



TOWN OF EAGAR
PLANNING AND ZONING COMMISSION
REGULAR MEETING & WORK SESSION
OCTOBER 13TH, 2026 at 6:00 PM
COUNCIL CHAMBERS, 22 WEST 2ND STREET

AGENDA

PURSUANT TO A.R.S. 38-431.02 NOTICE IS HEREBY GIVEN TO THE MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGAR AND THE GENERAL PUBLIC THAT THE PLANNING AND ZONING COMMISSION OF THE TOWN OF EAGAR WILL HOLD A REGULAR MEETING AND WORK SESSION OPEN TO THE PUBLIC ON TUESDAY OCTOBER 13, 2026, AT 6:00 PM, IN THE COUNCIL CHAMBERS LOCATED AT 22 W. 2ND STREET, EAGAR, AZ 85925.

- 1. WELCOME**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. INVOCATION**
- 5. PUBLIC COMMENTS**

PERSONS WISHING TO ADDRESS THE COMMISSION ON ANY ITEM NOT ALREADY ON THE AGENDA MAY DO SO, ALTHOUGH EACH SPEAKER IS LIMITED TO THREE MINUTES. THE CHAIR, WITH THE CONSENT OF THE COMMISSION, MAY LIMIT THE TOTAL TIME OFFERED SPEAKERS, IF NECESSARY. ALL SUCH REMARKS SHALL BE ADDRESSED TO THE COMMISSION AS A WHOLE, AND NOT TO ANY SPECIFIC MEMBER. NO PERSON OTHER THAN THE SPEAKER SHALL ENTER THE DISCUSSION WITHOUT PERMISSION OF THE CHAIR. THE COMMISSION MAY NOT ADDRESS, DISCUSS OR VOTE UPON ANY PETITION OR COMMENT RAISED BY THE PUBLIC AT ANY MEETING. THE ITEM MAY BE PLACED ON A FUTURE AGENDA WITH DIRECTION FROM THE PLANNING AND ZONING ADMINISTRATOR ON HOW TO PLACE AN ITEM ON THE AGENDA.

- 6. REPORTS**
 - A. COMMISSION**
 - B. STAFF**

7. DISCUSSION AND CONSIDERATION OF MINUTES

- A. DISCUSSION AND POSSIBLE ACTION TO DETERMINE, BY MINUTE ORDER PURSUANT TO TOWN CODE § 18.52.020(I), WHETHER DATA CENTERS, DATA PROCESSING FACILITIES, AND SIMILAR USES ARE SIMILAR TO THE USES PERMITTED IN THE I-1 INDUSTRIAL ZONE AND ARE NOT DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE, AND THEREFORE CONSTITUTE PERMITTED USES IN THE I-1 INDUSTRIAL ZONE.**

8. NEW BUSINESS

- A. DISCUSSION REGARDING POTENTIAL DEVELOPMENT STANDARDS AND TOWN CODE AMENDMENTS APPLICABLE TO DATA CENTERS, DATA PROCESSING FACILITIES, AND SIMILAR USES, INCLUDING WATER USAGE, ENERGY AND ELECTRICAL DEMAND, SETBACKS, BUILDING SIZE AND HEIGHT, NOISE, BACKUP GENERATORS, SCREENING, LIGHTING, FIRE AND LIFE-SAFETY REQUIREMENTS, INFRASTRUCTURE IMPACTS, AND OTHER APPROPRIATE DEVELOPMENT STANDARDS.**

9. WORK SESSION

- A. DISCUSSION RELATED TO AMENDING TOWN CODE CHAPTER 18**

10. ADJOURNMENT

ANYONE WISHING TO ATTEND THIS MEETING AND HAS SPECIAL NEEDS DUE TO A DISABILITY, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT AT 928-333-4128 EXT 222 FORTY-EIGHT HOURS PRIOR TO THE MEETING AND RESONABLE ACCOMMODATIONS WILL BE PROVIDED.

POSTED BY: William Gleeson **Date:** October 8, 2026 **Time:** 3:00 P.M.

TOWN OF EAGAR
PLANNING AND ZONING COMMISSION
REGULAR MEETING & PUBLIC HEARING

B. STAFF – There were no staff reports.

7. LOYALTY OATH

A. LOYALTY OATH OF NEW PLANNING AND ZONING COMMISSIONER JEFFREY SWANGO

Newly appointed Commissioner Jeffrey Swango took his oath of office administered by Director Reynolds. Commissioner Swango took his seat among the Commission.

8. DISCUSSION AND CONSIDERATION OF MINUTES

A. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE JULY 14, 2026 MEETING MINUTES

Vice Chair Crosby motioned to approve the July 14, 2026 Meeting Minutes. Commissioner Penrod seconded the motion. The motion carried unanimously 6-0.

Ayes

Debra Seeley
Brenda Ciminski
Becky Crosby
Kristi Penrod
JoElla Younkin
Jeffrey Swango

CONVENE INTO PUBLIC HEARING

Commissioner Penrod motioned to convene into public hearing. Commissioner Seeley seconded the motion. The motion carried unanimously 6-0. [6:10 pm]

Ayes

Debra Seeley
Brenda Ciminski
Becky Crosby
Kristi Penrod
JoElla Younkin
Jeffrey Swango

9. PUBLIC HEARING

PUBLIC HEARING TO CONSIDER AN APPLICATION FOR CONDITIONAL USE PERMIT FROM DUSTIE DENAULT TO ALLOW FOR A SOLID SIX-FOOT-TALL FRONT YARD FENCE AT 61 W. 2ND STREET; CUP2026-7

Applicant Dustie Denault presented her case for a 6-foot solid privacy fence around her property and made herself available for questions. Dustie said she would like her dogs to be able to run freely in the yard and not have to live inside her home. Dustie said the tall fence would eliminate her dogs barking at passersby. Commissioners Seeley and Ciminski had concerns about emergency services being able to safely see into the property and to safely access the home.

RECONVENE INTO REGULAR SESSION

Vice Chair Crosby motioned to reconvene into regular meeting. Commissioner Penrod seconded the motion. The motion carried unanimously 6-0. [6:25 pm]

Ayes

Debra Seeley
Brenda Ciminski
Becky Crosby
Kristi Penrod
JoElla Younkin
Jeffrey Swango

10. NEW BUSINESS – APPLICATION FOR CONDITIONAL USE PERMIT, CUP2026-7

A. DISCUSSION AND POSSIBLE ACTION REFERENCE AN APPLICATION FOR CONDITIONAL USE PERMIT FROM DUSTIE DENAULT TO ALLOW FOR A SOLID SIX-FOOT-TALL FRONT YARD FENCE AT 61 W. 2ND STREET; CUP2026-7

Commissioner Seeley and Commissioner Ciminski said they would like to limit the solid height of the western most gate at four feet. The gate could extend above four feet if the construction material above the four-foot mark was see through.

Commissioner Penrod motioned to approve two options for the applicant; to allow a solid four-foot fence with an additional two foot see-through all along the north edge (street side) of her property or to approve the six-foot solid front yard fence with the exception of the western gate that could be four-foot solid, with a two-foot see-through portion on top. Vice Chair Crosby seconded the motion. All were in favor. The motion carried unanimously 6-0.

Ayes

Debra Seeley
Brenda Ciminski
Becky Crosby
Kristi Penrod
JoElla Younkin
Jeffrey Swango

11. ADJOURNMENT

Commissioner Penrod motioned to adjourn the meeting. Commissioner Ciminski seconded the motion. All were in favor. The motion carried unanimously 6-0 [6:49 pm].

Ayes

Debra Seeley
Brenda Ciminski
Becky Crosby
Kristi Penrod
JoElla Younkin
Jeffrey Swango



TOWN OF EAGAR
REGULAR MEETING & WORK SESSION
OCTOBER 13TH , 2026 at 6:00 PM
COUNCIL CHAMBERS, 22 WEST 2ND STREET

STAFF COMMUNICATION

DEPARTMENT: Community Development

PRESENTATION: Minute Order Data Centers, Data Processing Facilities, and similar uses in I-1

AGENDA ITEM: 7A

BUDGET IMPACT: None

HISTORY: There is a community ask to have Data Centers and similar uses be better defined and monitored.

ATTACHMENTS: Summary of Proposition 207

STAFF RECOMMENDATION: Staff would recommend the action of determining, by minute order, that Data Centers, Data Processing facilities, and similar uses are permitted in the I-1 Industrial zone district as long as they are not determinantal to the public health, safety, and general welfare of the community.

PROPOSITION 207
I-21-2006; PRIVATE PROPERTY RIGHTS PROTECTION ACT

ANALYSIS BY LEGISLATIVE COUNCIL

Eminent domain is the power of the government to take private property for public use. Proposition 207 sets forth the rights of a property owner when the state or a local government exercises the power of eminent domain. (These rights are in addition to the current statutory and constitutional rights.)

Proposition 207 would limit the use of eminent domain to situations where eminent domain is authorized by the state and the property taken is put to a public use. The proposition defines "public use" to include:

1. The use of land by the general public or by public agencies.
2. The use of land for utilities.
3. The acquisition of property to eliminate a direct threat to the public health or safety caused by the current condition of the property.
4. The acquisition of abandoned property.

Proposition 207 excludes from the definition of public use the public benefits of economic development.

The Arizona constitution prohibits a government from taking private property, unless the government provides just compensation to the property owner. Proposition 207 provides that as just compensation when a person's primary residence is taken by the government, the person must be provided a comparable replacement dwelling that is decent, safe and sanitary. The property owner may choose to receive money compensation instead of the replacement dwelling.

Proposition 207 also provides that a property owner is entitled to just compensation if the value of a person's property is reduced by the enactment of a land use law. A land use law is defined as a law that regulates the use or division of land, such as municipal zoning laws, or regulates accepted farming or forestry practices. The proposition sets out seven types of land use laws that are exempt from the compensation requirement.

If a property owner were successful in an eminent domain law suit, Proposition 207 would require the government to pay the land owner's attorney fees and costs. If a property owner were successful in a law suit for reduction in the property's value, the court could award attorney fees and costs.

Chapter 18.52 - INDUSTRIAL ZONE

18.52.010 - Purpose.

This district is intended to provide for and encourage commercial, industrial and manufacturing development within the town, while insuring that such activities will in no manner affect in a detrimental way any of the surrounding districts.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

18.52.020 - Permitted uses.

In the I-1 zone, the following uses are permitted:

- A. Any permitted use in the C-1 zone, except residences. Modulars constructed for office purposes are permitted;
- B. Industrial and manufacturing establishments;
- C. Sand and gravel plants, batch plants, concrete plants and similar uses;
- D. Welding shops; major equipment repair, manufacturing, etc.;
- E. Construction yards;
- F. Accessory buildings, structures and uses customarily incidental to a permitted use;
- G. Public utility buildings, structures or appurtenances thereto for public service use;
- H. Keeping of large animals;
- I. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed in this section and not detrimental to the public health, safety and general welfare.

(Ord. No. 2013-04, Exh. A, 5-7-2013)

18.52.030 - Conditional uses.

In the I-1 zone, the following uses require a conditional use permit:

- A. Residences for the owner, manager or watchman for an allowed use;
- B. Outdoor storage yards, junkyard and automobile wrecking yards;
- C. Sexually oriented businesses;
- D. Medical marijuana cultivation, subject to the following conditions and limitations:
 - 1. Applicant shall provide:
 - a. The name(s) and location(s) of the offsite medical marijuana dispensary associated with the cultivation operation.
 - b. A copy of the operating procedures adopted in compliance with A.R.S. Section 36-2804(B)(1)(c); and
 - c. A survey sealed by a registrant of the State of Arizona showing the location of the nearest medical marijuana dispensary or cultivation location if within five hundred feet.