STAFF PRESENT: Tom Palmer, Alan Bryce

VISITORS: Seth Carlson, Emily Curtis

## 1. Welcome and Roll Call

Chair Tuttle called the meeting to order and established that a quorum was present. At the time of roll-call, Mr. Griffin was not present.

## 2. Approval of Minutes

The Commission unanimously approved the minutes from the March 2022 meeting.

## 3. Public Hearing - Final Plat – Desert View Estates

Mr. Tuttle asked Mr. Palmer to explain this item.

Mr. Palmer explained that this is the subdivision by Seth Carlsen, off of Sandy Creek, west of Reay Lane. The preliminary Plat was approved in November, 2021 and this is the Final Plat. The Town has reviewed water, sewer, paving, grading, etc. and staff recommends approval.

Mr. Orr pointed out that the north arrow on the plat is pointing the wrong direction.

Mr. Homer asked about building setbacks, which are shown on the plat.

Mr. Griffin arrived and asked if the plat meets all Town ordinances, including streetlights. Mr. Palmer said that it does.

**Mr. Orr made a motion “to recommend approval of the Final Plat for Desert View Estates”**

**Mr. Griffin Seconded the motion**

**Vote: Unanimous in favor of the motion**



#### **4. Public Hearing – Temporary Use Permit**

*To consider the matter of a temporary use permit to allow a temporary dwelling for an aging parent. The address is 3361 W. 2nd Street in Thatcher. Applicants are Sam & Emily Curtis.*

Mr. Tuttle opened the hearing and read an e-mail that had been sent to Mr. Palmer:

Good morning

I am unable to attend the Planning and Zoning meeting scheduled for Monday, Jun. 13th @6:00PM. I would like to express my strong opposition to a temporary use permit at 3361 W. 2nd Street in Thatcher. I am opposed to trailers being allowed within the city limits as it detracts from the beauty of the city and drives down the property values of existing property owners.

I regularly receive letters from the Town of Thatcher requiring me to remove weeds or trash from my property or to trim hedges along the street. I gladly comply with this requirement in order to keep my property at 3389 W. Second street looking nice and in good repair. I understand the rules and do not request that they be changed for my benefit.

Please put me down as a "NO".

Kirk Bryce  
928-853-2119

Mr. Tuttle said that he wished he had photos of the interior. He asked Mr. Palmer if this type of building would be allowed as an accessory structure if it were used as a shed. Mr. Palmer said that it would. Mr. Tuttle said that he did not see a foundation under the building.

Emily Curtis (applicant) said that the structure sits on a pad of compacted AB. She explained that it's a small dwelling that is built with a single bedroom, kitchen & bathroom to be used for a temporary dwelling. All utilities (water, sewer, electric) are ready to be hooked up if the temporary permit is granted.

Mr. Homer asked who lives in the main house. Ms. Curtis said that Joanna Curtis lives in the main house & that Joanna's mother would live in the temporary dwelling.

Mr. Layton said that he feels that the use (temporary for an aging parent) fits very well with the intent of the ordinance.

Mr. Tuttle said that the structure itself is allowed in the code & just the use (residential occupancy) is what would need a use permit.

Mr. Tuttle and Mr. Griffin asked if a temporary use permit (TUP) comes with conditions for termination of the use. Mr. Palmer read portions of the code and explained that this specific use permit would terminate upon the death (or relocation) of the resident. Furthermore, the code says that a TUP expires within 6 months if the applicant doesn't demonstrate an on-going use in conformance with the TUP. Mr. Palmer said that staff would need to do check-ins every 6 months or so and ensure that the use is still as permitted and once it's not, then the TUP would expire.

Ms. Layton said that the code allows for a manufactured home or mobile home or guesthouse, but expressed concern that this structure does not meet any of those definitions.

Mr. Layton said he feels the code was written with the information available at the time and that he feels this structure meets the intent of the ordinance.

Ms. Curtis said that their intent is to remove the structure from the property once the TUP expires. They have other uses planned for that structure on another property out of town in the future.

Mr. Tuttle said that he's concerned with setting a precedence and that we need to do all we can to make sure that we're not allowing a use that will end up being a permanent dwelling after the TUP expires.

Ms. Layton read the definition of "guesthouse" in the ordinance and pointed out that it refers to a permanent structure. She said that the structure proposed does not meet HUD standards as a mobile home and is not permanent and therefore should not be allowed. The structures that are acceptable in the ordinance (mobile, manufactured, permanent) would all have to meet specific requirements and this type of house does not.

There was some discussion of whether it should be anchored to a permanent foundation and what that foundation might look like. Some thought that if it were anchored, it would become 'permanent' and meet the definition of a guesthouse. Others expressed that this is, by its very nature, a "temporary" use permit and there's nothing wrong with having a temporary structure.

Mr. Palmer said that Alan Bryce has been in the structure and inspected it & it would meet our codes for plumbing, electrical, etc.

Mr. Orr said that he agrees we need to be careful on what we allow, but that he feels this type of dwelling would meet the intent of the ordinance, even though not specifically allowed. Mr. Palmer stated that the concept of a "tiny home", which this structure could be classified as, is a relatively new concept nationally, but that they are very common and that we could certainly look at adding that as an accepted use in the future for a TUP if the commission wanted.

**Mr. Griffin made a motion to “recommend approval of the Temporary Use Permit”  
Mr. Layton Seconded the motion**

**Vote: 4 in favor (W. Layton, D. Griffin, B. Homer, B. Orr)  
2 opposed (M. Layton, R. Tuttle)**

Mr. Homer said that he’s in favor of granting the use permit and he feels it meets the intent of the ordinance, but that “it may not hurt to have the Town attorney weigh in”.

Mr. Palmer asked the commission for feedback as to whether they would like him to research tiny homes as an option for a temporary dwelling & bring some language for them to review. There was no consensus, but he said he’d bring something for them to look at.

Mr. Tuttle and Ms. Layton expressed that if we’re going to allow it, it should be permanent and attached to the ground.

## **6. Staff Report**

Mr. Palmer introduced Alan Bryce, our new Building Official. He said that Mr. Bryce will be transitioning into a role as Zoning Administrator also.

Mr. Palmer gave a report on the on-going projects in town.

## **7. Adjournment**

The meeting was adjourned.