

**MINUTES OF THE PUBLIC HEARING
FOR THE PLANNING AND ZONING COMMISSION
OF THE TOWN OF STAR VALLEY**

**Thursday, August 10, 2023 @ 3:00 pm
3675 East Highway 260, Star Valley, AZ
Star Valley Town Hall**

The Agenda for the meeting is as follows:

- **CALL TO ORDER**

- **ROLL CALL:**

Member Pat Woolsey X , Member Christine Johnson X , Member Tony McNeeley X ,
Member Joanne Conlin X , Member Cris Lecher X , Member Michele Montbleau X ,
Member Ted Durst X .

- **CONSENT AGENDA ITEMS:**

All items listed under the Consent Agenda will be voted on with one motion. If discussion is desired regarding any Consent Agenda item, that item will be removed from the Consent Agenda and voted on separately.

- A. Approval of the minutes of the Public Hearing of the Planning and Zoning Commission Meeting held on December 29, 2020.**

A motion to approve as submitted was made by Member Conlin and was seconded by Member Woolsey.

The motion was voted on and passed 7 - 0.

- **DISCUSSION AND POSSIBLE ACTION ITEMS:**

- 1. Discussion and possible action to select a Chairman of the Planning and Zoning Commission.**

Member Lecher stated his interest in the Chairman position and proceeded to provide a little background information on himself. Member Lecher reported he retired as a captain/paramedic from the Hellsgate Fire Department, and he now manages the Life Line Ambulance in Payson. He has also been very active with the Hellsgate Fire Board for twenty seven years. He does know how to run a meeting, added Member Lecher, and he would be honored to be Chairman. There was no further discussion.

A motion to nominate Cris Lecher as Chairman was made by Member Conlin and was seconded by Member McNeeley.

The motion was voted on and passed 7 – 0.

- 2. Discussion, public hearing and possible action regarding APPLICATION NO: RZ 23-001; Mogollon Meadows, LLC, the applicants. The location of the property is AZ State Route 260, Star Valley, AZ 85541. The Assessor's Parcel Number is**

302-58-001E. The property is currently zoned Transitional Residential Trailer District (“TR TD”). The applicants would like to rezone to a greater use of Commercial Three District (C3).

Town Manager/Town Attorney Grier welcomed the public and stated he is glad they are in attendance to have their voices heard. Mr. Grier explained to the commission members that they are here to decide whether or not to recommend to council, for or against, the zoning change from TR TD to C3. Applicants Lee and Tina Martinez, reported Mr. Grier, are in attendance and will be allowed to speak as well. Procedurally speaking, with an important item like a zoning change, it goes through the Planning and Zoning Commission. They discuss and deliberate. It’s open to a public hearing to allow the public a chance to speak. The Planning and Zoning Commission, explained Mr. Grier, is a recommending board to the council. The council is the legislative body that decides whether or not to grant, deny or grant the zoning change with certain conditions. At the council meeting scheduled for September 5th, the public has another opportunity to then address the council to make their voices heard. You can see, stated Mr. Grier, procedurally, it is a very careful, deliberate process.

Town Manager/Town Attorney Grier then addressed the Planning & Zoning Commission members. A lot of you haven’t done this before. We are a small town and we don’t have that many requests for zoning changes. Mr. Grier then went over some of the things that are important for the commission to think about in making their decision. A zoning change is not an easy decision. Tonight, you have a piece of property that is presently zoned TR TD with a request for it to be rezoned to a C3. There are things that you can and can’t consider, explained Mr. Grier, when making your recommendation to the council. It would not be appropriate to base your decision on, for example, this has always been a very pretty meadow and I want it to stay a meadow. Or, we need a Target and not a gas station. It is appropriate, explained Mr. Grier, to consider zoning uses that are similar or harmonious so they do not conflict. When considering a zoning change it is fair to think about the impact on traffic and different things such as that. It is also important to keep in mind that the property owner does have property rights. At this time the property rights are with the lesser zoning of TR TD. His role, stated Mr. Grier, will be to answer any legal questions. A packet has been prepared for the commission members with some of the facts that he thinks are important to consider with their decision. Mr. Grier then suggested to Chairman Lecher that the applicants begin first.

Applicant Lee Martinez reported he and his wife bought the property with the intention to develop it. Initially their thought was to build an equestrian facility, but the cost of the land and other economic factors changed their minds about that development. When they first started on the path to develop the property they dealt with making lots for a few million dollar homes. But then people started telling him that affordable housing is needed in this area. He started looking into it and found a way they could do it. It made sense for them, stated applicant Lee Martinez, and it would make sense for the community. It would allow them to develop the property in a way that wouldn’t impact the community as much as it would if it were developed in any other way. The zoning that it has right now, reported applicant Lee Martinez, is for mobile homes. They wanted to do something different. Applicant Lee Martinez stated he read through the large document that the staff put together. One of the things that caught his eye was that staff questioned whether he was going to develop the property after selling a parcel of it to Maverik. That kind of rubbed him wrong disclosed applicant Lee Martinez. He has a lot of his money and time tied up in this. For someone to doubt him or put in writing that Lee Martinez is not going to finish this development is probably not a good situation for him or the staff.

They looked at putting in small park model RVs in the development reported applicant Lee Martinez. It would have worked but the company was six to eight months behind in their inventory to release. In the meantime, he looked at other avenues and they came up with a master plan of 42 small

homes on the southside of the property, 88 RV spaces on the westside of the property, Maverik at the center of the property, and storage units to provide a safety and noise buffer on the eastern side of the property. The size of the buildings, added applicant Lee Martinez, will provide some security and privacy for residents of the area. The plan was thought out pretty intensely. They are putting in a self-contained sewer treatment plant, reported applicant Lee Martinez, for the property to handle its own sewer treatment. It is going to be an all-electric facility with solar power running it. Again, disclosed applicant Lee Martinez, he was very surprised by staff's statements about him not following through. He is committed to doing what he said he was going to do with the property. His history of developments, stated applicant Lee Martinez, has been successful. They haven't tarnished a community yet and the developments he has made have been an improvement to the existing structure of the community. He is seriously considering whether or not he wants to invest in Star Valley because he thinks Star Valley needs to invest in them as well. It needs to be good for both parties concluded applicant Lee Martinez.

Chairman Lecher opened the meeting up for public comment and added he is limiting comments to three minutes so everyone has a chance to speak. An anonymous member of the public stated she has a question about what the applicant's plan is. Is he going to put in a sewer plant? Or a gas station? What does he want to put in? It is a fully contained sewer treatment system, answered applicant Tina Martinez, to service just the homes on the development. It is also the best on the market, added applicant Lee Martinez, it has a zero nitrogen release. The sewer treatment system has nothing to do with the gas station added applicant Tina Martinez. An anonymous member of the public stated she is confused. She came to the meeting because there was a notice put out that there is going to be a truck stop here. There is not a truck stop responded applicant Tina Martinez. Queried applicant Lee Martinez – Who put out a notice that there was going to be a truck stop? They didn't stated applicant Lee Martinez. Queried an anonymous member of the public – A full service gas station – What does that mean to you? It is just like Speedy or Circle K that is in town, answered applicant Tina Martinez, or the other Maverik. There were numerous members of the public speaking at once and Chairman Lecher banged the gavel to call for attention. Town Manager/Town Attorney Grier then explained to the public that the meeting minutes are being recorded and have to be transcribed. If everyone speaks at the same time, stated Mr. Grier, it is going to be impossible for Town Clerk Chapin to transcribe the minutes. He understands, as emotions run high, that will be the temptation, concluded Mr. Grier.

Applicant Lee Martinez asked the chairman if he could finish responding to the question. Chairman Lecher told him to go ahead. If you look at the new Circle K that was done in Payson, reported applicant Lee Martinez, it has two pump stations. One six unit station on one side of the property and the larger main pumping station in front of the store. That's exactly what Maverik has planned. They are going to try and get the larger vehicles out of the way of the smaller vehicles, explained applicant Lee Martinez, so it doesn't end up like this Circle K does on the weekends where you can't even move a vehicle in and out because there are travel trailers and cars mixed in together on every lane. Maverik is owned by Flying J, reported applicant Lee Martinez, the largest truck stop in the country. If they wanted to put a truck stop in that is what they would be doing. They are putting in their new prototype convenience store concluded applicant Lee Martinez.

Tina LaBlanc of 480 S. Rainbow Dr. stated she is just asking for clarification on what a gas station means to make sure it doesn't mean truck stop. Tula Elliott of Lamplighter RV stated her concern is twofold. First – Is the gas station going to have its own septic? Applicant Tina Martinez nodded yes. Secondly, queried Tula Elliott – How far from the fence line of Lamplighter is the gas station going to be? What kind of buffer zone is there going to be? Is that where the storage units are going to be? Maverik is buying the center of the property answered applicant Lee Martinez. There is 1122 linear feet of frontage on the 260. Maverik is buying 486 linear feet. There will be 300 feet on each side of their structure. One

side will have an RV park and the other side will have a storage unit. There will be adequate buffers between the two residential trailer parks and there will be over 300 feet of distance from Maverik to the Lamplighter property line. Maverik, pointed out applicant Lee Martinez, is going to have to do their own septic. He is building out the treatment plant just for the homes that are going in. An unknown member of the public asked what side the homes would be on. They are on the southside, responded applicant Lee Martinez, from the walnut trees back to the back fence. Applicant Tina Martinez clarified that when they are saying storage units they are not talking about little individual storage units where people put their personal property. They are talking about bigger garage size storage units. 20 x 50 and 15 x 35 added applicant Lee Martinez. An unknown member of the public asked where the storage units are going to be in relation to Lamplighter and the gas station. The gas station will be surrounded by storage units on all three sides, answered applicant Lee Martinez, other than the 260.

Kathleen Van Gieson of Lamplighter RV stated she would like to talk about the Maverik project. On June 6, 2023 a *Narrative for the Proposed Maverik* was sent to the Star Valley Planning & Zoning Commission from Todd Meyers with Maverik. They want to: build a 5,982 square foot convenience store on 4.39 acres; install 12 fueling stations up front for passenger vehicles; install 4 commercial fueling stations in the rear of the store; put in 39 parking spaces plus limited parking for larger vehicles; and limit the interior and exterior seating. The access in and out, stated Kathleen Van Gieson, will be shared by the housing development residents. There are no mentions of a semi-truck or zoning issue emphasized Kathleen Van Gieson. Queried applicant Lee Martinez – What is your question? Kathleen Van Gieson replied she is not finished. Kathleen Van Gieson stated she got curious about Maverik, so she googled it. During that search she came across an article written by a journalist for the Herald Journal in Utah. The question that was asked in the article – “Is the planned new Maverik store going to be a truck stop or just a regular gas station/convenience store? Both labels have been used to describe it.” The answer was – “The new Maverik (in Utah) will be a hybrid.” They are trying to make a mini truck stop, stated Kathleen Van Gieson, not a full-fledged truck stop. In the email response to the Herald Journal from Todd Meyers with Maverik, reported Kathleen Van Gieson, he described it as a “small truck stop.” There is nothing mentioned in the narrative provided to the Town of Star Valley about a small truck stop. The Utah journalist, explained Kathleen Van Gieson, got curious and spoke to Todd Meyers with Maverik. He responded to her question that the new Maverik (in Utah) will serve semi-trucks. Questioned Kathleen Van Gieson – Is that something we want in this community? Two of the eight fuel islands on the property (in Utah) will feature a high clearance and high flow diesel pump set up specifically for semi-trucks. This comes from Todd Meyers with Maverik reported Kathleen Van Gieson. Maverik will also provide (in Utah) “a couple of parking stalls for big rigs.” She does not think the developer or Maverik are being forthcoming about the type of gas station they are putting in here. Applicant Lee Martinez stated he would like to provide some facts. Kathleen Van Gieson replied she is not finished. That is one reason she is opposed to this project, stated Kathleen Van Gieson, because they are not being upfront about it. She lives next door and she doesn’t want to live next door to a truck stop. Not only that but it is also a safety issue, a noise issue and a quality of life issue. There was a great deal of commotion from the public in attendance and Town Manager/Town Attorney Grier intervened. Mr. Grier stated the town wants everybody to be able to have a voice. It would be better procedurally, recommended Mr. Grier, that the applicants have an opportunity to respond after the public hearing instead of a back and forth with it. There is one more thing she would like to add, concluded Kathleen Van Gieson, based on the Traffic Study the additional traffic that will be in and out of this area is over 6,000 vehicles a day. Chairman Lecher stated it is time to give someone else a chance to speak.

Marvin Mohatt of Lamplighter RV stated the traffic coming out of the Circle K is awful. There is going to be a gas station on one side and a gas station on the other side. On a Sunday, reported Marvin

Mohatt, the traffic is backed up from outside of town all the way to 87. Queried Marvin Mohatt – Have there been any sort of studies done on any of this? Chairman Lecher stated the applicant will respond at the end. Queried Marvin Mohatt – Has Star Valley done any sort of study to find out what kind of impact this is going to have on this small community? Applicant Tina Martinez stated there is a lot of misinformation being said and they need the opportunity to explain what is really going on. She is not going to remember at the end of every single person talking what statements were true and what they need to clarify. We need to stop the BS early added applicant Lee Martinez. An unknown member of the public stated he would like to hear the response right away so he can still comprehend what’s going on. He gets it, responded Chairman Lecher, but he is going by the direction of the Town Attorney. There was much discussion by the public and the commission and it was unknown who was speaking and who was saying what. Town Manager/Town Attorney Grier reminded the commission that their discussion needs to be heard for transcription purposes. It will get out of hand pretty quickly, pointed out Mr. Grier, without ground rules. Member Conlin suggested listening to the public first and then allow the applicant to respond. The time limit should be kept at three minutes. If you are just saying the same thing somebody else said then move it on to somebody who needs to say something different. The commission members were in agreement.

Chairman Lecher informed the public that speaking time is limited to three minutes. Please let the applicant reply back to you, without interruption, so that he can answer any questions. The applicant’s response, added Chairman Lecher, is also limited to three minutes. Applicant Lee Martinez stated he would like to clarify a couple of things that were said. First, explained applicant Lee Martinez, Todd Meyers is a gentleman that works for Maverik and he opens up gas stations. He is a project manager but he is not the project manager of this project. He has never been here and he doesn’t understand it. Secondly, explained applicant Lee Martinez, the ingress/egress to the property is controlled by Arizona Department of Transportation (“ADOT”). ADOT requested that they put in a stop light. After a Traffic Study was done at the cost of over \$50,000, they found that the traffic here goes from 3,500 cars a day (on Tuesday, Wednesday & Thursday) to over 17,000 cars a day. The majority of those vehicles, reported applicant Lee Martinez, are Recreational Vehicles. The large vehicles that are going to be serviced by this gas station are the RVs that get in the way of the smaller vehicles. They are controlling traffic around the back of Maverik with the larger vehicles. There is a 75 foot space between the 260 and the entrance to any business in this development to allow traffic to move in a certain fashion. This, pointed out applicant Lee Martinez, has all been designed by ADOT. If you have a complaint with ADOT take it up with them. They are very difficult to deal with, added applicant Lee Martinez. So, pointed out applicant Lee Martinez, 17,000 cars during the weekend, not 6,000. Applicant Lee Martinez stated he agrees that there shouldn’t be a truck stop in town. There isn’t a truck stop in Payson or Star Valley so all of the semi-trucks that get fueled or services here stop at Circle K across the street or they stop somewhere else. We do live here too added applicant Tina Martinez. We are not people that are from out of town that don’t understand the community. We have lived here for four years and five years previously. We understand the community. Queried an unknown member of the public – In Star Valley? We live in between Star Valley and Payson answered applicant Tina Martinez.

Steve Gattis of Lamplighter RV stated he is troubled that the applicant gets to respond. If thirty of us talk that means they get thirty responses. That is more than equal rights in due process. First of all, you have to ask – Who benefits from this rezone? It is the owner/investor, answered Steve Gattis, and people who are traveling through Star Valley. They are not our people; they are people who are traveling through. It would be nice to get their money so Star Valley will get the taxes, but it doesn’t benefit the people. Queried Steve Gattis – What are the benefits of this? Another convenience store answered Steve Gattis. Queried Steve Gattis – What are the negatives? The increased traffic flow in and out answered

Steve Gattis. Steve Gattis reported that he read the materials – 6,000 additional vehicles coming and going here. Queried Steve Gattis – What about that two-way left turn lane? That, stated Steve Gattis, is an accident waiting to happen. What we found out from ADOT is that this area already qualifies for a traffic light. So, the answer is not to aggravate it by adding more traffic. It would be to put in the light and if we can't afford the light we can't afford the rezone. This does provide for a capacity of tractor trailer parking stated Steve Gattis. Tractor trailers have continuous loud engine noises and they have generators. We are in a valley so imagine these diesel rigs going 24/7. You can smell the diesel and some of us have breathing problems. There is the talk in the study, pointed out Steve Gattis, about this buffer zoning of storage units. There is no assurance whatsoever that the buffer area will be built out the way it said and there is no timeline. What we end up with is this new modified hybrid truck stop with no buffer. Lastly, concluded Steve Gattis, if we rezone now for a gas station or a truck stop, we are preempting the possibility in the future of a little strip mall that offers services to Star Valley residents. The truck stop won't help us at all.

Wally Quanstrum of Lamplighter RV stated he has been in Star Valley for twelve years. He has a question for everyone. It is really important what we are known by. For years we were the place you got speeding tickets. Queried Wally Quanstrum – Do we want to be known as the truck stop place? Sharon Coffin of Lamplighter RV stated she kind of goes along with the little strip mall, but most of all a grocery store. Having a grocery store would benefit us very much. Raylene Phillips of Moonlight Drive stated the public is questioning what Maverik is going to do. Once you sell to them you do not have any say as to what they decide to do. That is what the public is afraid of. Raylene Phillips stated she has lived out here for twenty six years. You are saying that the Maverik guy coming in has never been here and doesn't know what it's like. That doesn't have her vote. We deal with so much traffic and she does not want that compounded. She has had her own pipe dreams for this field and she knows they are not going to come to fruition, but she doesn't want to give it up for a truck stop. We just want something for us. You are asking us to give up things. Queried Raylene Phillips – What do we get out of it as residents? The trailer park will bring new residents in, concluded Raylene Phillips, it does nothing for us.

Gary Buckholtz stated he used to work for architectural firms designing Seven Elevens. Most of these complications can be fixed through Maverik, explained Gary Buckholtz, if they would agree to shielding lights and possibly putting up their own wall around the property so that if the storage is not built right away that will solve a lot of the noise problems. Most of the people that live here, stated Gary Buckholtz, came from someplace else. There are not a lot of Star Valley people, as far as he knows. People come and go constantly in the mobile home park. He thinks it should probably be developed how the owners want to develop it, concluded Gary Buckholtz, as long as they use proper care in developing it.

Jo Thomas of Haught Road stated she is live streaming this on the Star Valley page since there were a lot of people who couldn't make the meeting. She commutes to work by walking or riding a bike and she faces danger every day just trying to get across the 260. Her fear is when this comes in, whether it's a truck stop or a gas station, she doesn't want a truck stop – How are we supposed to get across the street? We live in Star Valley, we are residents here, we have to be able to cross the 260 safely. Jo Thomas stated she has seen some people just try to get from Lamplighter to Midtown Yard and they are honestly taking their lives in their hands because it is so dangerous. Questioned Jo Thomas – Is there something that is going to be put up for people to cross safely? That is a huge concern for her and all of the residents here concluded Jo Thomas. Chairman Lecher stated he is not sure if that is a question for the applicant. Applicant Lee Martinez responded they are dedicating two rights-of-way. One right-of-way for a deceleration lane to slow traffic down. That is land that he is giving up pointed out applicant Lee Martinez. Then he is giving up another twenty six feet by eleven hundred and twenty two feet for a bike path and a sidewalk area that is separate from the deceleration lane.

Bob Overland stated he has stopped at truck stops from time to time and he agrees that they do run their trucks all night long. It's pretty difficult, when you're smelling the exhaust, and more than you want to bear. Tina LaBlanc of Rainbow Drive stated she moved out of the valley into a small town to live in a small town, to be safe in a small town, and to be in a community in a small town. She does not want a truck stop. She gets that housing is needed and she welcomes that. Let's develop the property, recommended Tina LaBlanc, in a way that benefits you and us. The truck stop/gas station is not it. I get that you've got rights to use your land and she supports that one hundred percent. Please take into consideration our quality of life concluded Tina LaBlanc. Mark Freegard of Freegard Lane stated he had owned the property since 1951. Everybody has a plan for that nice piece of ground. The applicants wrote a big check for it and he thinks that should be taken into consideration. We already have a truck stop at Circle K. There are 18 wheelers there every day and night with the motors running concluded Mark Freegard.

Applicant Lee Martinez reported that the Circle K that is right across the street is the number one Circle K in the United States per square foot. Per Circle K, they sell more items per square foot than any other store anywhere in the United States. It is the busiest store in the nation. That is before he came here and it has nothing to do with his development. That, pointed out applicant Lee Martinez, is the 17,000 cars that go through and empty out Safeway and Bashas every Friday on their way up the hill. When they come back down it's the same situation. In the Traffic Study, reported applicant Lee Martinez, the number of commercial vehicles was less than 10% of the total vehicles that travel this road. So, when you are talking about the number of vehicles being serviced by a gas station, or whatever you want to call it, less than 10% of those are commercial vehicles. Those are the facts stated applicant Lee Martinez. They had to provide facts to ADOT in order to get the Traffic Study done. They were willing to put up a stop light at \$800,000 for it. ADOT decided it wasn't needed here, concluded applicant Lee Martinez, because it would slow traffic down.

Queried an anonymous member of the public – Has anything else been considered to be built there besides a gas station? Someone had mentioned a strip mall for small businesses or local business owners could rent that space. Queried the same anonymous member of the public – Has there been anything like that considered, other than the truck stop/gas station? Questioned applicant Lee Martinez – By whom? By me? “Yes,” responded the same anonymous member of the public, “since you are selling the property.” He is developing the property, informed applicant Lee Martinez, and the answer to that question is no. Maverik was already involved in that property when they bought it stated applicant Tina Martinez. First, explained Mark Freegard of Freegard Lane, Maverick wanted to buy an acre and a half right on the other side of the block wall. Then they changed their mind and wanted three acres. He was a bricklayer and didn't know anything about this type of stuff and it was way over his head. Lee Martinez came along and said he would buy the fifteen acres, explained Mark Freegard, and he said he will deal with Maverik. So that is what happened concluded Mark Freegard. That is what they have continued added applicant Tina Martinez.

Queried Terry Tanner of Ezell Lane – How far off of the fence are you talking about building? “Thirty-five feet” answered applicant Lee Martinez. Queried Tom Coffin of Lamplighter – Are there drawings or any plot layouts as to what this will look like? If we had something up on the screen that would help quite a bit. Town Manager/Town Attorney Grier responded Town Hall had packets prepared and available for the public to pick up. Questioned Tama Wilson of Lamplighter RV – Is that lake underneath the property? How would that affect your septic field for the little houses? There is a fourteen foot section on the far northeast corner that is in the flood zone answered applicant Lee Martinez. Tama Wilson stated she has been in the area since 1994. This place has always been for sale, concluded Tama Wilson, she is sad to see it go.

Robin Peck of Lamplighter RV stated she is still confused about what had been said previously. That it is not going to be a truck stop, but it is going to be a sewer plant. What we are talking about today is the four acres in the front, responded applicant Tina Martinez, which they are trying to sell to Maverik. Which is a truck stop added applicant Tina Martinez. Robin Peck was talking over applicant Tina Martinez as she was trying to respond. Chairman Lecher asked Robin Peck to allow applicant Tina Martinez to respond without interruption. Public commotion ensued and Robin Peck asked the applicant to tell her what she had previously said. It is not a sewer plant, explained applicant Tina Martinez, it is a fully contained sewer treatment center for the property in the back. That has nothing to do with the piece they are selling to Maverik that they are trying to rezone today. They are trying to rezone for Maverik, concluded applicant Tina Martinez, which is the gas station.

You just said you are trying to rezone the acreage that you are trying to sell to Maverik stated Tula Elliott of Lamplighter. Questioned Tula Elliott – What about the rest of the 15 acres? Are you trying to rezone that to a C3? “No” responded applicant Tina Martinez. That is a misconception that we all have stated Tula Elliott. She was under the impression that the zoning is for the entire thing. Questioned Tula Elliott – The rest of the acreage around these four or five acres is still going to be zoned TR TD, is that correct? “No” responded applicant Lee Martinez. Questioned Tula Elliott – You are trying to rezone the entire thing? Applicant Lee Martinez stated he spoke with Town Manager Grier and he asked what the best zoning for the frontage would be because the frontage is going to all be commercial. The back is residential, explained applicant Lee Martinez, that could stay TR TD back there if they wanted it to. They might be able to stay TR TD on the west side where they are putting the RV’s. And the storage units aren’t. Questioned Tula Elliott – So your intention is to get the entire acreage rezoned to C3, correct? “Yes” answered applicant Lee Martinez. Not right now, added applicant Lee Martinez, but eventually they are. There was again commotion from the public. A lot of things have come out stated Tula Elliot. First, it’s going to be first quarter we are going to have a little pad for a coffee shop and blah, blah, blah. You are kind of smart because you never said what year first quarter. Now that’s all been put aside and maybe everything is going to be commercial, concluded Tula Elliott.

Applicant Lee Martinez stated he has been dealing with Town Manager Grier on this property for two years. When they were ready to act on the property back in December of this year, reported applicant Lee Martinez, he got sepsis and he almost died. He is still recovering from it right now. He has Parkinson’s disease and when he wakes up in the morning he doesn’t know if it will be a good day or a bad day. He takes every day as it comes. His plan, stated applicant Lee Martinez, is to develop the entire property regardless of what staff or the people in this room have to say. It has been his plan all along, concluded applicant Lee Martinez, and he hasn’t wavered from that plan. We kind of look at it a little bit differently though, responded Tula Elliott of Lamplighter, because you say this is going to happen and this is going to happen but it doesn’t. Not because of lack of trying responded applicant Tina Martinez. ADOT has held us back. ADOT is very difficult to work with added applicant Lee Martinez. They haven’t gotten their final approval from them yet because they have to get this meeting squared away and then they will get approval from ADOT. Applicant Lee Martinez stated there is no road access to that property right now and he is landlocked. So, when you are asking me what you are getting out of something, concluded applicant Lee Martinez, he is wondering what he is going to get out of something.

Chairman Lecher stated it is time to move on. If you have something new, please ask it, because he thinks it is getting to the point where the same question is being asked. Questioned Kathleen Van Gieson of Lamplighter RV – When do you plan on submitting a date to move forward with this plan? You’ve had two years and you haven’t been sick for two years. “You are rude” responded applicant Lee Martinez. We are not going to do that stated Chairman Lecher. Much public commotion ensued yet again. Chairman Lecher banged the gavel to call for attention and stated there will be no name calling or

arguments. Questioned Kathleen Van Gieson – When are you going to do it? As soon as they have ADOT approval, answered applicant Tina Martinez, they can move forward. They can't do anything until they have that approval. Questioned Kathleen Van Gieson – What do they still have to approve? We have more information we have to get over to them that they requested answered applicant Tina Martinez. Everything is approved based on what they have submitted so far. They have sixty days to provide ADOT with the items requested. Public commotion ensued and Chairman Lecher stated it is time to move on. Questioned Marvin Mohatt of Lamplighter RV – Is the commercial property going to be along the 260 that you are proposing? A response was not heard as members of the public were talking. Right now, stated Marvin Mohatt, there are semi-trucks that park in the middle section between the two lanes all of the time. You said you were going to have a buffer zone. Marvin Mohatt stated he is confused as to exactly what that means. ADOT requires a deceleration lane to enter the property at a safe speed responded applicant Lee Martinez. There is another lane leaving out of the property turning right again and there is a left hand turn lane. At the far end of the property there is a right in and right out entrance and exit, there is no left turn there. Marvin Mohatt stated he heard about the meeting yesterday. He has walked into this completely null and void of any information concluded Marvin Mohatt.

There were no further public comments. Chairman Lecher closed the public comment portion and opened the meeting for commission discussion. Town Manager/Town Attorney Grier stated he would like to preface the commission discussion with what he has heard today. Zoning issues are not easy. He wants to make sure the commission has a framework when they consider this very important issue. He believes there are things that are appropriate to consider and not appropriate to consider with their decision to recommend or not to recommend. For example, explained Mr. Grier, we would all like to see the meadow remain the way it is. But, unless you write a check, that property owner has the right to develop his or her property. On the other hand, a zoning decision to deny the C3 does not take property rights away from the developer. Their property rights, explained Mr. Grier, are what can be developed under TR TD. Mr. Grier stated he thinks it is appropriate to consider whether it is a harmonious use or whether it conflicts with other uses. When I say that, stated Mr. Grier, let me make sure that the developer thinks we are fair. The commission may consider that it is more harmonious to have it more commercial. Nuisance, noise, smell, traffic, those are all fair game things that the commission can consider. The commission should not consider, explained Mr. Grier, we don't need a gas station but we would really like to have a Target. It is not appropriate for the town to say we want something that is going to be revenue generating. That is not part of the consideration with a zoning change. The commission needs to be able to articulate facts of why they have made their recommendation. That is going to be helpful to the Town Council, stated Mr. Grier, when they will be in the hot seat on September 5th. Those are the guidelines concluded Mr. Grier.

The consideration should be about the people in Star Valley, shouted an anonymous member of the public, and not about making a buck. Chairman Lecher reminded the public that the public comment portion has been closed. Chairman Lecher asked the commission members who would like to go first. Member Woolsey stated she will try. They have just built a new Maverik in Prescott Valley reported Member Woolsey. The way that they did the ingress/egress has no impact on the flow of traffic. There is a light there, reported Member Woolsey, but the whole compound is done very well. She was very impressed with it. Member Woolsey stated she cannot stand to go across the street to Circle K because she can never find a parking place and she has a feeling the town could really use another gas station. In the list of conditions, reported Member Woolsey, it says there will be no overnight parking for big rigs. She doubts it will be that heavily used by truckers. Probably only if they had to because most of them just want to get through. In her mind, stated Member Woolsey, she thinks that part is positive. She too would love to see horses in the meadow but that is unrealistic. Progress is going to go forward. This has been

planned out really well, stated Member Woolsey, according to what she has read and looked at. As far as the housing, we need it bad. That part of it is positive also. She agrees she would not want to live next to a truck stop, concluded Member Woolsey, but she does not think it is going to be a truck stop.

Member Conlin stated her understanding from the ADOT application is that there are four stations and eight diesel pumps. Questioned Member Conlin – Is that correct? “Right,” responded applicant Lee Martinez. Each station has a pump on each side. Member Woolsey stated it is heartbreaking for things to happen that you don’t want to have happen. She lives on Valley Road and when she first moved there it was a quiet little place. It isn’t anymore. She still loves it and she won’t leave there. Progress is going to happen and we have to be open to it and open to it done right. Member Woolsey stated she does not know everybody’s thinking that it is going to increase traffic. All of that traffic is here already. It is just going to give them another place to disperse so that Circle K is not just such a zoo. Town Manager/Town Attorney Grier stated he would like to make another noted procedure. When the commission talks about the conditions that were included in the packet from staff, explained Mr. Grier, those are suggested conditions. Those are not the end of the conditions that you can recommend to the council if the commission members choose to approve with certain conditions. Think about that as you deliberate concluded Mr. Grier.

Member Durst stated there is a traffic issue here, it’s been here, and it is just part of our community. Chairman Lecher asked if anyone has any questions for the developer. Member Conlin stated she has questions. In reviewing the narrative for Maverik they talk about expanded restrooms. Questioned Member Conlin – What does that mean? Applicant Tina Martinez responded she does not know. They are selling the property to Maverik, they don’t work for Maverik. What you got is what we got. Applicant Tina Martinez stated she can ask them and have them clarify it. Member Montbleau stated it means that they are going to have more than just one or two bathrooms. They are going to expand and have more restrooms for the people that pull in and have to use the bathroom, hopefully will buy something and then leave. They are expanding the normal number of bathrooms they would have concluded Member Montbleau. Member Conlin stated she didn’t see anything in the drawings as to if any of the restrooms would include a shower. They don’t have any showers, answered applicant Lee Martinez, nor will they be approved.

In his contract with Maverik, explained applicant Lee Martinez, he controls three things: the look of their structure; their landscaping and lighting; and the fact that there will be no showers. A shower is one of the definitions of a truck stop stated Member Conlin. It talks about how they are going to do something a little different. Questioned Member Conlin – What kind of a restaurant is this? It’s called QSR, answered applicant Lee Martinez, and they haven’t committed to it yet. They left the door open and he agreed to allow them to have a QSR. It would be like a McDonald’s or something inside the convenience store explained applicant Lee Martinez. They have not committed to it because the demographics here don’t support it. What supports it is that influx of traffic on the weekends. They had said that in the back, stated Member Conlin, they have limited area for large vehicles. Questioned Member Conlin – How many large vehicles? Two answered applicant Lee Martinez. Questioned Member Conlin – What would be the hours of their operation? Is it 24/7? “Yes” responded applicant Lee Martinez. Questioned Member Conlin – There will not be a traffic signal? “Right” answered applicant Lee Martinez. When they submitted their plan to ADOT, explained applicant Lee Martinez, it included a stop light. As the research and development of trends started coming through ADOT felt a traffic signal would slow down traffic.

Member Montbleau stated she was concerned, like some of the public, they were trying to rezone their parcel 1F also to C3. She is glad to hear that they are keeping it TR TD for the time being. She thinks a Maverik there would be good. Member Montbleau stated she shops at Maverik and that is where

she gets her gas. She is glad to hear that it is not going to be an overnight truck stop. She is concerned, pointed out Member Montbleau, that Maverik has not gotten an approved water treatment plan yet. She is also concerned about the amount of water that Maverik is going to be using, which could be 25,000 to 50,000 gallons a month. Questioned Member Montbleau – Is Star Valley ready to handle that kind of water? The leach lines for the Maverik septic system are proposed to be on the back of their property, stated Member Montbleau, right next to a big propane tank. So, they are going to be selling propane also. The ADOT study says that utility poles might have to be relocated to allow proposed access points to be aligned with existing intersections. Maverik seems to be doing a good job with what they are doing with the in lane and out lane. Council Member Montbleau stated she wants to make sure that commission members are looking at the impact that it's going to have on Star Valley as far as water and of course more vehicles. The ADOT study said that whether we have this or whether we don't have this, it's not going to be that much of an impact. We are still going to have the weekend traffic, stated Member Montbleau, whether we have a Maverik here or not. There would actually be more people making left turns without a Maverik here, stated applicant Lee Martinez, trying to get over to Circle K. Member Montbleau stated she thinks it would be a great thing for people in Lamplighter and people that live on that side of the street. She does have some concerns about how Maverik is doing things though as far as their wastewater system, their leach field and how far it's going to be from the tiny homes. All that, stated Member Montbleau, hasn't been approved yet. Maverik is looking into a system similar to the one they purchased answered applicant Lee Martinez. Chairman Lecher asked Town Manager/Town Attorney Grier if the county regulates that. "Yes" responded Mr. Grier.

Applicant Lee Martinez stated he would like to say one thing about the water issue. They want to have all the households and all the drinking water supplied by the town explained applicant Lee Martinez. The well on the property is for irrigation purposes only. When he spoke with Town Manager Grier about water, stated applicant Lee Martinez, Town Manager Grier told him there was no problem and there was more than enough water to service this property. That misrepresents anything you think I might have said stated Mr. Grier. Mr. Grier stated he does not know what development is going to be proposed in the community and the development overall, so he does not know what impact on the water system that's going to have. Their initial plan was 135 homes, stated applicant Lee Martinez, now they are down to forty two. He thinks, stated Mr. Grier, that conversation occurred before Maverik came into the picture. Mr. Grier stated he can't let that stand – "you have all the water in the world and there is no worry whatever you put in over there" – that is not a statement coming from Town Hall. We have water issues, stated Member Montbleau, not just us but Payson and Gila County. She wants to make sure that Star Valley is able to handle this because the development is getting water from the town. Maverik has a 9,500 square foot leach field proposed, pointed out Member Montbleau, but they don't mention anything about where their septic system is going to be. Member Montbleau stated she is confused as to why Maverik has to be C3. Questioned Member Montbleau – Can we do C1 or C2? He believes it had to be C3 answered Mr. Grier. One thing he would like to clear up, stated applicant Lee Martinez, is that they are developing the property. They are building the roads and Maverik is buying a developed lot. Roy Haight has been contracted concluded applicant Lee Martinez.

Member Johnson stated she personally thinks Maverik is a good thing for Star Valley. She thinks the town needs another place for all of the people here to stop and get fuel. They are here and they make Circle K absolute hell. She also thinks the homes behind it are a wonderful thing. Questioned Member Johnson – Is it going to be a 55 and up community? "No" answered applicant Tina Martinez. She personally knows young families, stated Member Johnson, who wind up having to leave because there is nowhere for them to live in Star Valley. Applicant Lee Martinez reported the homes will all be priced under \$350,000. That is the definition of an affordable house by the State of Arizona which allows

buyers to get special financing and other things. Queried an unnamed speaker – They are still the tiny homes? They are going to be site built answered applicant Lee Martinez. There were numerous conversations going on at the same time regarding tiny homes and this portion was unable to be transcribed. Chairman Lecher banged the gavel to call for attention and asked the public to please allow the commission to have their discussion.

Member Johnson asked the developer for more information about the self-contained septic system. Applicant Lee Martinez explained it is out of Denmark and it is a three phase system with a twenty five year guarantee. Member McNeeley asked if it has been approved by the county. It meets Gila County's person answered applicant Lee Martinez. Maverik's septic concerns her, stated Member Johnson, because she knows that the septic's are awfully close to the groundwater. The septic system for the homes, concluded Member Johnson, sounds good to her. Member Conlin stated she has a question for Town Manager Grier. If this did go through with Maverik the town would no longer have control over what they do and there is a lot of concern about it being a truck stop or becoming a truck stop. Questioned Member Conlin – Is there a way, if we were to go through with this and allow the zoning change to C3, we could tell Maverik that they may not ever have this be a truck stop? That would be done through the conditions, procedurally, in your motion, answered Mr. Grier. The council still has to consider and decide what their conditions, if any, are going to be on the property. Staff has provided to the commission several suggested conditions. He never intended the conditions to be all inclusive, added Mr. Grier, only as a guide. If there are additional conditions, concluded Mr. Grier, the commission members should consider those and add those if the recommendation is to grant the zoning change.

Member Conlin stated the ADOT application says that there are sixteen gas pumps, but the Maverik narrative says that there are twelve. A mistake was made on their application, answered applicant Tina Martinez, which is one of the things they just had to fix with ADOT. Questioned Member Conlin – So, there are twelve? “Yes” replied applicant Tina Martinez. Twelve and four confirmed applicant Tina Martinez. Member Conlin stated this is very well thought out. She is excited that if this property gets developed it's a long time in coming. She was very excited when someone bought it and wanted to develop it. It is a positive that if there was a gas station on this side people wouldn't have to walk across the street because we know it is very dangerous. Member Conlin stated she has two concerns. Under the General Plan it talks about preserve and promote the historically rural and independent lifestyle of the residents, promote public health, safety and general welfare of its residents by guiding and accomplishing a coordinated and harmonious town development plan to encompass future growth. As they have heard from the residents of Star Valley, stated Member Conlin, we want this to be a wonderful place for people to live. We want it to be harmonious for residents. She likes the gas station, but she is just having a little problem with both the tiny homes and storage units. All of that sounds wonderful but she is just not 100% there with the gas station. The other part, stated Member Conlin, is in C3 zoning and the intent and purpose to change it. She is struggling with the code that reads “whereas the density of traffic and building area are not conducive to residential development.” Well, this area is conducive to residential development. Questioned Member Conlin to Town Manager Grier – Does that automatically prohibit you from zoning C3 or is a waiver made for that? Mr. Grier answered he does not think it prohibits from making a zoning change. It serves more as a guide to that decision. The General Plan and the C3 zoning are intended as a guide. Commission members have to decide what weight to give that in their decision concluded Mr. Grier.

Member Conlin then stated her concern about the welfare of the residents. Questioned Member Conlin – If Maverik did not go through, would you look to find something else for that area that would be more harmonious for this residential area? I have heard a lot about the residential area responded applicant Lee Martinez. There are twenty nine businesses, reported applicant Lee Martinez, on both sides

of the street. There are four residential businesses and twenty five other businesses. One thing that they are trying to do is limit Maverik to monument signs only. They are going to have a unified exterior so all of the buildings will be the same. He hopes that starts some way of getting things unified on the street. Member Johnson asked a question for clarification – The RV part, is it RV spaces or RV storage? On the left side, answered applicant Lee Martinez, they are going to have spaces. Questioned Member Johnson – Like for camping? It is going to be annual rentals, answered applicant Lee Martinez, so there is not in and out every day. Town Manager Grier stated he wanted to make clear to the commission what is in front of them today, that they are considering the rezoning of the one parcel and not the proposed development around it.

Chairman Lecher asked the commission members if they had any further discussion about the Maverik. Hearing none he called for motions. The commission has been provided some suggested conditions, informed Chairman Lecher, so if you would like to add those to your motion please do so. You can take all of them or you can take some of them. Chairman Lecher stated he has lived in this community for over thirty years now. He knows Mark Freegard personally and Mr. Freegard has been trying to sell this property for a long time. He thinks this development may not be great for everyone and that is just the way things go. But it will be great for other people. Chairman Lecher stated he has mixed feelings about it and he definitely does not want it to be a truck stop. He would like the assurance of the applicant that it won't be. He thinks the town has the ability to control what this turns out to be concluded Chairman Lecher.

Member Conlin stated she would like to suggest, if the commission members decide to recommend C3, that the suggested conditions be visited and if there is something else that they want to add that they add it. Member Conlin asked Town Manager Grier if they should review the suggested conditions now or should they do it at the vote. He would suggest considering each and every one of them carefully, responded Mr. Grier, so you know whether or not you want to add one of the staff suggested conditions. Conditions can be added to or subtracted from, concluded Mr. Grier, or not included at all if you so choose. The one condition she would suggest, stated Member Conlin, and she does not know what the language for it would be, is it could not be used as a truck stop. The legal definition for a truck stop, added Member Conlin. That is very clear, stated Mr. Grier. Just say it that way. He thinks the only problem with that is what is the definition of a truck stop added Mr. Grier. There is a legal definition for a truck stop replied Member Conlin. It has to do with having facilities for showers, meals and catering to semi-trucks. There was some discussion about the language to use for the definition of a truck stop. When you say that, asked Member Durst, you are still going to allow trucks to pull in and fuel up. "Right" answered Member Conlin. We do not want to allow them to sit overnight with their engines running all night added Member Durst.

Member Woolsey stated the Maverik she mentioned in Prescott Valley has plenty of room for the trucks to get in and out without impeding the rest of the traffic. Questioned Member Conlin – Does the Maverik that you are talking about in Prescott Valley butt up against residential? It is residential all around it answered Member Woolsey. Chairman Lecher stated he would make a condition that there are no showers or laundry allowed along with the condition that is already listed with no overnight semi-truck parking. Member Conlin stated she would like to say it cannot be a truck stop, as legally defined, only because it isn't just showers but it can be showers. Questioned Chairman Lecher – If we were to do that, would that preclude Maverik from possibly putting in a McDonald's inside the facility in the future? "Yes it would" answered Town Manager/Town Attorney Grier. One of the important conditions that you need to consider, stated Mr. Grier, is that it will be used in line with the narrative and site plan provided by Maverik. If you make a zoning change without that then you can have anything that is C3. You need to look hard at the suggested conditions, and that is one of them, concluded Mr. Grier.

If we say no truck stop, stated Member Conlin, then it stops Maverik, in the future, from turning it into a truck stop. Maverik would possibly be limited for space, stated Member Woolsey, if they went to a full-fledged truck stop. They would have to really change it. Member Conlin stated they could also reconfigure. This is all a very subjective, down the road assumption, but one of the things that they are hearing from the residents is the concern of a truck stop. Having a Maverik gas station is nice, stated Member Conlin, and it would be very nice if it had a McDonald's or Burger King. She feels they need to be respectful of the truck stop portion and if there is something that they can do in the conditions to limit Maverik to not doing that in the future then they should do it. Questioned Chairman Lecher – If we do the conditions provided in the staff outline that will preclude Maverik from turning it in to a truck stop in the future, correct? You would have to strictly adhere to the Maverik narrative, answered Town Manager/Town Attorney Grier. The only thing that is a little bit unclear, stated Mr. Grier, are the pumps in the back. He does not know how high that canopy is and if that is something that would attract semi-trucks and whether or not that would end up being a conflict of the residential neighborhood. Queried Mr. Grier – What is it with the facility that would either attract semi-trucks or not attract semi-trucks? Circle K doesn't, but they are still there, replied Chairman Lecher.

Member Woolsey stated she thinks the diesel semi-truck area would probably be used by the RVs because they are big and that makes it easier for them to get in and out. Chairmen Lecher stated he is one of those because he has a 45 foot toy hauler. When he has to fuel up he can't do it in Star Valley. It would be nice to have that stated Member Woolsey. She would love to pull in there with her horse trailers so she doesn't have to crank it and worry about hitting the corner and stuff like that. Truck stops have many undesirable people that just hang around added Member Durst. Chairman Lecher asked if anyone wants to put a motion forward. Member Conlin stated she is not clear. Questioned Member Conlin – Did we say we were going to add something about a truck stop? Maverik cannot turn it into a truck stop, explained Chairman Lecher, as long as we put these staff recommended conditions in. Questioned Chairman Lecher – Do we need to read out every one of those conditions? Mr. Grier answered to read each and every condition.

A motion to allow the zoning change to go forward to C3 with these suggested conditions: The development shall be in substantial conformance with the Rezoning Site Plan as submitted, entitled Star Valley Maverik Convenience Store, dated March, 20, 2023, Sheets 1 through 12; The development shall be in substantial conformance with the Rezoning Narrative as submitted, entitled Narrative for the Proposed Maverik, dated June 6, 2023, consisting of two pages; Overnight semi-truck parking will not be allowed; Any signage shall not exceed 4 feet in height, must comply with all sign regulations and dark sky regulations pursuant to the Town of Star Valley Code; There shall be a six (6) foot high opaque wall, fence, or approved landscape screen adjacent to any residential district if Applicant does not develop juxtaposed properties in accordance with the site plan submitted; The Star Valley Water Department requires an eight (8) foot utility easement on the north side of the property outside of ADOT's right-of-way; Compliance with all Arizona Department of Transportation requirements must be met; Adequate sanitary facilities shall be designed in accordance with engineer and Gila County Sanitary District requirements; All applicable Town development standards must be met; The development shall comply with all applicable Town codes and ordinances; The development shall comply with all current fire codes; and the Maverik company will not be permitted to make it into a truck stop, it will not become a truck stop and that shall include no showers, no laundry and no overnight parking was made by Member Woolsey and was seconded by Member Durst.

Member Conlin asked for further discussion. When she was reading the conditions, stated Member Conlin, something popped up under condition E about the six foot high fence and that Maverik

would put it in if the developer does not develop the adjacent properties. Questioned Member Conlin – Is there a concern with building the fence around Maverik in a timely manner? That is something that is required by C3 and the Town Code responded Town Manager/Town Attorney Grier. If the development moved forward with the storage units that would be a buffer and would negate the reason to build a six foot opaque fence. The fence is meant to shield the noise, light and smell from the neighboring properties explained Mr. Grier. That is required for every C3 property that is developed. It has to be done before Maverik opens, explained Mr. Grier, unless the other development moves forward and they have the storage units. We have a motion by Member Woolsey, announced Chairman Lecher, and a second by Member Durst. Chairman Lecher then called for a vote.

Member Woolsey Yes, Member Johnson Yes, Member McNeeley Yes, Member Conlin Yes, Chairman Lecher Yes, Member Montbleau Yes, Member Durst Yes.

The motion was voted on and passed 7 – 0.

• PUBLIC COMMENTS

During this portion of the meeting, members of the public may address the Planning and Zoning Commission on items that are not on the printed agenda. Any remarks shall be addressed to the Commission as a whole and not to any individual member. Speakers are limited to three (3) minutes per person unless additional time is granted by the Chairman. The Planning and Zoning Commission may not discuss or act upon matters raised during public comments.

Chairman Lecher asked if the meeting should be opened back up for public comment. Town Manager/Town Attorney Grier answered there has been enough public comment.

• ADJOURNMENT

Chairman Lecher adjourned the meeting.

APPROVED:

Cris Lecher, Chairman

Date: _____

ATTEST:

Eddie Chapin, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Planning and Zoning Commission Meeting for the Town of Star Valley held on the 10th day of August 2023. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 16th day of August 2023.

Eddie Chapin, Town Clerk