

**TOWN OF CAREFREE
PLANNING AND ZONING COMMISSION
PUBLIC HEARING
MINUTES**

WHEN: MONDAY, JUNE 13, 2022
WHERE: CAREFREE TOWN COUNCIL CHAMBERS
33 EASY STREET, CAREFREE, AZ 85377
TIME: 5:15 P.M.

Members of the Planning and Zoning Commission may participate by technological means or methods pursuant to A.R.S. §38-431(4).

BOARD MEMBERS PRESENT:

Chairperson Tom Cross
Vice Chairperson Lyn Hitchon – via Telephone
Commissioner Heather Burgett – via Telephone
Commissioner Peter Burns – via Telephone
Commissioner Phil Corso
Commissioner Dan Davee
Commissioner Ralph Ferro

ABSENT:

None

PLEDGE OF ALLEGIANCE

ITEM #1 Approval of the Planning and Zoning meeting minutes dated **APRIL 06, 2022, AND APRIL 11, 2022.**

Vice Chairperson Hitchon **MOVED TO APPROVE** the Planning and Zoning meeting minutes dated **APRIL 06, 2022, AND APRIL 11, 2022. SECONDED** by Commissioner Ferro. **CARRIED, 7-0.**

ITEM #2 **PUBLIC HEARING** to be held to consider vacating portions of a Vehicular non-Access Easement (VNAE) for lot 6 (Tax Parcel # 216-28-070) and lot 9 (Tax Parcel # 216-28-073) of the Nighthawk on Black Mountain Subdivision and vacating the existing access easement shared between these lots.

This is a public hearing and comments from the public will be taken.

Planning Director, Stacey Bridge-Denzak presented via PowerPoint background and details of the Vehicular Non-access Easement (VNAE) abandonment case. Explaining, vehicular non-access

easements (VNAE) are used to restrict motorized vehicle access to or from a parcel. Adding, when the Nighthawk on Black Mountain subdivision was originally platted in 2004, it included a VNAE along Never Mind Trail thereby allowing for vehicle access only to the internal private road, Nighthawk Way. Access to lots 6 and 9 was provided by an access and utility easement between lots 3, 5, and 6. Ms. Bridge-Denzak further explained, in 2006, Nighthawk on Black Mountain was re-platted to provide for one point of access to/from Never Mind Trail, between lots 6 and 9 thereby creating a sharded driveway and utility corridor.

Ms. Bridge-Denzak continued, the abandonment request is to remove portions of the 1-foot VNAE across at the frontages of lots 6 and 9, then narrow the 20-foot-wide access/utility easement to 10 feet for utility service only; all driveway rights extinguished. Once a driveway location is determined, prior to the issuance of a building permit, the VNAE will be rededicated, except for 20 feet at each driveway entrance, eliminating any circular or potential separate driveways in the future. However, the request includes maintaining utility rights and existing infrastructure. Ms. Bridge – Denzak expressed concern regarding disturbance, as utilities require maintenance and occasional repairs, and access may be needed to tend to those issues. Ms. Bridge-Denzak concluded abandonment of 1) the utility easement, (2) associated infrastructure that is in place, (3) the access easement, is required for staff's agreement with the request.

The applicant has begun the abandonment process with Arizona Public Service and Southwest Gas. Cave Creek Water, Carefree Water Company and Rural Metro Fire Department have no objections to the abandonment.

Ms. Denzak informed the Commission that the applicant has fulfilled the requirements for Citizen Participation and the Town of Carefree has received no opposition to the request.

Director Bridge-Denzak responded to questions from Commissioner Burns regarding potential disturbance to the easement area if /and when lot 6 were to develop.

Chairperson Cross opened public comment. Hearing none, Mr. Cross asked for a motion.

Commissioner Corso **MOVED TO APPROVE** vacating portions of a Vehicular non-Access Easement (VNAE) for lot 6 (Tax Parcel # 216-28-070) and lot 9 (Tax Parcel # 216-28-073) of the Nighthawk on Black Mountain Subdivision and vacating the existing access easement shared between these lots.

With the following conditions:

1. Finalization of the abandonment of the utility easement shall occur after the approval of the mountainside development application for the second of the two lots to be developed (Lot 6), which shall include an electrical service design.
2. All utility services shall be from Never Mind Trail.
3. All utility lines shall be located underneath or within 5 feet of each driveway.
4. Prior to issuance of a building permit, each property owner shall record a new document that rededicates the VNAE except for 20 feet at each driveway entrance.
5. The existing disturbance shall be revegetated with native plants that conform to the density of plants in the surrounding natural environment following utility removals.

SECONDED by Commissioner Ferro. **CARRIED**, 7-0.

ITEM #3 Review and discussion of project schedules for the Comprehensive Sign and Circulation Plan and the Redevelopment Plan including an overview of public outreach efforts. The Redevelopment Plan consultant will provide an update and cursory review of this Plan

Economic Development Director, Steve Prokopek and Matt Klyszeiko, AICP with Michael Baker International facilitated discussion of project schedules for the *Comprehensive Sign and Circulation Plan* as well as the *Redevelopment Plan*. Mr. Klyszeiko discussed the plan modifications needed to transition the Village Center Master Plan into a Redevelopment plan compliant with state statute.

With the large number of amendments proposed, and the importance of creating a meaningful and effective document ready for community input, the Commission requested more time to review the document. A work session will be placed on the July 11, 2022 Planning and Zoning Commission agenda, allowing Commissioners time to review the document and provide their individual input.

ITEM #4 ANNOUNCEMENTS

There were no announcements.

ITEM #5 ADJOURNMENT

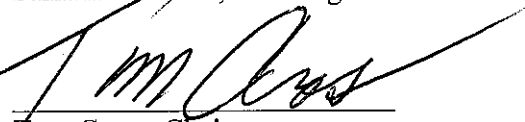
Commissioner Corso **MOVED TO ADJOURN**. **SECONDED** by Commissioner Ferro. **CARRIED** unanimously.

DATED this 13TH day of June 2022.

TOWN OF CAREFREE

Samantha J. Gesell

Samantha Gesell, Planning Clerk


Tom Cross, Chairman