

REGULAR MEETING
SEPTEMBER 9, 2009
6:00 P.M.

PURSUANT TO A.R.S. 39-431.02B NOTICE IS HEREBY GIVEN TO THE MEMBERS OF THE PLANNING AND ZONING COMMISSION AND TO THE GENERAL PUBLIC THAT THE PLANNING AND ZONING COMMISSION WILL HOLD A MEETING OPEN TO THE PUBLIC SEPTEMBER 9, 2009 AT THE MAMMOTH TOWN LIBRARY LOCATED AT: 125 NORTH CLARK STREET, MAMMOTH, ARIZONA.

1. CALL TO ORDER:

The meeting was called to order by Diane Theobald at 6:06 P.M.
A moment of silence requested for the loss of councilwoman Syble Ramirez. She will be missed.

2. PLEDGE OF ALLEGIANCE:

Diane Theobald led the pledge of allegiance .

3. ROLL CALL:

CINDY BLAIR	PRESENT
ERNEST BUSTAMANTE	PRESENT
REBECCA BEISENSTEIN	PRESENT
LARRY RAMIREZ	PRESENT
DIANE THEOBALD	PRESENT

4. APPROVAL OF MINUTES

A. MINUTES OF REGULAR MEETING AUG. 12, 2009.

MOTION by Larry Ramirez to approve minutes of August 12, 2009 regular meeting as recorded.
Second by Rebecca Beisenstien MOTION CARRIED

5. NEW BUSINESS & OR DISCUSSION ON THE FOLLOWING:

A. GETTING CITIZENS INVOLVED IN USING WATER BILLS FOR SHORT MESAGES

Diane Theobald

Discussed the use of the water bill. Commission agreed good idea, to start by posting the Planning & Zoning and Councils meeting dates and times.

B. VARIANCE IN MAMMOTH TOWING YARD- LORENZO ESTRADA

Mr Estrada and Mr. Foster (neighboring property) present on this subject.

Mr. Estrada is requesting a letter from the Planning & Zoning Commission for court that grants him a variance for storage of vehicles.

He explained how long it takes to get legal paperwork for the automobiles before he can do anything with them. That he tries to wait for salvage prices before disposing otherwise he loses money. Mr. Estrada says he has disposed of them several times at a loss to him.

Mr. Foster spoke about how he has filed numerous complaints against Mr. Estrada (which is the reason for being in the courts currently.). He objects to the property looking like a junk yard, that Mr. Estrada does crush cars, and he is concerned that the fluids have to be drained from these vehicles before transport.

Mr. Estrada stated he has a tank for these fluids and has it emptied every two weeks.

Larry Ramirez asked about licenses and certificates.

He does have licenses and restrictions on how he operates from both state and county. Both DPS and county inspect his yard.

Cindy Blair mentioned as a hairdresser she has codes and regulations she has to adhere to.

Larry Ramirez asked how many cars is he allowed.

Ernest Bustamante responded Code is not written stating how many cars for a business.

Larry Ramirez referenced ordinance 14-6 #11.

"14-6 USE REGULATIONS #11 Public or private, garages, towing, and auto repair, but excluding junk yards, and auto wrecking, salvage yards."

(This is the heart of the dispute. Mr. Foster claims Mr. Estrada is illegal because he "crushes" cars for transport making the business a wrecking yard. Mr. Estrada feels he is within code because he is not "junk yard, or salvage.")

All parties discussed at length the use of property, the privacy fence between these two properties, and the ordinance.

Ernest Bustamante made the point that we cannot write the ordinances/codes to please everyone.

That the Planning & Zoning Commission tries to make it uniform.

Larry Ramirez That Mr. Estrada does what says on his business license and nothing more. If he has done something wrong it should go to court.

Diane Theobald suggested to Mr. Estrada that he find a property outside town limits to store vehicles waiting for transport.

Mr. Estrada stated the towns attorney Tresa Georgini told him to come to the Planning & Zoning Commission for a letter/variance for court.

The Commission agreed this is not something we can decide. According to the existing ordinance Mr. Estrada is within his rights. That this is indeed an issue for the courts, between Mr. Foster and Mr. Estrada. WE cannot change an existing ordinance, or its intent and purpose.

NO ACTION WAS TAKEN BY THE PLANNING & ZONING COMMISSION

6. OLD BUSINESS DISCUSSION & OR ACTION ON THE FOLLOWING:

A. NONE

7. ACITIVY REPORT. (no formal action)

Rebecca Beisenstein reported that when they were on vacation they visited Kenab. said how they have information etc about the movies filmed there. Mammoth has had several movies made here. (Firebirds being the last one.) Sure would be GREAT idea to ply off of that history as well. No other information.

8. COMMISSION COMMENTS

Diane Theobald and the commission welcomed Larry Ramirez back and condolences for the loss of his mother Syble.

9. CALL TO THE PUBLIC

ACCORDING TO ARIZONA LAW, UNLESS AN ACTUAL EMERGENCY EXISTS THE PLANNING AND ZONING COMMISSION CAN ACT ONLY ON THOSE ITEMS THAT APPEAR ON TODAY'S AGENDA. ANYONE WISHING TO ADDRESS THE COMMISSION SHOULD STAND AND BE RECOGNIZED BY THE CHAIRPERSON STATE YOUR NAME SO THAT YOUR COMMENTS MAY BE PROPERLY RECORDED AND LIMIT YOUR COMMENTS TO

FIVE (5) MINUTES OR LESS. MATTERS PRESENTED TO THE COMMISSION AT THIS TIME MAY BE REFERRED TO THE TOWN CLERK FOR PLACEMENT ON A FUTURE AGENDA.

Mr. Joe Brewer was present again to discuss his issues with finding the code or law that says he cannot have a septic tank. Diane Theobald reminded him that the commission requested last month that he put his concerns on the agenda so it could be discussed.

(Since found the code and informed Mr. Brewer. pg 110 ,13.08.030 G.)

Also discussed the cemetery.

Mr. Foster spoke that the 14-18-5 in the ordinances requires that the Planning & Zoning Commission is required to have a public hearing for ALL variances.

A heated discussion commenced. Diane Theobald called the meeting to order again.

That for issues to be discussed requires that item to be on our agenda.

10. ADJOURN

MOTION TO ADJOURN by Ernest Bustamante second by Rebecca Beisenstein

MOTION CARRIED MEETING. ADJOURNED AT 7:14 P.M.

I certify that the foregoing is a true and correct copy of the minutes of the Planning & Zoning Commission meeting held September 9, 2009. I further certify that the meeting was duly called and held.

Respectfully,
Diane Theobald
Chairwoman