



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**REGULAR MEETING
TUESDAY MARCH 26, 2019
6:00 P.M.**

**Council Chambers
202 N. State Route 89
Chino Valley, Arizona**

A majority of the Councilmembers may attend a private invocation in the Council Conference Room immediately prior to the Council meeting. No Town business will be discussed.

AGENDA

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL

2. INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a. Proclamation declaring April 2, 2019 as *National Service Recognition Day*, sponsored by Arizona Serve. (Mayor Croft)
- b. Proclamation declaring March 29, 2019 as *National Vietnam War Veterans Day*. (Mayor Croft)

3. CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

4. RESPONSE TO THE PUBLIC

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

- a. Comments regarding the Town establishing a pickleball court at one of the Town parks.

5. CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

- a. Status reports by Mayor and Council regarding current events.
- b. Status report by Town Manager Cecilia Grittman regarding Town accomplishments, and current or upcoming projects.
- c. Introduction of Joshua Cook, new Development Services Director. (Cecilia Grittman, Town Manager)
- d. Report regarding road conditions impacted by the February snow storm. (Frank Marbury, Public Works Director/Town Engineer)
- e. Presentation regarding the May 21, 2019 Special Election Ballot Questions. (Frank Marbury, Public Works Director/Town Engineer; Joe Duffy, Finance Director)

6. CONSENT AGENDA

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

- a. Consideration and possible action to accept the March 12, 2019 regular meeting minutes. (Jami Lewis, Town Clerk)

7. ACTION ITEMS

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a. Consideration and possible action to approve Ordinance No. 2019-866 to rezone 12.35 acres (approx. 535,788 sq. ft.) of real property located approximately 0.25 miles east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North, Assessor's Parcel No. 306-14-003S, from SR-1 (Single Family Residential-1 acre minimum) zoning district to CL (Commercial Light) zoning district to allow a wholesale nursery. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

Recommended Action:

(i) Adopt Ordinance No. 2019-866 rezoning 12.35 acres of real property from SR-1 (Single Family Residential- 1 acre minimum) zoning district to CL (Commercial Light) zoning district per Staff recommendation; OR

(ii) Uphold Planning and Zoning Commission recommendation to deny Ordinance 19-866 rezoning 12.35 acres of real property from SR-1 (Single Family Residential- 1 acre minimum) zoning district to CL (Commercial Light) zoning district.

- b. Consideration and possible action to approve a Conditional Use Permit (CUP18-006) for 12.35 acres (approximately 535,788 sq. ft.) of real property located approximately 0.25 miles east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North, Assessor's Parcel Number 306-14-003S, to allow the existing single family residential use within the CL (Commercial Light) zoning district. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

Recommended Action:

(i) Approve Conditional Use Permit (CUP18-006) for APN 306-14-003S to allow the existing single family residential use within the Commercial Light zoning district with conditions recommended by staff; OR

(ii) Uphold Planning and Zoning Commission recommendation to deny Conditional Use Permit (CUP19-001) for APN 306-14-003S to allow the existing single family residential use within the Commercial Light zoning district.

- c. Consideration and possible action regarding a proposed modification to the Town's Tax Code to increase the transaction privilege tax rate for manufactured housing sales. (Joe Duffy, Finance Director)

Recommended Action: (i) set a public hearing for May 21, 2019, on the proposed modification to the Town's Tax Code to increase the transaction privilege tax rate for manufactured housing sales, (ii) adopt the Notice of Intent attached hereto, (iii) direct staff to, at least 60 days prior to the public hearing on the increase, (a) submit the proposed change to the Arizona Department of Revenue, and (b) post the Notice of Intent and the supporting report and data on the Town's website, social media and other electronic communication tools, and (iii) direct the Town Clerk to publish the Notice of Intent in a newspaper of general circulation in the Town not later than May 13, 2019.

8. EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

- a. An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider the Town's position and instruct the Town Attorney regarding the Town's position regarding an intergovernmental agreement with the City of Prescott. (Cecilia Grittmann, Town Manager)

9. ACTION ITEMS RESUMED

After the Executive Session, Council will reconvene the Regular Meeting.

10. ADJOURNMENT

Dated this 21st day of March, 2019.

By: *Jami C. Lewis, Town Clerk*

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/agendacenter> and in the Public Library and Town Clerk's Office.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____ Time: _____ By: _____
Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

2.a.

Meeting Date: 03/26/2019
Contact Person: Cecilia Grittman, Town Manager
Department: Council
Estimated length of Staff Presentation: 5 minutes
Physical location of item:

AGENDA ITEM TITLE:

Proclamation declaring April 2, 2019 as *National Service Recognition Day*, sponsored by Arizona Serve.
(Mayor Croft)

Attachments

National Service Proclamation
Letter to Mayor from Arizona Serve



PROCLAMATION
National Service Recognition Day - April 2, 2019

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; nation's cities are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century, to fighting the opioid epidemic, to responding to natural disasters, to supporting veterans and military families; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with local leaders nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, the National Association of Counties, Cities of Service, and local leaders across the country for National Service Recognition Day on April 2, 2019.

Now, Therefore, I, Darryl Croft, Mayor of Chino Valley, AZ, do hereby proclaim **April 2, 2019**, as **National Service Recognition Day**, and encourage residents to recognize the positive impact of national service in our community, to thank those who serve; and to find ways to give back to their communities.

Darryl L. Croft, Mayor

Attest: _____
Jami C. Lewis, Town Clerk



March 4, 2019

Dear Mayor Darryl Croft,

My name is Annie Reifsnyder and I am the Training and Program Manager for Arizona Serve, a program of Prescott College that coordinates a local AmeriCorps VISTA and State Team. I myself have given over 54 months to National Service as both a Peace Corps and AmeriCorps member. It is now my honor to coordinating National Service members serving themselves in Yavapai County.

Arizona Serve is celebrating National Service Recognition Day on April 2nd. This is a day where thousands of local leaders promote the impact that National Service members have on communities throughout the United States. We have 31 VISTA and AmeriCorps State members working throughout Yavapai County to improve our communities through initiatives with nonprofits and government agencies. National Service Recognition Day is an occasion for Mayors, like yourself, to lend their support for National Service and to recognize all the positive work being done throughout the year.

To recognize and promote National Service Recognition Day, we would very much appreciate Chino Valley approving the Proclamation for the 2019 Mayor's Day of Recognition. I have included a copy of the proclamation to this letter.

Additionally, we would very much appreciate your participation at our service project on **April, 2nd from 9:30 a.m. to 10:00 a.m.** to meet our members and take a group photo with us. National Service Members will be teaming up with the **City of Prescott Parks and Recreation Department** to assist in a trail clean-up. We will meet and congregate at **Granite Creek Park**. A representative of Congressman Paul Gossar's office will also be joining us.

If you would like additional information or supporting material for National Service Recognition Day please let me know.

I look forward to hearing from you and celebrating National Service Recognition Day on April 2nd.

Sincerely,

Annie Reifsnyder
Arizona Serve Training and Program Manager
areifsnyder@arizonaserve.org
520-329-7613

ARIZONASERVE.ORG



Prescott
College

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

2.b.

Meeting Date: 03/26/2019
Contact Person: Vickie Nipper, Deputy Town Clerk
 Phone: 928-636-2646 x-1210
Department: Town Manager
Estimated length of Staff Presentation: 5 minutes
Physical location of item:

AGENDA ITEM TITLE:

Proclamation declaring March 29, 2019 as *National Vietnam War Veterans Day*. (Mayor Croft)

Attachments

Vietnam War Proclamation

PROCLAMATION

National Vietnam War Veterans Day - March 29, 2019



Whereas, on March 28, 2017 the Senate and House of Representatives of the United States of America, in Congress assembled, added to the Laws of the United States a law that encourages the display of the flag of the United States on "National Vietnam War Veterans Day, March 29"; and

Whereas, on January 12, 1962, Operation Chopper marked America's first combat mission against the Viet Cong and the beginning of one of our longest and most challenging wars. The Vietnam War is a story of service members of different backgrounds, colors, and creeds who came together to complete a daunting mission; and

Whereas, our Veterans answered our country's call and served with honor and on March 29, 1973, the last of our troops left Vietnam. Yet, in one of the war's most profound tragedies, many of these men and women came home to be shunned or neglected, to face treatment unbefitting their courage and a welcome unworthy of their example; and

Whereas, we reaffirm one of our most fundamental obligations: to show all who have worn the uniform of the United States the respect and dignity they deserve and to honor their sacrifice by serving them as well as they served us. We pay tribute to the fallen, the missing, the wounded, the millions who served and the millions more who awaited their return; we honor the Americans who served, we pay tribute to those we have laid to rest and we reaffirm our dedication to showing a generation of veterans the respect and support of a grateful Nation; and

Now, Therefore, I, Darryl Croft, Mayor of the Town of Chino Valley, do hereby acknowledge *March 29, 2019* as *National Vietnam War Veterans Day* in Chino Valley, Arizona, and urge all of our citizens to recognize the valor and sacrifice of our Veterans by displaying the flag of the United States.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Chino Valley to be affixed this *26th* day of *March, 2019*.

Darryl L. Croft, Mayor

ATTEST: Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5.d.

Meeting Date: 03/26/2019
Contact Person: Cecilia Grittmann, Town Manager
Department: Council
Estimated length of Staff Presentation: 10 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Presentation regarding the May 21, 2019 Special Election Ballot Questions. (Frank Marbury, Public Works Director/Town Engineer; Joe Duffy, Finance Director)

SITUATION & ANALYSIS:

Each Council meeting from February 26 through May 14, staff members will give a brief presentation on one of the two Ballot Questions being proposed on the May 21 Special Election ballot. This will be done as part of the Town's informational outreach to the community to provide details of the proposals and contact information of Town officials for people that may have additional questions.

Attachments

No file(s) attached.



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.a.

Meeting Date: 03/26/2019

Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the March 12, 2019 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the March 12, 2019 regular meeting minutes.

Attachments

March 12, 2019 minutes

DRAFT

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY MARCH 12, 2019
6:00 P.M.**

The Town Council of the Town of Chino Valley met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, MARCH 12, 2019.

1) **CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL**

Present: Mayor Darryl Croft; Vice-Mayor Jack Miller; Councilmember Mike Best; Councilmember Corey Mendoza; Councilmember Lon Turner

Absent: Councilmember Cloyce Kelly; Councilmember Annie Perkins

Staff Present: Town Manager Cecilia Gritman; Town Attorney Andrew McGuire (electronically); Public Works Director/Town Engineer Frank Marbury; Customer Service Manager (recorder) JoAnn Brookins; Kathy Frohock (videographer)

Mayor Croft called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

2) **INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**

3) **CALL TO THE PUBLIC**

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

- Beth Vickory spoke about leading an Easter egg decorating class at the Chino Valley Library to work toward her Eagle Level Frontier Girls Diamond Award, and craft supply donations being appreciated.
- Todd League with the Parks and Recreation Advisory Board spoke about a group of folks desiring to develop a pickleball court in the Town. Mayor Croft asked the Board to bring a proposal.

4) **RESPONSE TO THE PUBLIC**

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

- a) Request for clarification regarding the necessity of off-premise signs for businesses.

Mayor Croft reported that Gary Denney had received a citation for an off-premises sign in a residential area leading to his restaurant, which was off the highway and behind the residential area. The judge ordered Mr. Denney to talk with the planning department to apply for proper permits and approval if available. When the Town Council rewrote the sign code in March 2017, there was no provision in the code for this type of signage and the current code prohibited off-premise signage. The Town intended to develop a program with ADOT that would allow off-site signage on the highway with ADOT's guidelines.

5) **CURRENT EVENT SUMMARIES AND REPORTS**

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

- a) Status reports by Mayor and Council regarding current events.
- b) Status report by Town Manager Cecilia Grittmann regarding Town accomplishments, and current or upcoming projects.

Ms. Grittmann reported on the following:

- JoAnn Brookins stepping in to clerk this meeting.
- Council and employees who attended the dedication held earlier today.
- A citizen's commendation of Police Officer Silva for assisting her during the recent snow storm.
- Community outreach regarding the water and tax ballot measure proposals.
- A Council retreat on March 19.
- Interviews scheduled for the next day for the Economic Development Project Management position.

- c) Presentation regarding the May 21, 2019 Special Election Ballot Questions. (Frank Marbury, Public Works Director/Town Engineer; Joe Duffy, Finance Director)

Mr. Marbury and Ms. Grittmann presented the following:

- There were five water companies operating within the Town limits, one of which was the Town's. Some of these have expressed that they may no longer want to stay in the business.
- Due to recent court cases, if the Town wanted to acquire those properties, the voters needed to approve each water company by name. The ballot measure gave the Council the authority, when the timing or deal was right, to be able to purchase the water companies and then bring them under the umbrella of the Town's utility system.
- With low interest loans, the acquisition and operation of the water companies fell within the Town's current billing rate structure.
- Ballots will go out around April 2nd and the election will end on May 21.

6) **CONSENT AGENDA**

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

- a) Consideration and possible action to approve purchase and outfitting of a new K9 Vehicle. (Chuck Wynn, Police Chief)
- b) Consideration and possible action to authorize the Police Department to apply for a Government of Highway Safety (GOHS) grant. (Chuck Wynn, Police Chief)
- c) Consideration and possible action to accept the February 12, 2019 regular meeting minutes. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to accept the February 26, 2019 regular meeting minutes. (Jami Lewis, Town Clerk)

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to accept Consent Agenda as written.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Corey Mendoza, Councilmember Lon Turner

PASSED - Unanimously

7) **ACTION ITEMS**

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a) Consideration and possible action to award the construction contract for the Country West Well #1 Improvement Project to R.W. Turner & Sons Pump & Windmill Co. Inc. in the amount of \$35,742.24. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Award the construction contract for the Country West Well #1 Improvement Project to R.W. Turner & Sons Pump & Windmill Co. Inc. in the amount of \$35,742.24.

Frank Marbury reported on the following:

- The Town acquired two wells at the Country West Mobile Home Park several years ago as a backup well to the main one located in Bright Star, and the main production well in Country West had been down for two years.
- A solution had been determined, and the project put out to bid in January. Bids were opened in February, with one responsive bidder that fit within the engineers estimate of just under \$36,000.
- Since the bid was publicly advertised and the submitted bid is within the budget, staff recommended that the bid be awarded to R.W. Turner & Sons Pump & Windmill Co. Inc. in the amount of \$35,742.24.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to award the construction contract for the Country West Well #1 Improvement Project to R.W. Turner & Sons Pump & Windmill Co. Inc. in the amount of \$35,742.24.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Corey Mendoza

Other: Councilmember Lon Turner (RECUSE)

PASSED

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding a letter filed with the Attorney General with regard to a previous Council action pertaining to Proposition No. 127. (Andrew McGuire, Town Attorney)

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Lon Turner to recess into executive session at 6:17 p.m.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Corey Mendoza, Councilmember Lon Turner

PASSED - Unanimously

9) ACTION ITEMS RESUMED

After the Executive Session, Council will reconvene the Regular Meeting.

Mayor Croft reconvened the regular meeting at 6:37 p.m. and reported that Council received advice from the attorney and no action was taken.

10) ADJOURNMENT

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to adjourn the meeting at 6:40 p.m.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Corey Mendoza, Councilmember Lon Turner

PASSED - Unanimously

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the _____ day of _____, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2019.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.a.

Meeting Date: 03/26/2019

Contact Person: Alex Lerma, Planner
Phone: 928-626-4427 x-1295

Department: Development Services

Item Type: Action-Presentation

Estimated length of staff presentation: 5 minutes

Physical location of item: Located approximately .25 miles east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North.

AGENDA ITEM TITLE:

Consideration and possible action to approve Ordinance No. 2019-866 to rezone 12.35 acres (approx. 535,788 sq. ft.) of real property located approximately 0.25 miles east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North, Assessor's Parcel No. 306-14-003S, from SR-1 (Single Family Residential-1 acre minimum) zoning district to CL (Commercial Light) zoning district to allow a wholesale nursery. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

RECOMMENDED ACTION:

Staff recommends that Town Council adopt Ordinance No. 2019-866 rezoning 12.35 acres of real property from SR-1 (Single Family Residential- 1 acre minimum) zoning district to CL (Commercial Light) zoning district.

The Planning and Zoning Commission recommendation that Town Council deny Ordinance 19-866 rezoning 12.35 acres of real property from SR-1 (Single Family Residential- 1 acre minimum) zoning district to CL (Commercial Light) zoning district.

SITUATION AND ANALYSIS:

See attached Staff Report

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Cox Staff Report
Cox Rezone Site Plan
Ordinance 2019-866



TOWN OF CHINO VALLEY TOWN COUNCIL

Staff report March 26, 2019

APPLICATION SUMMARY

File Number: Z18-000019

Assessor's Parcel Number: 306-14-003S

Site Location: Located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North.

Owners of Record: Donald K. Cox and Catherine Cox

Applicant: Prescott Valley Growers, Catherine Cox

Request: Request to rezone approximately 12.35 acres of real property from SR-1 (Single Family Residential- 1 acre minimum) to CL (Commercial Light) to allow wholesale nursery.

Request for a CUP (Conditional Use Permit) to allow the existing residential use within the CL (Commercial Light) zoning district.

SITE DATA

Existing Zoning	SR-1 (Single Family Residential- 1 acre minimum)
Lot Size	12.35 acres (approx. 535,788 sq. ft.)
Subdivision	N/A
General Plan Land Use Designation	Commercial/ Multi-Family Residential
Existing Land Use	Single Family Residence

BACKGROUND

SITE DESCRIPTION

The subject property is located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North. The property is accessed by West Road 4 North. The site has a zoning classification of SR-1 (Single Family Residential- 1 acre minimum) and identified with a Land Use Designation of Commercial/Multi-Family Residential. Improvements to the site include a single

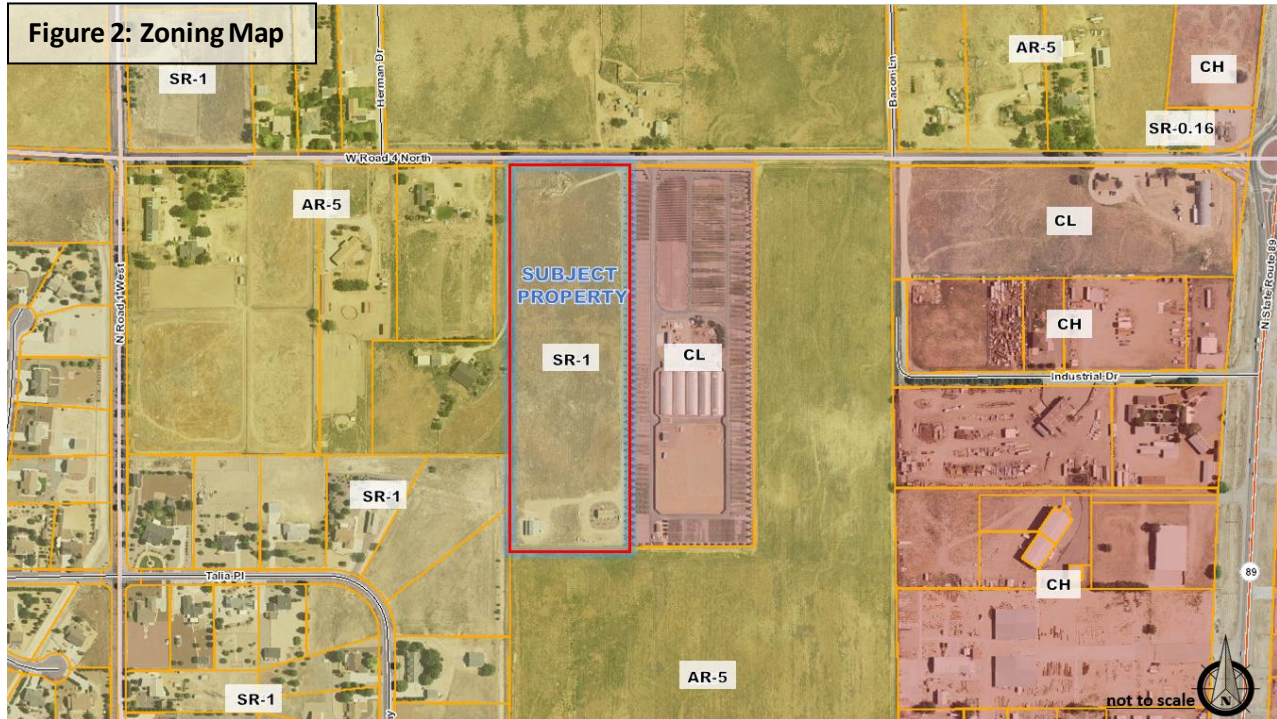
family residence and an accessory structure. **See Figure 1.**



SURROUNDING PROPERTIES ZONING AND LAND USES

The area is predominantly low/medium density single family residential development and commercial development further east. The property directly north is zoned AR-5 (Agricultural Residential- 5 Acre Minimum) with a residence and agricultural land. To the east, properties are zoned CL (Commercial Light), AR-5 (Agricultural Residential- 5 Acre Minimum) and CH (Commercial Heavy). The property directly east is Chino Valley Growers tree nursery. Further east are vacant land and commercial properties. The south property is zoned AR-5 (Agricultural Residential- 5 acre Minimum) and is currently vacant. To the west, properties are zoned AR-5 (Agricultural Residential- 5 Acre Minimum) and SR- 1 (Single Family Residential- 1 Acre Minimum) with vacant land and single family residential development. **See Figure 2**

AREA	ZONING	GENERAL PLAN LAND USE DESIGNATION	LAND USE
North	AR-5	Medium Density Residential (2 ac or less)	Agricultural Residential
East	CL, AR-5, CH	Medium Density Residential (2 ac or less)	Vacant , Commercial Properties
South	AR-5	Medium Density Residential (2 ac or less)	Single Family Residence, Vacant
West	AR-5, SR-1	Medium Density Residential (2 ac or less) Commercial/Multi-Family Residential	Single Family Residence, Appaloosa Meadows Subdivision



PROJECT DESCRIPTION

Prescott Valley Growers is a family owned tree and shrub wholesale supply company. They have been supplying plants and trees to the wholesale landscape trade since 1991. They currently occupy the property directly east of the subject parcel for their business as well as another location in Prescott Valley.

The applicant is requesting to rezone the property from SR-1 to CL in order to allow wholesale nursery. The applicant plans to install post and wire rows for trees and greenhouses for shrubs and perennials. This will be similar to the tree farm they currently operate to the east of the subject parcel. All four sides of the property will have extensive, permanent landscaping to beautify and shelter the trees.

The applicant is also applying for a CUP (Conditional Use Permit) to allow the existing single-family residential use within the CL (Commercial Light) zoning district. The yard foreman will occupy the existing house and an additional house is planned for development in the near future. The existing barn is being used for storage purposes. **See Appendix A: Site Plan**

CITIZENS REVIEW & PUBLIC HEARING PROCESS

Town Staff notified property owners within a 300' radius, resulting in eight (8) notices for the neighborhood meeting and public hearings. To date, staff has received an email from a property owner directly west of the subject property. The concerns he raised dealt with the potential decrease of his property value being next to a commercial business and the risk of negative impact the commercial business might cause. He concluded by requesting a privacy fence or barrier between both properties.

The neighborhood meeting was held on October 15, 2018 at Town Hall. There were four residents who attended the meeting. Those who attended were provided a conceptual site plan of the subject property.

Mrs. Cox explained to them her desire to develop the subject property as a nursery similar to her property to the east.

One property owner was concerned about the nursery being open to the public and becoming similar to retail and by doing so would increase traffic in the area. Mrs. Cox clarified that the intent was to use the property for growing and for wholesale. She explained that all shrubs and trees would be shipped to their Prescott Valley location once orders were placed. Staff informed the residents that if the subject property was to be rezoned to the requested CL (Commercial Light) zoning district, by right the property could develop into any of the land uses allowed within the CL classification.

A neighboring property owner also raised the issue that rezoning the subject property to Commercial Light would start a pattern of commercial development further west along West Road 4 North. Staff clarified that when applicants request a change of zoning on their properties, said properties need to be in conformance with the Town of Chino Valley General Plan land use designations. Staff explained that the area west of the subject property has a land use designation of Medium Density Residential (2 acres or less) on the General Plan Map and that the Town did not foresee any commercial development west of the subject property.

PLANNING AND ZONING MEETING

The item went before the Planning and Zoning Commission on November 6, 2018. Staff gave a brief presentation regarding the applicant's intentions for developing the property into a wholesale nursery and presented staff findings and analysis. During discussions between the Commission, staff and the applicant, the Commission inquired about the traffic that would be generated by the proposed use. The applicant stated that typically there would be two trucks per week onsite and a couple times a year there would be shipments coming in from other suppliers.

One of the Commissioners stated that wholesale growing of trees and bushes was an agricultural use and that staff should explore the AR-5 zoning, which would be a more appropriate zone for a nursery use. Staff stated that the AR-5 zoning would limit the applicant to whole sale use and that the applicant wanted the option of having outside sales in the future. Staff further stated that there are 4 other nurseries in Town. Three of those nurseries are in a commercial zoning district. Bonnie Plants, which is located in the AR-5 zoning district, is a commercial green house where all growing is done within enclosed greenhouses. Staff stated that the General Plan designation of the property was Commercial/Multi-Family Residential and that the CL zoning district was in conformance with its General Plan land use designation.

During public comment, two residents spoke in opposition of the CL zoning request, stating that the zoning district would allow all the permitted uses within the proposed zoning district and that in the future the applicant could sell the property and that the nursery could be converted into another type of commercial use.

The Commission voted on continuing the item to the next scheduled Planning and Zoning Commission meeting to give staff some time to do further research and see if limitations of uses could be put on the zoning district.

FOLLOW UP TO PLANNING AND ZONING MEETING

Staff met with the applicant after the Planning and Zoning meeting to discuss the options available for here going forward.

Staff determined that permitted uses within any zoning district are uses that are allowed by right by the Unified Development Ordinance. Since these uses are allowed by right, Staff cannot prohibit any list of uses through a condition of approval or other means. Doing so would violate the uniformity requirements of the UDO.

DECEMBER 4TH PLANNING AND ZONING MEETING

The item went before the Planning and Zoning Commission as a continued item on December 4, 2018. Staff presented a brief summary of the project and discussed follow up conversations between staff and the applicant. Staff noted that neither the Commission nor staff could put limitations or prohibit any uses that are allowed by right on the requested zoning. Staff indicated that the applicant did not want to revise the application and wanted to proceed forward with the CL zoning request to allow the option for outside sales of nursery stock for the future.

The Commission asked for clarification on why a Conditional Use Permit was needed. Staff explained that the subject property has an existing home located to the rear of the property. The CUP is needed to bring the residential use into conformance within the CL zoning district if the requested zone change is approved. In addition, staff stated that the applicant desired to locate a second residence on site as shown in the submitted site plan. Staff concluded that the Unified Development Ordinance did not limit the number of residences when requested through a CUP, and that staff recommends add two conditions of approval for the CUP limiting the property to two (2) homes and regulating the size of the second home.

Some of the Commissioners voiced their concerns about the future uses of the site permitted by the CL zoning district and the impact such uses would have on surrounding residential properties.

Vote for Recommendation of approval for Rezone Request Vote: 3-4 Failed

Vote for Recommendation of denial for CUP: 5-2 Passed

STAFF ANALYSIS AND RECOMMENDATION

GENERAL PLAN CONFORMANCE

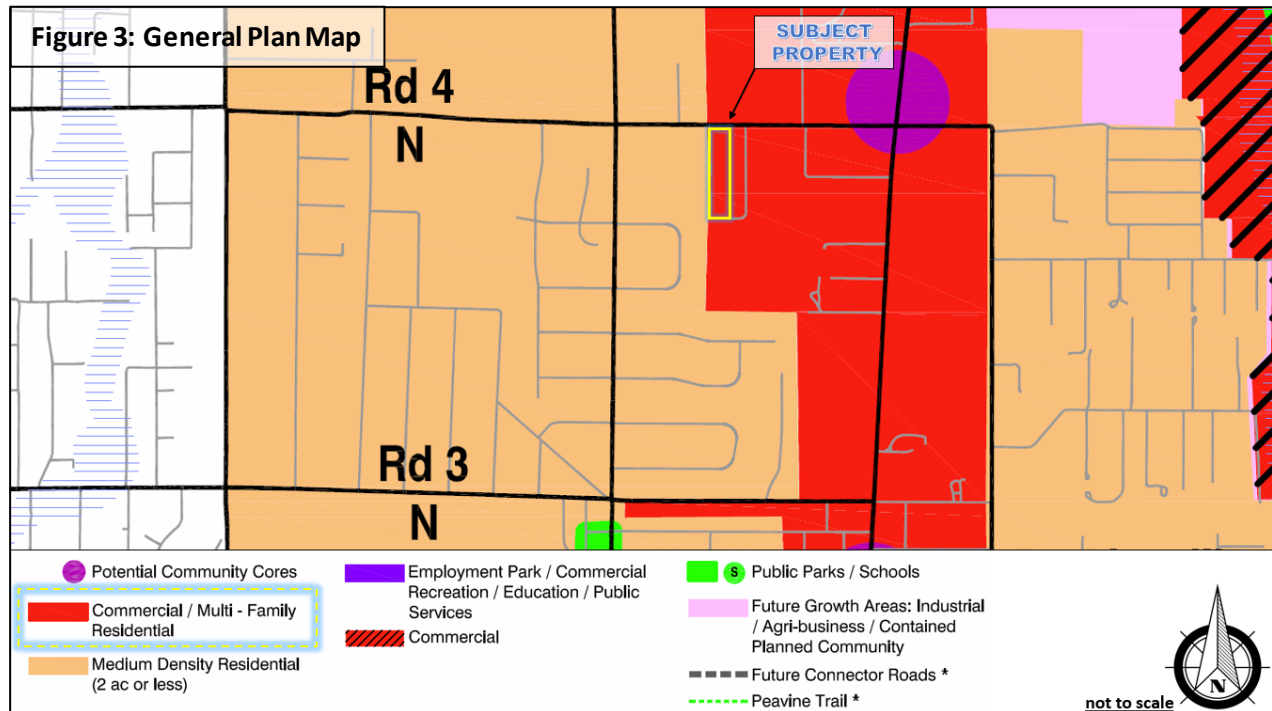
The zoning request of CL (Commercial Light) will be in conformance with the property's Commercial/ Multi- Family Residential General Plan land use designation. The Commercial/ Multi- Family Residential designation will continue to focus on the Land Use Goals and Strategies promoting local commercial businesses. **See Figure 3: General Plan Map**

ZONING

Section 3.15.B.14 of the Unified Development Ordinance list “indoor and outdoor sales of nursery stock” as a permitted use in the Commercial Light zoning district. The operation and design of the site will be very similar to the property to the east. The landscaping along the property perimeters will serve not only as a means to beautify the property but will also serve as a natural buffer from the single family residential lots to the west and all other future residential development in the area. The impact of a whole sale nursery will have minimal impact on surrounding properties. If the applicant decides to open up the nursery to the public for outside retail, the site will be regulated at a staff level so that impact on surrounding properties be minimal.

CONDITIONAL USE PERMIT

Section 3.15.C.1 list Single-family residences as a permitted use in the Commercial Light zoning district with a Conditional Use Permit. The Conditional Use Permit is subject to discretionary approval by Council if the location and context of the site is suitable for the requested use. The subject property is located in a residential area with single family residence/agricultural residential zoning to the west and south of the subject property.



Based upon the above considerations, Staff recommends **APPROVAL** the requested zone change and Conditional Use Permit with the following for the CUP:

- 1) No more than two (2) residential structures will be allowed on the property.
- 2) Second residence will be limited to no more than 12,000 square feet.

RECOMMENDATION ON REQUESTED REZONE

Staff recommends that Town Council adopt Ordinance 2019-866 rezoning 12.35 acres of real property from SR-1 (Single Family Residential- 1 acre minimum) zoning district to CL (Commercial Light) zoning district.

The Planning and Zoning Commission recommendation that Town Council deny Ordinance 2019-866 rezoning 12.35 acres of real property from SR-1 (Single Family Residential- 1 acre minimum) zoning district to CL (Commercial Light) zoning district.

RECOMMENDATION ON REQUESTED CONDITIONAL USE PERMIT

Staff recommends that Town Council approve Conditional Use Permit (CUP19-001) for APN 306-14-003S to allow the existing single family residential use within the Commercial Light zoning district with the following condition:

- 1) No more than two (2) residential structures will be allowed on the property.
- 2) Second residence will be limited to no more than 12,000 square feet.

The Planning and Zoning Commission recommendation that Town Council deny Conditional Use Permit (CUP19-001) for APN 306-14-003S to allow the existing single family residential use within the Commercial Light zoning district.

APPENDIX A: SITE PLAN



KMA

Kenneth M. Architect

3915 West Roadrunner Drive
Chino Valley, Arizona 86323

mo@kmaarchitects.com
Office 928-710-5530

PV Growers CV Nursery

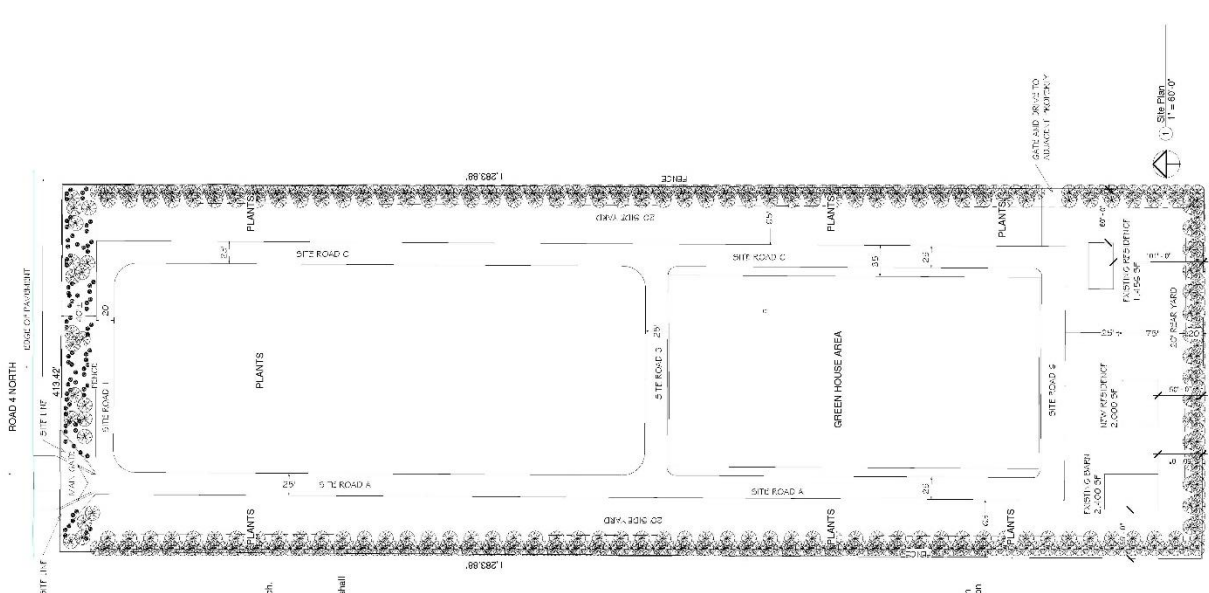
No.	Description	Date

Site Plan

Revised Number	2018-21
Date	08/2018
Drawn by	KMA
Checked by	KMA

A0

Scale: 1" = 60.0'



- Chino Valley Landscape Requirements**
- All plant materials required shall be selected from the ADWR drought tolerant water use plant lists and meet the following minimum sizes at the time of planting:
- i. Shrubs: Minimum 5 gallon or better.
 - ii. Trees: Minimum 15 gallon or better.
- Plant groupings shall be matched in a continuous bed.
2. Multiple-family, Office, Commercial and Industrial Districts
- a. Front yard landscaping: A ten (10) foot wide landscape strip is required along the properties street frontage.
 - b. Depth of yard.
 - c. The buffer yard shall be ten (10) percent of the lot width or depth, whichever is applicable, provided that no buffer yard shall be less than ten (10) feet wide.
 - d. Minimum Landscaping System: The minimum landscaping system shall include the following (minimum):
 - e. One (1) tree per twenty (20) linear feet.
 - f. Four (4) shrubs per 400 square feet of required landscaped area. Clustering of trees and shrubs is encouraged.
- 20' Front Landscape Yard**
- Trees: 413/20 = 21 Trees required
15 Trees-24" Box
6 Trees-24" Box
 - Shrubs: 12,430/400 x 4 = 124 Shrubs required
15 Trees-24" Box
15 Trees-24" Box
- 20' Sideyard Landscaping: East Property Line - Trees are Existing**
- Trees: 1,492/20 = 62 Trees required (Deducted 40' front and rear landscape - So as to not count twice)
15 Trees-24" Box
15 Trees-24" Box
 - Shrubs: The additional trees will offset and replace the shrubs = 12,430/400 x 4 = 124 Shrubs required.
- 20' Sideyard Landscaping: West Property Line**
- Trees: 1,492/20 = 62 Trees required (Deducted 40' front and rear landscape - So as to not count twice)
15 Trees-24" Box
15 Trees-24" Box
 - Shrubs: The additional trees will offset and replace the shrubs = 12,430/400 x 4 = 124 Shrubs required.
- 20' Rear Landscape Yard: South Property Line**
- Trees: 413/20 = 21 Trees required
15 Trees-15 Gallon
6 Trees-24" Box
 - Shrubs: The additional trees will offset and replace the shrubs = 12,430/400 x 4 = 124 Shrubs required.
- 20' Rear Landscape Yard: North Property Line**
- Trees: 413/20 = 21 Trees required
15 Trees-15 Gallon
6 Trees-24" Box
 - Shrubs: The additional trees will offset and replace the shrubs = 12,430/400 x 4 = 124 Shrubs required.

Owner: Catherine and Donald Cox
3915 West Roadrunner Drive
Chino Valley, Arizona 86315-4531

Building Classification and Code Analysis Data

Building Code:

- 2012 International Building Code
- 2012 International Residential Code
- 2012 International Fire Code
- 2012 International Property Maintenance Code
- 2012 International Mechanical Code
- 2012 International Electrical Code
- 2012 International Fuel Gas Code
- 2012 International Fire Code
- 2012 International Fire Code

Accessibility Code:

- 2010 Americans with Disabilities Act

Electrical Code:

- 2017 National Electrical Code

Fire Prevention Code:

- 2012 International Fire Code

IFGC:

- 2012 International Fuel Gas Code

Other Codes for Manufactured Homes:

- 2012 International Building Code
- 2012 International Residential Code
- 2012 International Fire Code
- 2012 International Property Maintenance Code
- 2012 International Mechanical Code
- 2012 International Electrical Code
- 2012 International Fuel Gas Code

Design Criteria

- 100% Shading, Exposure C
- Category C
- 100% Shading
- Climate Zone 4

Project Description:

New Nursery, New Green House, Existing Residence to Remain, Existing Storage Building to Remain, New residence, Current Zoning SH-1, Change zoning to GL.

Site Data

APN: 308-04-0035
Address: 685 West Road 4 North
Site Area: 12.53 Acres

Building Data

Future Green Houses: 30,000 to 40,000 sf
Existing Residence: 2,400 sf
New House: 2,000 sf

Occupancy Group: Chapter 3
R, Residential
U, Agriculture

Type of Construction: Section 602
Type N, S, Non-Sprinkled

Maximum travel distance: Table 1016.2
Occupancy: U, Without Sprinklers, Distance: 300 ft

Buildings with one exit: Table 1021.2 N/A

Corridor Width: 1016.1 Table 1016.2
Occupancy less than 50: 20 inches

Exterior Wall Fire Resistance: Tables 601 and 602 N/A

Zoning: ARS (Current SH-5)

Setbacks:

- Front: 50'
- Side: 20'
- Rear: 50'

Height: 25-0' ft. for Greenhouse
Actual: 35 ft.

Coverage Maximum: 50%.

Owner:
Mr. and Mrs. Donald Cox
6750 North Viewpoint Drive
Prescott Valley, Arizona 86315-4331

Building Classification and Code Analysis Data

Building Code:
2012 International Building Code,
2012 International Residential Code,
2012 Administrative Code,
2012 International Existing Building Code,
ADAGG, 2010 ICC/ANSI,
2011 National Electrical Code,
2011 National Fire Protection Code,
2012 International Plumbing Code,
2012 International Fire Code,
2012 International Fuel Gas Code,
State Office for Manufactured Offices

Design Criteria:
30lb
90mph Exposure C
Category C
Wind Speed:
Seismic Design:
Chronic Zone:
4

Project Description:
New Nursery, New Green Houses, Existing Residence to Remain,
Existing Storage Building to remain, New Residence, Current Zoning SR-1, Change zoning to CL

Site Data
Address: 685 West Road 4 North
City: Prescott Valley
County: Cocondo
State: Arizona
Site Area:
12.35 Acres

Building Data
Floor area:
Future Green Houses:
Existing Green Houses:
Existing Barn:
New House:
Occupancy Group: Chapter 3
R, Residential
U, Agriculture

Type of Construction: Section 602
Type 5, B Non-Sprinklered

Maximum travel distance: Table 1016.2
Occupancy, U, Without Sprinklers, Distance: 300 ft

Buildings with one exit: Table 1021.2 N/A

Corridor Widths: 1016, Table 1018.2
Occupancy less than 50, 36 inches

Exterior Wall Fire Resistance: Tables 601 and 602 N/A

Zoning:
ARS (Current SR-5)

Setbacks:
Front 50'
Side 20'
Rear 50'

Height:
20'-0" ft. for Greenhouse
Actual 35 ft.

Coverage Maximum 50%.

Chino Valley Landscape Requirements

All plant materials, regardless of what they are selected from the ADNR drought-tolerant/low water use plant lists and meet the following minimum sizes at the time of planting:

- Trees: 75% of trees must be a minimum of 15 gallon. 25% must be 24" box or larger.
- Shrubs: Minimum 5 gallon or better.
- Palms: Minimum 10 gallon or better.
- Grasses: Minimum 10 gallon or better.
- All required shrubs and trees shall be mulched and maintained with shredded hardwood bark, cypress, or gravel mulch. Plant groupings shall be mulched in a continuous bed.

- Multiple-family, Office, Commercial and Industrial Districts
a. Front yard Landscaping, A ten (10) foot wide landscape strip is required along the properties street frontage.
b. Depth of yard
The buffer yard shall be ten (10) percent of the lot width or depth, whichever is applicable, provided that no buffer yard shall be less than ten (10) feet in width, and no buffer yard shall be required to be more than twenty (20) feet in width
- Minimum Landscaping Pattern. The minimum landscaping pattern shall include the following frequency:
a. Four (4) trees per 400 square feet of required landscaped area.
b. Four (4) shrubs per 400 square feet of required landscaped area. Clustering of trees and shrubs is encouraged.

20' Front Landscape Yard.

Trees:
413/20 = 21 Trees required
45 Trees provided
6 Trees 24" Box
7 Flowering Pear - Fraxinus velutina, 30' Height 15' Width;
7 Arizona Ash - Fraxinus velutina, 30' Height 20' Width;
7-Spartan Juniper - Juniperus chinensis 'Spartan', 20' Height 5' Width;
2 24" Box, 5-15 Gallon
2 24" Box, 5-15 Gallon

Shrubs:
413/20 = 8,260 sf/400 x 4 = 54 Shrubs required
21 Shrubs 5 gallon
Shrub Sea green Juniper - Juniperus chinensis 'Sea Green'
Ground Cover:
Gravel

20' Sideyard landscape East Property Line. Trees are Existing

Trees:
1,243/20 = 62 Trees required (Deducted 40' front and rear landscape- So as to not count twice)
15 Trees 24" Box
52 Arizona Ash - Fraxinus velutina, 30' Height 20' Width, 24"oc
155 Trees Provided
155 Trees Provided
The additional trees will offset and replace the shrubs =
12,430 sf/400 x 4 = 124 Shrubs required.

Shrubs:
The additional trees will offset and replace the shrubs =
12,430 sf/400 x 4 = 124 Shrubs required.

Ground Cover:
Gravel

20' Sideyard landscape West Property Line.

Trees:
1,243/20 = 62 Trees required (Deducted 40' front and rear landscape- So as to not count twice)
15 Trees 24" Box
52 Arizona Ash - Fraxinus velutina, 30' Height 20' Width, 24"oc
103-Spartan Juniper - Juniperus chinensis 'Spartan', 20' Height 5' Width;
155 Trees Provided
The additional trees will offset and replace the shrubs =
12,430 sf/400 x 4 = 124 Shrubs required.

Shrubs:
The additional trees will offset and replace the shrubs =
12,430 sf/400 x 4 = 124 Shrubs required.

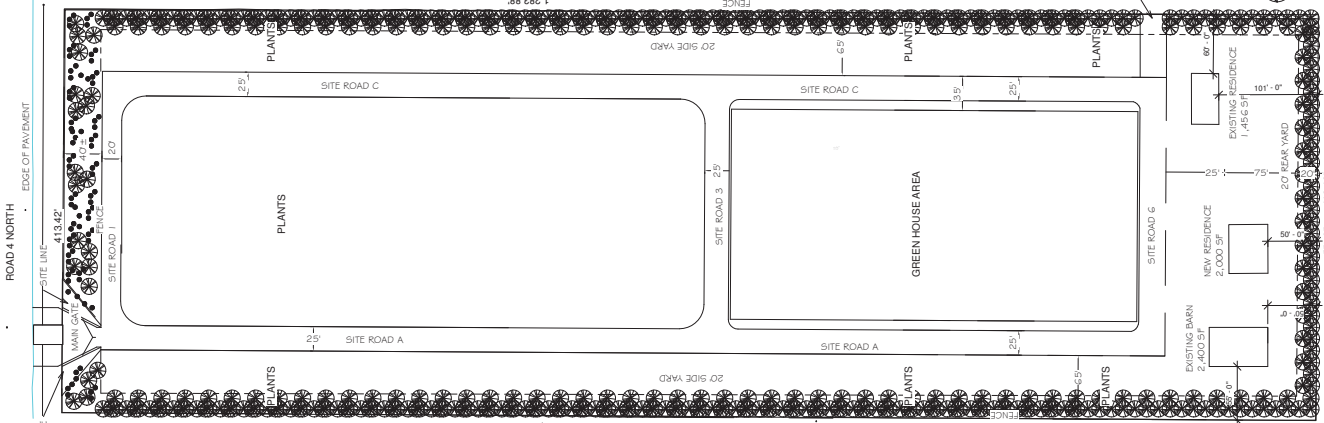
Ground Cover:
Gravel

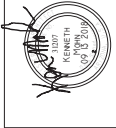
20' Rear Landscape Yard. South Property Line.

Trees:
413/20 = 21 Trees required
15 Trees-15 Gallon
6 Trees-24" Box
17-Aziona Ash - Fraxinus velutina, 30' Height 20' Width, 24"oc
34-Spartan Juniper -Juniperus chinensis 'Spartan', 20' Height 5' Width"; 12"oc
51 Trees provided
The additional trees will offset and replace the shrubs =
413x20 = 8,260 sf/400 x 4 = 54 Shrubs required.

Shrubs:
The additional trees will offset and replace the shrubs =
413x20 = 8,260 sf/400 x 4 = 54 Shrubs required.

Ground Cover:
Gravel





This is a professional seal for the State of Arizona. It contains the name KENNETH MOHN ARCHITECT and the year 2018. The seal is circular with a star in the center.

KMA

Kenneth Mohn Architect
3915 West Roadrunner Drive
Chino Valley, Arizona 86323
mohnarch@cablone.net
Office 928-710-5530

PV Growers CV Nursery

No.	Description	Date

Site Plan

Project number	2018-21
Date	09/2018
Drawn by	KMA
Checked by	KMA

A0

Scale: 1" = 60'-0"

Ed 61011 8100816

ORDINANCE NO. 2019-866

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 12.35 ACRES OF REAL PROPERTY GENERALLY LOCATED APPROXIMATELY .25 MILE EAST OF THE SOUTHEAST CORNER OF NORTH ROAD 1 WEST AND WEST ROAD 4 NORTH, AT 683 WEST ROAD 4 NORTH, FROM SR-1 (SINGLE FAMILY RESIDENTIAL-1 ACRE MINIMUM) TO CL (COMMERCIAL LIGHT) ZONING DISTRICT.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the "Town Council") desires to amend the Town of Chino Valley Official Zoning Map for a ± 12.35 acre parcel zoned SR-1 (Single Family Residential-1 acre minimum) to CL (Commercial Light); and

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission recommended denial of the rezoning; and

WHEREAS, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. The Official Zoning Map is hereby amended for property consisting of approximately 12.35 acres, described in Exhibit 1 and shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by this reference, to rezone it from SR-1 (Single Family Residential-1 acre minimum) to CL (Commercial Light). The Property described herein shall be used in accordance with the Town of Chino Valley Unified Development Ordinance, and subject to the following stipulations:

1. No more than two residential structures will be allowed on the property.
2. A second residence shall be limited to no more than 12,000 square feet of livable space.

Section 3. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 26th day of March, 2019.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2019-866 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on March 26, 2019, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

EXHIBIT 1
TO
ORDINANCE NO. 2019-866

[Legal Description]

See following pages.

All that portion of Section 10, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the North Quarter Corner of said Section 10;

Thence South $90^{\circ}00'00''$ West, along the North line of said section, a distance of 493.90 feet;

Thence South $00^{\circ}02'04''$ East, a distance of 40.00 feet;

Thence South $90^{\circ}00'00''$ West, a distance of 413.42 feet to the TRUE POINT OF BEGINNING;

Thence Continuing South $90^{\circ}00'00''$ West, a distance of 413.42 feet;

Thence South $00^{\circ}08'14''$ West, a distance of 1283.88 feet;

Thence North $89^{\circ}59'35''$ East, a distance of 415.35 feet;

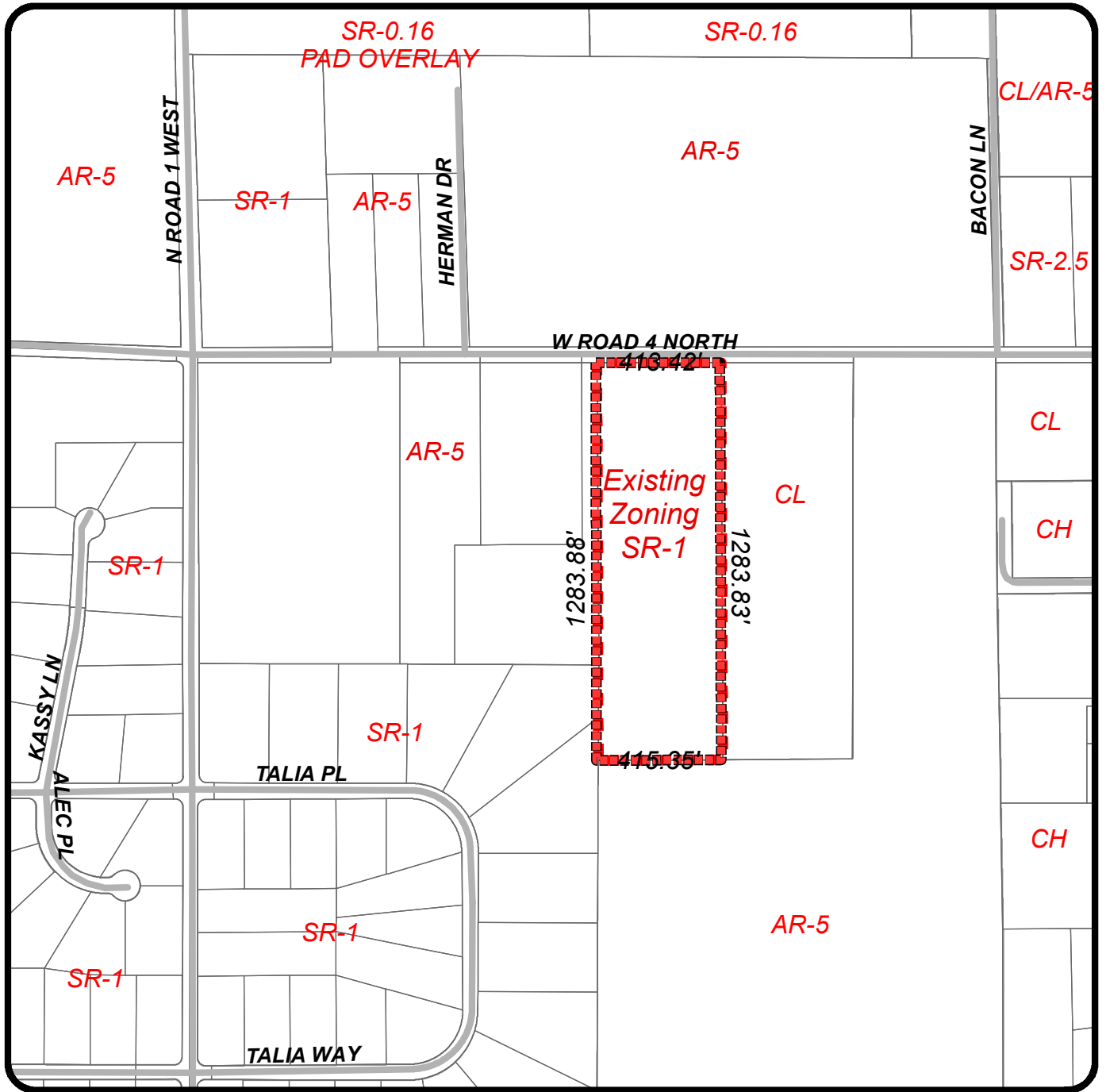
Thence North $00^{\circ}03'05''$ East, a distance of 1283.83 feet to the POINT OF BEGINNING.

EXHIBIT 2
TO
ORDINANCE NO. 2019-866

[Zoning Exhibit]

See following pages.

Zoning Exhibit 2



Z18-000019: COX

■ ■ ■ Subject Property

Applicant: Catherine Cox

Request: Rezone 12.35 acres from SR-1 zoning district to CL zoning district.

Location: 683 West Road 4 North Chino Valley, Arizona, 86323

APN: 306-14-003S



Not to Scale



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.b.

Meeting Date: 03/26/2019

Contact Person: Alex Lerma, Planner
Phone: 928-626-4427 x-1295

Department: Development Services

Item Type: Action-Presentation

**Estimated length
of staff presentation:** 5 minutes

Physical location of item: Located approximately .25 miles east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North.

AGENDA ITEM TITLE:

Consideration and possible action to approve a Conditional Use Permit (CUP19-001) for 12.35 acres (approximately 535,788 sq. ft.) of real property located approximately 0.25 miles east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North, Assessor's Parcel Number 306-14-003S, to allow the existing single family residential use within the CL (Commercial Light) zoning district. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

RECOMMENDED ACTION:

Staff recommends that Town Council approve Conditional Use Permit (CUP19-001) for APN 306-14-003S to allow the existing single family residential use within the Commercial Light zoning district with the following condition:

- 1) No more than two (2) residential structures will be allowed on the property.
- 2) Second residence will be limited to no more than 12,000 square feet.

The Planning and Zoning Commission recommendation that Town Council deny Conditional Use Permit (CUP19-001) for APN 306-14-003S to allow the existing single family residential use within the Commercial Light zoning district.

SITUATION AND ANALYSIS:

See attached Staff Report.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Cox CUP Staff Report
Cox CUP Site Plan
Cox CUP Letter



TOWN OF CHINO VALLEY TOWN COUNCIL

Staff report March 26, 2019

APPLICATION SUMMARY

File Number: Z18-000019

Assessor's Parcel Number: 306-14-003S

Site Location: Located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North.

Owners of Record: Donald K. Cox and Catherine Cox

Applicant: Prescott Valley Growers, Catherine Cox

Request: Request to rezone approximately 12.35 acres of real property from SR-1 (Single Family Residential- 1 acre minimum) to CL (Commercial Light) to allow wholesale nursery.

Request for a CUP (Conditional Use Permit) to allow the existing residential use within the CL (Commercial Light) zoning district.

SITE DATA

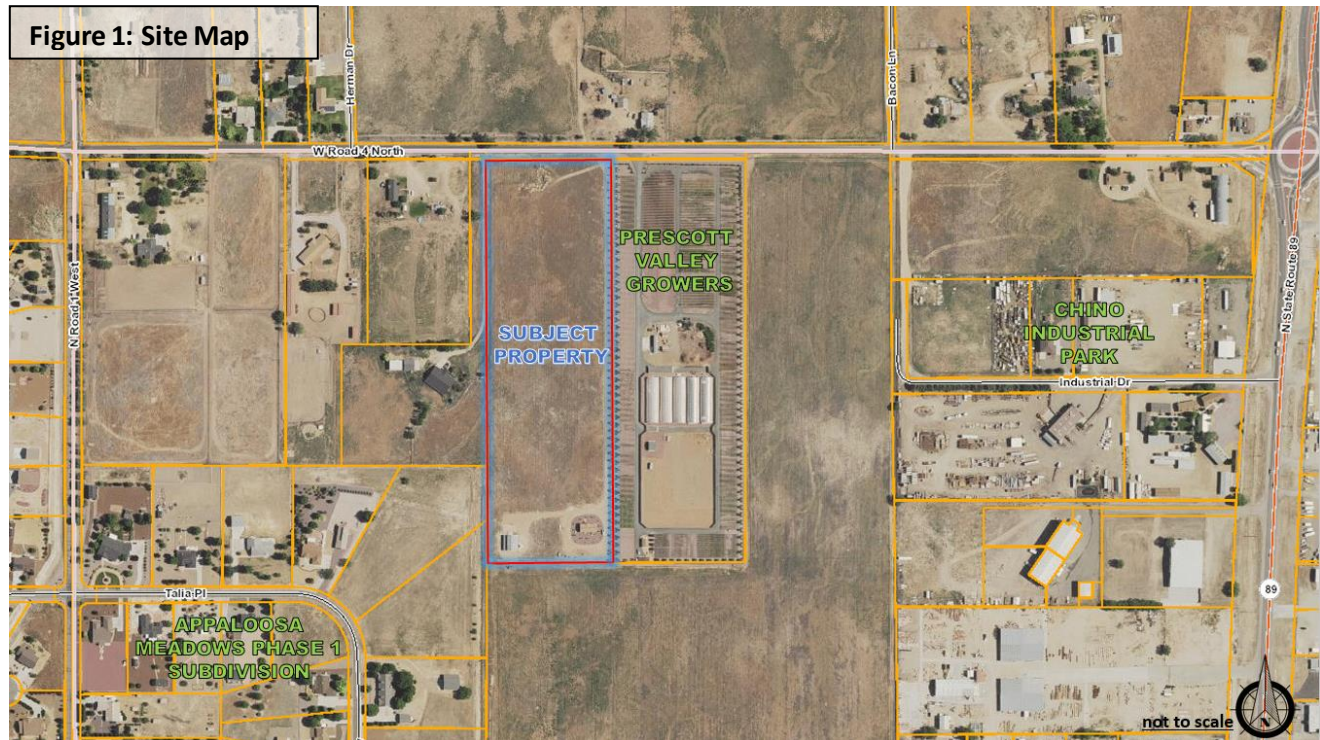
Existing Zoning	SR-1 (Single Family Residential- 1 acre minimum)
Lot Size	12.35 acres (approx. 535,788 sq. ft.)
Subdivision	N/A
General Plan Land Use Designation	Commercial/ Multi-Family Residential
Existing Land Use	Single Family Residence

BACKGROUND

SITE DESCRIPTION

The subject property is located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North. The property is accessed by West Road 4 North. The site has a zoning classification of SR-1 (Single Family Residential- 1 acre minimum) and identified with a Land Use Designation of Commercial/Multi-Family Residential. Improvements to the site include a single

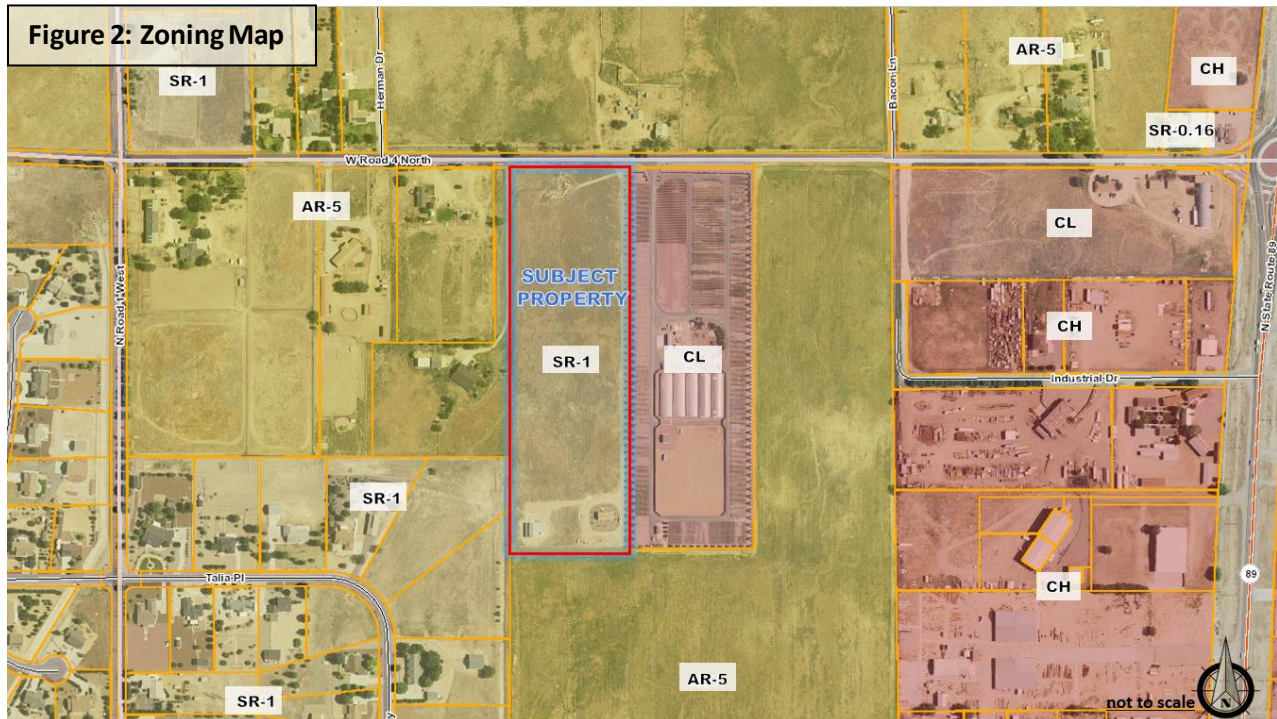
family residence and an accessory structure. **See Figure 1.**



SURROUNDING PROPERTIES ZONING AND LAND USES

The area is predominantly low/medium density single family residential development and commercial development further east. The property directly north is zoned AR-5 (Agricultural Residential- 5 Acre Minimum) with a residence and agricultural land. To the east, properties are zoned CL (Commercial Light), AR-5 (Agricultural Residential- 5 Acre Minimum) and CH (Commercial Heavy). The property directly east is Chino Valley Growers tree nursery. Further east are vacant land and commercial properties. The south property is zoned AR-5 (Agricultural Residential- 5 acre Minimum) and is currently vacant. To the west, properties are zoned AR-5 (Agricultural Residential- 5 Acre Minimum) and SR- 1 (Single Family Residential- 1 Acre Minimum) with vacant land and single family residential development. **See Figure 2**

AREA	ZONING	GENERAL PLAN LAND USE DESIGNATION	LAND USE
North	AR-5	Medium Density Residential (2 ac or less)	Agricultural Residential
East	CL, AR-5, CH	Medium Density Residential (2 ac or less)	Vacant , Commercial Properties
South	AR-5	Medium Density Residential (2 ac or less)	Single Family Residence, Vacant
West	AR-5, SR-1	Medium Density Residential (2 ac or less) Commercial/Multi-Family Residential	Single Family Residence, Appaloosa Meadows Subdivision



PROJECT DESCRIPTION

Prescott Valley Growers is a family owned tree and shrub wholesale supply company. They have been supplying plants and trees to the wholesale landscape trade since 1991. They currently occupy the property directly east of the subject parcel for their business as well as another location in Prescott Valley.

The applicant is requesting to rezone the property from SR-1 to CL in order to allow wholesale nursery. The applicant plans to install post and wire rows for trees and greenhouses for shrubs and perennials. This will be similar to the tree farm they currently operate to the east of the subject parcel. All four sides of the property will have extensive, permanent landscaping to beautify and shelter the trees.

The applicant is also applying for a CUP (Conditional Use Permit) to allow the existing single-family residential use within the CL (Commercial Light) zoning district. The yard foreman will occupy the existing house and an additional house is planned for development in the near future. The existing barn is being used for storage purposes. **See Appendix A: Site Plan**

CITIZENS REVIEW & PUBLIC HEARING PROCESS

Town Staff notified property owners within a 300' radius, resulting in eight (8) notices for the neighborhood meeting and public hearings. To date, staff has received an email from a property owner directly west of the subject property. The concerns he raised dealt with the potential decrease of his property value being next to a commercial business and the risk of negative impact the commercial business might cause. He concluded by requesting a privacy fence or barrier between both properties.

The neighborhood meeting was held on October 15, 2018 at Town Hall. There were four residents who attended the meeting. Those who attended were provided a conceptual site plan of the subject property.

Mrs. Cox explained to them her desire to develop the subject property as a nursery similar to her property to the east.

One property owner was concerned about the nursery being open to the public and becoming similar to retail and by doing so would increase traffic in the area. Mrs. Cox clarified that the intent was to use the property for growing and for wholesale. She explained that all shrubs and trees would be shipped to their Prescott Valley location once orders were placed. Staff informed the residents that if the subject property was to be rezoned to the requested CL (Commercial Light) zoning district, by right the property could develop into any of the land uses allowed within the CL classification.

A neighboring property owner also raised the issue that rezoning the subject property to Commercial Light would start a pattern of commercial development further west along West Road 4 North. Staff clarified that when applicants request a change of zoning on their properties, said properties need to be in conformance with the Town of Chino Valley General Plan land use designations. Staff explained that the area west of the subject property has a land use designation of Medium Density Residential (2 acres or less) on the General Plan Map and that the Town did not foresee any commercial development west of the subject property.

PLANNING AND ZONING MEETING

The item went before the Planning and Zoning Commission on November 6, 2018. Staff gave a brief presentation regarding the applicant's intentions for developing the property into a wholesale nursery and presented staff findings and analysis. During discussions between the Commission, staff and the applicant, the Commission inquired about the traffic that would be generated by the proposed use. The applicant stated that typically there would be two trucks per week onsite and a couple times a year there would be shipments coming in from other suppliers.

One of the Commissioners stated that wholesale growing of trees and bushes was an agricultural use and that staff should explore the AR-5 zoning, which would be a more appropriate zone for a nursery use. Staff stated that the AR-5 zoning would limit the applicant to whole sale use and that the applicant wanted the option of having outside sales in the future. Staff further stated that there are 4 other nurseries in Town. Three of those nurseries are in a commercial zoning district. Bonnie Plants, which is located in the AR-5 zoning district, is a commercial green house where all growing is done within enclosed greenhouses. Staff stated that the General Plan designation of the property was Commercial/Multi-Family Residential and that the CL zoning district was in conformance with its General Plan land use designation.

During public comment, two residents spoke in opposition of the CL zoning request, stating that the zoning district would allow all the permitted uses within the proposed zoning district and that in the future the applicant could sell the property and that the nursery could be converted into another type of commercial use.

The Commission voted on continuing the item to the next scheduled Planning and Zoning Commission meeting to give staff some time to do further research and see if limitations of uses could be put on the zoning district.

FOLLOW UP TO PLANNING AND ZONING MEETING

Staff met with the applicant after the Planning and Zoning meeting to discuss the options available for here going forward.

Staff determined that permitted uses within any zoning district are uses that are allowed by right by the Unified Development Ordinance. Since these uses are allowed by right, Staff cannot prohibit any list of uses through a condition of approval or other means. Doing so would violate the uniformity requirements of the UDO.

DECEMBER 4TH PLANNING AND ZONING MEETING

The item went before the Planning and Zoning Commission as a continued item on December 4, 2018. Staff presented a brief summary of the project and discussed follow up conversations between staff and the applicant. Staff noted that neither the Commission nor staff could put limitations or prohibit any uses that are allowed by right on the requested zoning. Staff indicated that the applicant did not want to revise the application and wanted to proceed forward with the CL zoning request to allow the option for outside sales of nursery stock for the future.

The Commission asked for clarification on why a Conditional Use Permit was needed. Staff explained that the subject property has an existing home located to the rear of the property. The CUP is needed to bring the residential use into conformance within the CL zoning district if the requested zone change is approved. In addition, staff stated that the applicant desired to locate a second residence on site as shown in the submitted site plan. Staff concluded that the Unified Development Ordinance did not limit the number of residences when requested through a CUP, and that staff recommends add two conditions of approval for the CUP limiting the property to two (2) homes and regulating the size of the second home.

Some of the Commissioners voiced their concerns about the future uses of the site permitted by the CL zoning district and the impact such uses would have on surrounding residential properties.

Vote for Recommendation of approval for Rezone Request Vote: 3-4 Failed

Vote for Recommendation of denial for CUP: 5-2 Passed

STAFF ANALYSIS AND RECOMMENDATION

GENERAL PLAN CONFORMANCE

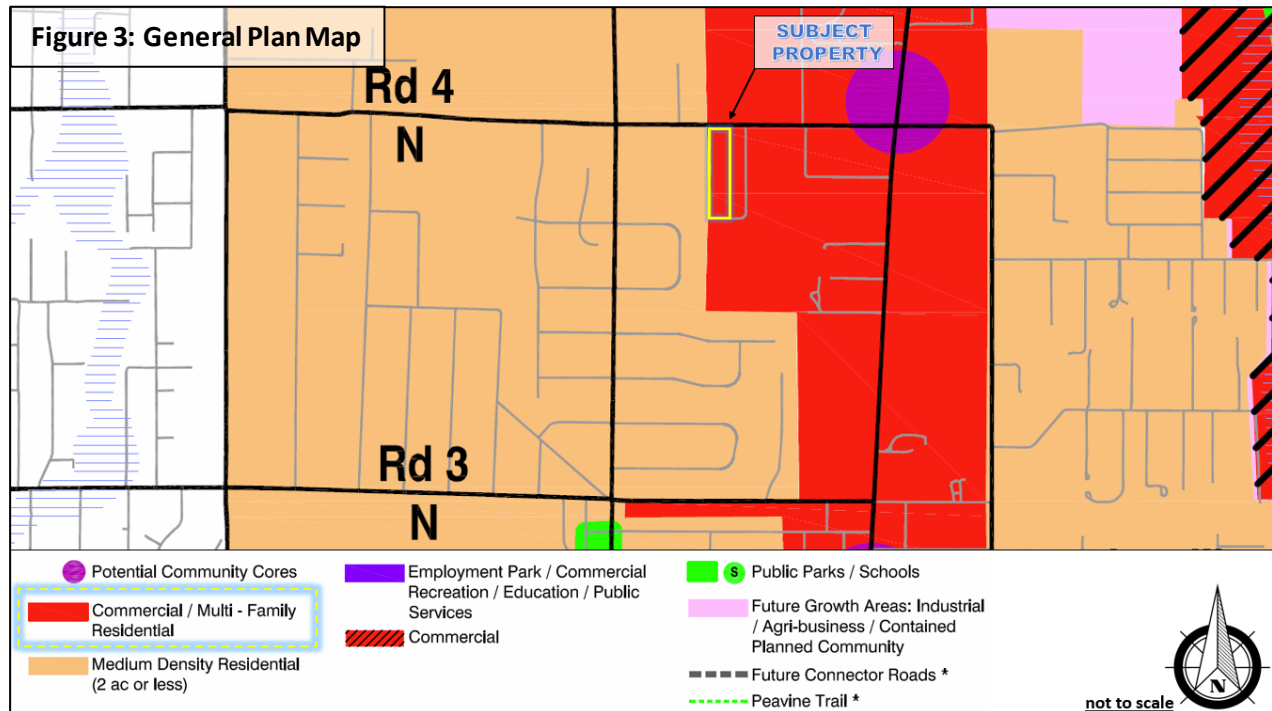
The zoning request of CL (Commercial Light) will be in conformance with the property's Commercial/ Multi- Family Residential General Plan land use designation. The Commercial/ Multi- Family Residential designation will continue to focus on the Land Use Goals and Strategies promoting local commercial businesses. **See Figure 3: General Plan Map**

ZONING

Section 3.15.B.14 of the Unified Development Ordinance list “indoor and outdoor sales of nursery stock” as a permitted use in the Commercial Light zoning district. The operation and design of the site will be very similar to the property to the east. The landscaping along the property perimeters will serve not only as a means to beautify the property but will also serve as a natural buffer from the single family residential lots to the west and all other future residential development in the area. The impact of a whole sale nursery will have minimal impact on surrounding properties. If the applicant decides to open up the nursery to the public for outside retail, the site will be regulated at a staff level so that impact on surrounding properties be minimal.

CONDITIONAL USE PERMIT

Section 3.15.C.1 list Single-family residences as a permitted use in the Commercial Light zoning district with a Conditional Use Permit. The Conditional Use Permit is subject to discretionary approval by Council if the location and context of the site is suitable for the requested use. The subject property is located in a residential area with single family residence/agricultural residential zoning to the west and south of the subject property.



Based upon the above considerations, Staff recommends **APPROVAL** the requested zone change and Conditional Use Permit with the following for the CUP:

- 1) No more than two (2) residential structures will be allowed on the property.
- 2) Second residence will be limited to no more than 12,000 square feet.

RECOMMENDATION ON REQUESTED REZONE

Staff recommends that Town Council adopt Ordinance 2019-866 rezoning 12.35 acres of real property from SR-1 (Single Family Residential- 1 acre minimum) zoning district to CL (Commercial Light) zoning district.

The Planning and Zoning Commission recommendation that Town Council deny Ordinance 2019-866 rezoning 12.35 acres of real property from SR-1 (Single Family Residential- 1 acre minimum) zoning district to CL (Commercial Light) zoning district.

RECOMMENDATION ON REQUESTED CONDITIONAL USE PERMIT

Staff recommends that Town Council approve Conditional Use Permit (CUP19-001) for APN 306-14-003S to allow the existing single family residential use within the Commercial Light zoning district with the following condition:

- 1) No more than two (2) residential structures will be allowed on the property.
- 2) Second residence will be limited to no more than 12,000 square feet.

The Planning and Zoning Commission recommendation that Town Council deny Conditional Use Permit (CUP19-001) for APN 306-14-003S to allow the existing single family residential use within the Commercial Light zoning district.

Owner
C. J. P. and Donald Cox
6750 North Viewpoint Drive
Prescott Valley, Arizona 86315-4331

Building Classification and Code Analysis Data

Building Code:
2012 International Building Code,
2012 International Residential Code,
2012 Administrative Code,
2012 International Existing Building Code,
ADAGG, 2010 ICC/ANSI,
2011 National Electrical Code,
2011 National Fire Protection Code,
2012 International Plumbing Code,
2012 International Fire Code,
2012 International Fuel Gas Code,
State Office for Manufactured Homes

Design Criteria:
30lb
90mph Exposure C
Category C
Shrub
4

Wind Speed:
Scientific Design:
100 mph
Climate Zone:

Project Description:
New Nursery, New Green Houses, Existing Residence to Remain,
Existing Storage Building to remain, New Residence, Current Zoning SR-1, Change zoning to CL

Site Data
Address: 685 West Road 4 North
City: Prescott Valley
County: Cocondo
State: Arizona
Site Area:
12.35 Acres

Building Data
Floor area:
Future Green Houses:
30,000 to 40,000 sf
Existing Green Houses:
2,400 sf
Existing Barn:
2,000 sf
New House:
2,000 sf

Occupancy Group: Chapter 3
R, Residential
U, Agriculture

Type of Construction: Section 602
Type 5, B Non-Sprinklered

Maximum travel distance: Table 1016.2
Occupancy, U, Without Sprinklers, Distance: 300 ft

Buildings with one exit: Table 1021.2 N/A

Corridor Width: 1016, Table 1018.2
Occupancy less than 50, 36 inches

Exterior Wall Fire Resistance: Tables 601 and 602 N/A

Zone:
ARS (Current SR-5)

Setbacks:
Front 50'
Side 20'
Rear 50'

Height:
20'-0" ft. for Greenhouse
Actual 35 ft.

Coverage Maximum 50%.

Chino Valley Landscape Requirements

All plant materials, regardless of what they are selected from the ADNR drought-tolerant/low water use plant lists and meet the following minimum standards at the time of planting:
i. Trees: 75% of trees must be a minimum of 15 gallon. 25% must be 24" box or larger.
ii. Shrubs: Minimum 5 gallon or better.
iii. Groundcover: Minimum 1" deep, 4" wide, and 100% cover.
iv. All required shrubs and trees shall be mulched and maintained with shredded hardwood bark, cypress, or gravel mulch.
v. Plant groupings shall be mulched in a continuous bed.
vi. Multiple-family, Office, Commercial and Industrial Districts
a. Front yard Landscaping, A ten (10) foot wide landscape strip is required along the properties street frontage.
b. Depth of yard
The buffer yard shall be ten (10) percent of the lot width or depth, whichever is applicable, provided that no buffer yard shall be less than ten (10) feet in width, and no buffer yard shall be required to be more than twenty (20) feet in width.
c. Minimum Landscaping Pattern. The minimum landscaping pattern shall include the following frequency:
i. Four (4) trees per 400 square feet of required landscaped area.
ii. Four (4) shrubs per 400 square feet of required landscaped area. Clustering of trees and shrubs is encouraged.

20' Front Landscape Yard.

Trees: 413/20 = 21 Trees required
413/20 = 21 Trees required
6 Trees 24" Box
7 Flowering Pear - Prunus Californica, 30' Height 15' Width;
7 Arizona Ash - Fraxinus Velutina, 30' Height 20' Width;
7 Spartan Juniper - Juniperus Chinenis* Spartan, 20' Height 5' Width;
2 24" Box, 5-15 Gallon
2 24" Box, 5-15 Gallon

Shrubs: 413/20 = 8, 260 sf/400 x 4 = 54 Shrubs required
21 Shrubs 5 gallon
Shrub Sea green Juniper - Juniperus Chinenis 'Sea Green'
Ground Cover:
Gravel

20' Sideyard Landscape - East Property Line. Trees are Existing

Trees: 1,243/20 = 62 Trees required (Deducted 40' front and rear landscape- So as to not count twice)
1,243/20 = 62 Trees required
15 Trees 24" Box
52 Arizona Ash - Fraxinus Velutina, 30' Height 20' Width, 24"oc
15 Trees Provided
155 Trees Provided
The additional trees will offset and replace the shrubs =
12,430 sf/400 x 4 = 124 Shrubs required.

20' Sideyard landscape - West Property Line.

Trees: 1,243/20 = 62 Trees required (Deducted 40' front and rear landscape- So as to not count twice)
1,243/20 = 62 Trees required
15 Trees 24" Box
52 Arizona Ash - Fraxinus Velutina, 30' Height 20' Width, 24"oc
103 Spartan Juniper - Juniperus Chinenis* Spartan, 20' Height 5' Width;
155 Trees Provided
The additional trees will offset and replace the shrubs =
12,430 sf/400 x 4 = 124 Shrubs required.

20' Rear Landscape Yard. South Property Line.

Trees: 413/20 = 21 Trees required
413/20 = 21 Trees required
6 Trees 24" Box
17 Arizona Ash - Fraxinus Velutina, 30' Height 20' Width, 24"oc
34 Spartan Juniper - Juniperus Chinenis* Spartan, 20' Height 5' Width; 12"oc
51 Trees provided
The additional trees will offset and replace the shrubs =
413/20 = 8, 260 sf/400 x 4 = 54 Shrubs required.

Ground Cover:

Gravel

Site Plan

Project number 2018-21
Date 09 2018
Drawn by KMA
Checked by KMA
Scale 1" = 60' 0"

Site Plan

Project number 2018-21
Date 09 2018
Drawn by KMA
Checked by KMA
Scale 1" = 60' 0"

Site Plan

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Date 09 2018
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Date 09 2018
Drawn by KMA
Checked by KMA
Scale 1" = 60' 0"

Site Plan

Project number 2018-21
Date 09 2018
Drawn by KMA
Checked by KMA
Scale 1" = 60' 0"

Site Plan

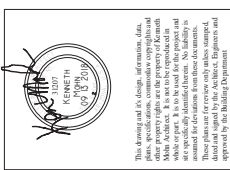
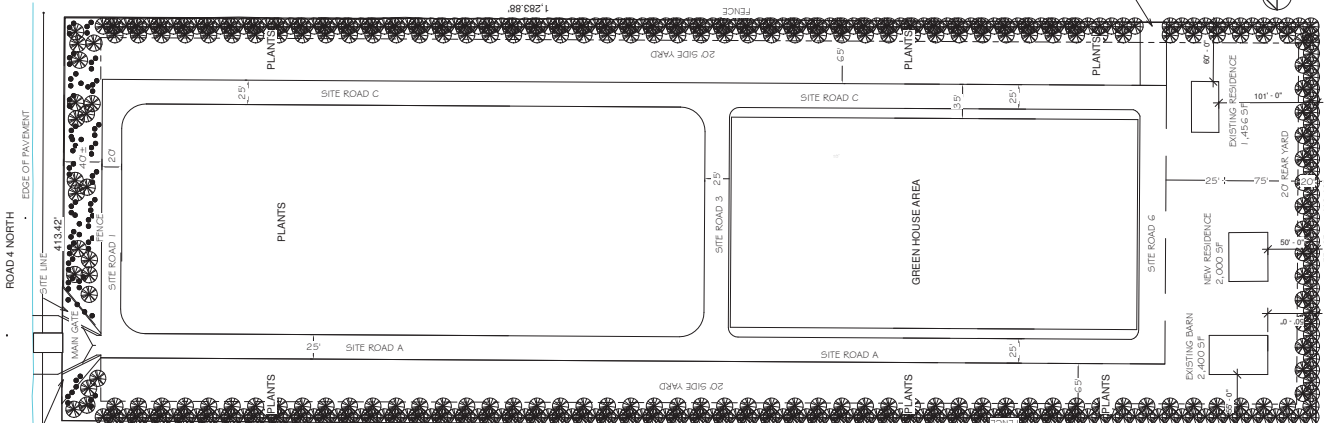
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Date 09 2018
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Scale 1" = 60' 0"

Site Plan

Project number 2018-21
Date 09 2018
Drawn by KMA
Checked by KMA
Scale 1" = 60' 0"

Site Plan

Project number 2018-21
Date 09 2018
Drawn by KMA
Checked by KMA
Scale 1" = 60' 0"



KMA
Kenneth Mohn Architect
3915 West Roadrunner Drive
Chino Valley, Arizona 86323
mohnarch@cablone.net
Office 928-710-5530

PV Growers CV Nursery

No.	Description	Date

Site Plan	
Project number	2018-21
Date	09 2018
Drawn by	KMA
Checked by	KMA
Scale	1" = 60' 0"

March 26, 2019

Catherine Cox
6750 North Viewpoint Drive
Prescott Valley, AZ 86315

RE: Conditional Use Permit (C19-001)
Conformity of existing single family residential use in the CL (Commercial Light)
zoning district

On January 22, 2019, the Chino Valley Town Council approved a Conditional Use Permit in the above-referenced case for approximately 12.35 acres of property located at 683 West Road 4 North, as shown on Exhibits 1 (legal description) and 2 (map), which are attached hereto and incorporated herein. The minutes from the Town Council meeting are available from the Town Clerk or online at chinoaz.net.

The Use Permit permits the existing single family residential use within the Commercial Light zoning district. The use and operation permitted by the Use Permit shall substantially conform to the Design Plan, attached hereto and incorporated herein as Exhibit 3.

This Use Permit is subject to the following conditions:

1. No more than two (2) residential structures will be allowed on the property.
2. Second residence will be limited to no more than 12,000 square feet.

This Use Permit is subject to all limitations set forth in the Chino Valley Unified Development Ordinance and in this Use Permit, including termination and/or revocation. The effective date of this Use Permit is the date upon which Town Council approved said permit.

Please ensure that all public hearing notice signs installed on the site, if any, are removed immediately.

If you have any questions regarding this Use Permit, please contact Alejandro Lerma at 928-636-2646 Ext. 1295 or by email at alerma@chinoaz.net.

Sincerely,



Alejandro Lerma
Planner

Enclosure (Exhibits):

1. Legal Description
2. Map
3. Site Plan

Exhibit 1 – Legal Description

All that portion of Section 10, Township 16 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the North Quarter Corner of said Section 10;

Thence South $90^{\circ}00'00''$ West, along the North line of said section, a distance of 493.90 feet;

Thence South $00^{\circ}02'04''$ East, a distance of 40.00 feet;

Thence South $90^{\circ}00'00''$ West, a distance of 413.42 feet to the TRUE POINT OF BEGINNING;

Thence Continuing South $90^{\circ}00'00''$ West, a distance of 413.42 feet;

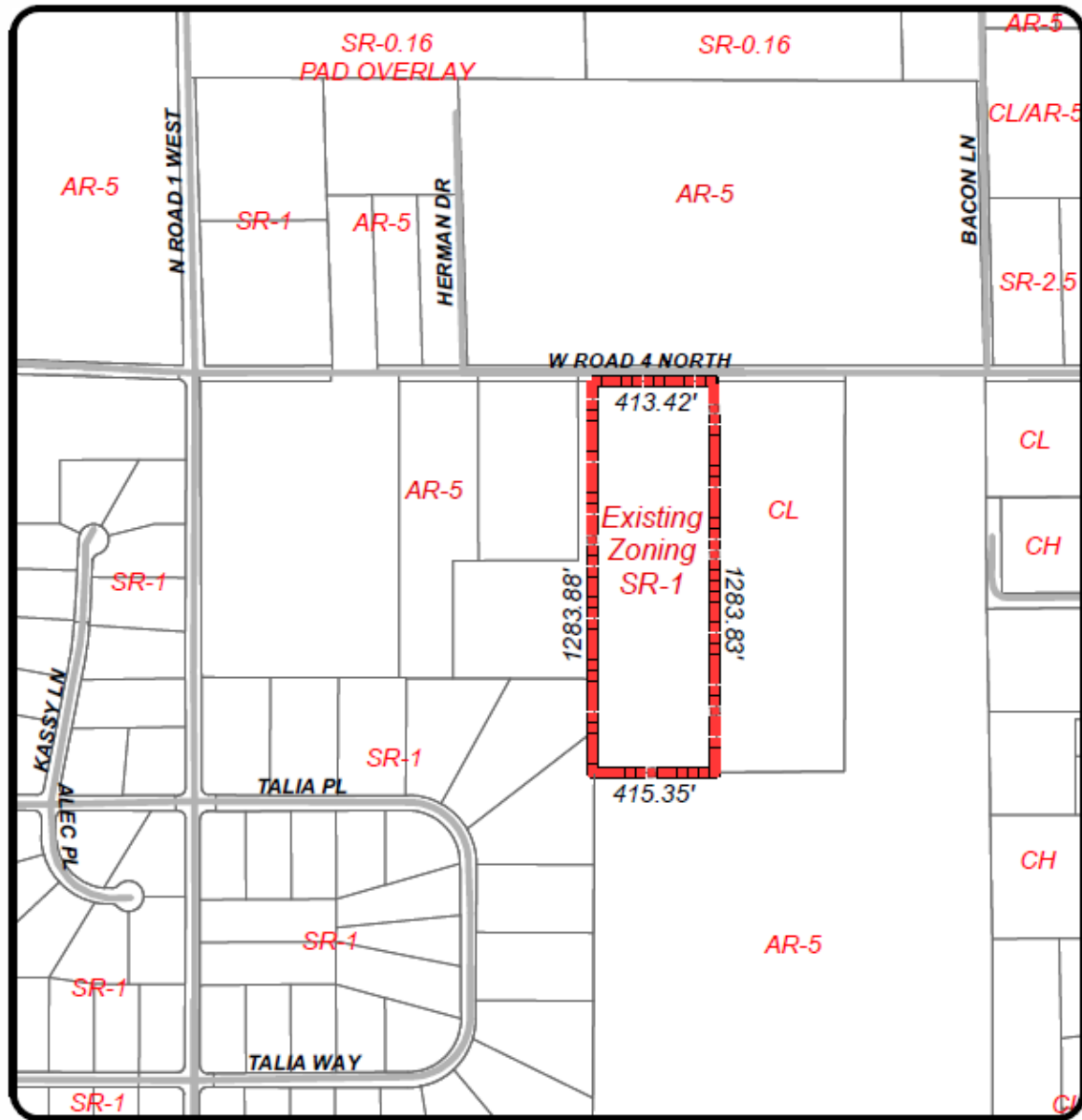
Thence South $00^{\circ}08'14''$ West, a distance of 1283.88 feet;

Thence North $89^{\circ}59'35''$ East, a distance of 415.35 feet;

Thence North $00^{\circ}03'05''$ East, a distance of 1283.83 feet to the POINT OF BEGINNING.

Exhibit 2 – Map

EXHIBIT 2



C18-000006: COX

■ ■ ■ Subject Property

Applicant: Catherine Cox

Request: To make current and future residence in compliance.

Location: 683 West Road 4 North Chino Valley, Arizona, 86323

APN: 306-14-003S



Not to Scale

Exhibit 3 – Design Plan



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.c.

Meeting Date: 03/26/2019
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Item Type: Action Item
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action regarding a proposed modification to the Town's Tax Code to increase the transaction privilege tax rate for manufactured housing sales. (Joe Duffy, Finance Director)

RECOMMENDED ACTION:

Motion to (i) set a public hearing for May 21, 2019, on the proposed modification to the Town's Tax Code to increase the transaction privilege tax rate for manufactured housing sales, (ii) adopt the Notice of Intent attached hereto, (iii) direct staff to, at least 60 days prior to the public hearing on the increase, (a) submit the proposed change to the Arizona Department of Revenue, and (b) post the Notice of Intent and the supporting report and data on the Town's website, social media and other electronic communication tools, and (iii) direct the Town Clerk to publish the Notice of Intent in a newspaper of general circulation in the Town not later than May 13, 2019.

SITUATION AND ANALYSIS:

Issue Statement

The Town's sales tax rate for manufactured buildings was reduced from 4% to 2% in 2017. The Council desires to review the issue and consider increasing the rate from 2% up to 4%.

Applicable "Policy"

Town Tax Code Section 32.25-427 setting the sales tax rate for manufactured buildings at 2%.

Satisfaction of "Policy"

Summary of Issues and Staff Rationale

Council reviewed the sales tax collections related to manufactured housing at their February 26, 2018 meeting. Council directed staff to begin the process required to change the tax rate. A public hearing on the proposed rate change is required by law, with 15 days' written notice prior to the hearing. Staff proposes to have the public hearing on May 15, 2019, after which the Council may approve the proposed modification or amendment to the Tax Code.

Fiscal Impact

Fiscal Impact?: NO
If Yes, Budget Code:
Available:
Funding Source:

Attachments

Rate Change Timeline
Notice of Intent

Sales Tax Rate Cange
Sec. 4-1-427 Manufactured Buildings Sales Tax Rate

Date	ARS	Action Item
March 26, 2019	42-6054	Council approves submitting the proposed change to ADOR, posting the proposed increase as required by 9-499.15 and setting a public hearing for May 28, 2019
March 27, 2019	9-499.15	Post proposed increase and report on website home page 60 days prior to approval by Council. Must also use social media, etc.
March 27, 2019	42-6053(B)	Submit proposed change to ADOR 60 days prior to the effective date of the change
May 13, 2019	9-499.15(b)(4) 42-6054	Publish notice of intent and notice of public hearing 15 days prior to the hearing.
May 28, 2019		Council holds public hearing, adopts ordinance approving rate change and effective date.
May 29, 2019	42-6053 (E)	Submit approved change to ADOR, MTCC, and league within 10 days of adoption by Council.
August 1, 2019	42-6054 (D)	Effective Date of Rate Change (at least 30 days after the increase adoption).

**TOWN OF CHINO VALLEY, ARIZONA
PUBLIC NOTICE**

**NOTICE OF INTENT TO INCREASE THE TOWN'S
TRANSACTION PRIVILEGE TAX RATE ON MANUFACTURED
HOUSING SALES PURSUANT TO A.R.S. § 9-499.15**

The Town Council of the Town of Chino Valley, Arizona, at a public meeting on March 26, 2019, adopted a motion to approve a Notice of Intent that the Town of Chino Valley intends to increase its transaction privilege tax rate for manufactured housing sales.

The proposed increase is based upon a written report and data prepared by the Town Finance Director. A schedule of the increase and a copy of the written report and data supporting the increase may be reviewed during normal office hours, Monday through Thursday from 8:00 a.m. to 5:00 p.m. at the office of the Town Clerk of the Town of Chino Valley, located in Town Hall at 202 North State Route 89, Chino Valley, Arizona. A copy of the written report and data is also available on the Town of Chino Valley website, www.chinoaz.net.

The Chino Valley Town Council will consider approving the proposed increase at a Public Hearing during the Town Council meeting to be held May 28, 2019, at 6:00 p.m., in the Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

THE PROPOSED INCREASE WILL BECOME EFFECTIVE AUGUST 1, 2019.

This Notice of Intent shall be (i) posted on the Town's website and distributed through the Town's social media accounts and other electronic communication tools not later than 60 days prior to the hearing set forth above for the purposes of complying with A.R.S. § 9-499.15(B)(3) and (4), and (ii) published in a newspaper of general circulation in the Town not later than 15 days prior to the hearing set forth above according to A.R.S. § 42-6054.