Town of Chino Valley

MEETING NOTICE
TOWN COUNCIL

REGULAR MEETING
Tuesday, July 9, 2013
6:00 P.M.

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

AGENDA

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

3) CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Council concerning a subject 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 speaker remarks.

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) Town staff's authority to make recommendations to the Planning and Zoning Commission.

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, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

a) Recognition of Chino Valley FFA Leadership Team for representing the State of Arizona at the FFA annual national convention. (Councilmember Best)

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 the June 11, 2013 regular meeting minutes. (Jami Lewis, Town Clerk)

7) ACTION ITEMS

a) Consideration and possible action to adopt Ordinance No. 13-771 approving a zone change from "CL" Commercial Light to "CH" Commercial Heavy for an approximately 1-acre parcel located at 3440 N. State Route 89, Chino Valley, AZ 86323 and further identified as Assessor's Parcel Number 306-04-028C. Applicant/Property owner: Mary DeWitt, Trustee for the DeWitt Family Revocable Trust. (Dennis Price, Associate Planner)

Recommended Action: Adopt Ordinance No. 13-771 approving the zone change from "CL" to "CH" for Assessor's Parcel Number 306-04-028C.

b) (i) Public Hearing regarding application from Lauren Merrett for the acquisition of control (change of ownership) of an existing Series 10 (Beer and Wine) Liquor License for Maverik, Inc., located at 1060 S. Highway 89, Chino Valley.

(ii) Consideration and possible action to either allow or protest the change of ownership of the Series 10 Liquor License for Maverik, Inc. to the Arizona Department of Liquor Licenses and Control. (Jami Lewis, Town Clerk)

Recommended Action: (i) Hold Public Hearing; (ii) Take no action; OR Protest the acquisition of control of Maverik's Series 10 Liquor License.

c) Discussion and possible direction to staff regarding extension of Road 1 East to Road 4-1/2 South instead of the proposed location. (Councilmember Lon Turner; Councilmember Don Wojcik)

Recommended Action: Direction to staff.

8) EXECUTIVE SESSION

Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the Town's attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03(A)(3).

9) ADJOURNMENT

Dated this 3rd day of July, 2013.

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 636-1787 (TDD) 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/clerk/townagenda.shtml, 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 **Item No. 6. a.**

Meeting Date: 07/09/2013

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 approve the June 11, 2013 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Approve the June 11, 2013 regular meeting minutes.

Attachments

June 11, 2013 minutes

D R A F T

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

TUESDAY, JUNE 11, 2013
6:00 P.M.

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, June 11, 2013.

Present:	Mayor Chris Marley; Vice-Mayor Carl Tenney; Councilmember Mike Best; Councilmember Darryl Croft; Councilmember Dean Echols; Councilmember Linda Hatch; Councilmember Lon Turner
Staff Present:	Town Manager Robert Smith; General Services Director Cecilia Watts; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Senior Accountant Cindy Sandlin; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Police Officer Deana Winn; Court Administrator Ronda Apolinar; Town Engineer/Public Works Director Ron Grittman; Civil Engineer Richard Straub; Utility Supervisor Chris Bartels; Utilities Crew Leader Joe Grassi; Associate Planner Dennis Price; Senior Center Supervisor Cyndi Thomas; Town Clerk Assistant Liz Hart; Town Clerk Jami Lewis (recorder)

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

Mayor Marley called the meeting to order at 6:01 p.m.

Vice-Mayor Tenney gave the invocation and Mayor Marley 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 concerning a subject 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 speaker remarks.

Edith Spain, resident, asked about the funding source for reinstating the employees' 40-hour work week and possibly delaying it another year.

Steve Chontos, Town business owner, asked Council to consider reconfiguring the proposed Road 1 East extension so that it turned at Road 4½ South instead of at the proposed location.

Craig Brown, Yavapai County Supervisor, asked for the Town's input on the draft plan for a connector road between Williamson Valley and the Town via Center Street.

Pat McKee, resident, spoke about Council disallowing accusatory speeches against its members in the future.

Tom Payne, representing the Chino Valley Area Chamber of Commerce, thanked Vice-Mayor Tenney and Councilmember Echols for their service, and welcomed the newly-elected mayor and councilmembers.

Chris Bartels, representing the Chino Valley Recreational Foundation, spoke about the upcoming 4th of July celebration.

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.

Mayor Marley reported on matters raised on May 28, 2013:

- Unnecessary Town spending, interest only loans, and SR89 Committee membership (Norma Bennett) – Council and staff were attempting to keep the budget conservative; consolidating debt and deferring principal to improve cash flow was a common practice; the SR89 Committee was to be disbanded or its membership possibly modified.
- Council Code of Ethics as it related to an incident between a councilmember and a Town employee (Dave Mazy) – Councilmember Hatch had an opportunity to address that during the meeting.
- Incident between a Town employee and a councilmember (Ron Grittman) – Mayor Marley hoped to address that at a future meeting.
- Funding source for the Perkinsville roundabout (Pat McKee) – ADOT had proposed a private-public partnership between ADOT, the Town, certain gravel pit owners, and possibly the future purchaser of the ADOT yard.
- Vendors collecting sales tax at public events (Robert McCaullay) – Mayor Marley read a statement from the town clerk regarding the Town's protocol for event vendors and sales tax.
- Council and staff putting their differences to rest (Paul Eguina) – Mayor Marley will be addressing that in the next mayor's report.

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, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

Councilmember Croft reported on the annual Flag Day ceremony on June 14, sponsored by the Chino Valley Elks.

Councilmember Hatch reported that she had been asked to serve on a nominating committee for NACOG's executive committee.

Mayor Marley spoke about the lack of decorum at the previous meeting and reviewed the procedures for Call to the Public and meeting decorum. He also read the monthly Mayor's Report, which pertained to future business with the new Council.

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.

Council set down items 7b and 7c.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve Consent Agenda items 6a and 6d.

Vote: 7 - 0 PASSED - Unanimously

a) Consideration and possible action to approve the May 28, 2013 regular meeting minutes. (Jami Lewis, Town Clerk)

b) Consideration and possible action to approve Agreement for Professional Services between the Town of Chino Valley and Mayday Consulting, LLC for HUD Home Owner Occupied Housing Rehabilitation Program and Consulting Services for fiscal year 2013/2014. Funds to come from Contingency. (Cecilia Watts, General Services Director)

Staff report:

- On May 28, 2013, Ruth Mayday, Planner/Housing Rehabilitation Manager for the Town of Prescott Valley, and principal of Mayday Consulting, LLC ("Mayday"), presented information to Council regarding the Owner Occupied Housing Rehabilitation Program (Grant) offered through the HOME Investment Partnership Act.
- The Town would like to submit a proposal for such grant, with Mayday preparing, writing, and administering the grant.
- Funding will be: (a) $50.00 / hour for pre-application activities, not to exceed $1,500.00; funds to come from the General Fund; (b) $50.00 / hour for composition of application, not to exceed $2,500.00; funds to come from the General Fund; and (c) if the Town received an award, an hourly rate for program design and contract management, not to exceed ten percent (10%) of HOME funds awarded; funds to come from grant funds.
- Ms. Mayday will work with Town staff and the community in qualifying persons for the grant; coordinate property inspections, prepare the necessary RFPs and perform all the necessary postings for any consideration of repairs to any properties; submit the grant in timely fashion to the Department of Housing; and if the grant was funded, she will administer the grant and maintain all project files during the duration of the grant.
- If awarded, the Town could receive up to $400,000.00 of funding for housing rehabilitation for qualified, owner-occupied housing in Chino Valley.

Michael Edmonds, resident, asked about the contingency fund. Finance Director Joe Duffy reported that these were monies set aside for unexpected expenditures; in fiscal year 2013/2014, all major funds will have a contingency fund.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch, to approve Agreement for Professional Services between the Town of Chino Valley and Mayday Consulting, LLC for HUD Home Owner Occupied Housing Rehabilitation Program and Consulting Services for fiscal year 2013/2014, with funds coming from contingency funds.
Vote: PASSED 7 - 0 - Unanimously

Upon discussing item 6c, Town Attorney Phyllis Smiley recommended that Council reconsider this item.

MOVED by Councilmember Darryl Croft, seconded by Councilmember Linda Hatch, to reconsider item 6b.
Vote: 7 - 0 PASSED - Unanimously

MOVED by Councilmember Darryl Croft, seconded by Councilmember Linda Hatch to table item 6b.

Vote: 7 - 0 PASSED - Unanimously

c) Consideration and possible action to adopt Resolution No. 13-1013 authorizing the Town of Chino Valley to submit an application for State Housing Funds and certifying that said application will meet the Community's Housing and Community Development needs and the requirements of the State Housing programs, and authorizing all actions necessary to implement and complete the activities outlined in said application. (Cecilia Watts, General Services Director)

Ms. Watts' staff report stated that should Council adopt the Agreement with Mayday Consulting, LLC ("Mayday"), the subject resolution will authorize Mayday to prepare and submit a Housing Rehabilitation grant from the Department of Housing for fiscal year 2013/2014, and authorize the Mayor to sign appropriate grant paperwork.

Michael Edmonds, resident, stated that he could not locate Mayday Consulting, LLC, on the Secretary of State's business webpage. Ruth Mayday explained that her LLC was still in process and had not yet cleared the Corporation Commission.

Council expressed some concern about approving a contract with an entity that was not yet legal. Town Attorney Phyllis Smiley advised that it might be wise to table the item until the next meeting, assuming that the LLC will clear by then; and as Council approved the Agreement, they would need to reconsider item 6b.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to table item 6c.

Vote: 7 - 0 PASSED - Unanimously

d) Consideration and possible action to award the construction contract for the remodel of the Town of Chino Valley Library to Jebco Construction in an amount not to exceed $87,866.00. Funds to come from Library Impact Fees, Friends of the Library, Arizona State Library Archives and Yavapai County Library. (Ron Grittman, Town Engineer)

7) ACTION ITEMS

a) ZC 13-001: Consideration and possible action to adopt Ordinance No. 13-769 approving a zone change from "AR-5" Agricultural Residential (5 Acre Minimum) to "SR-1" Single Family Residential (1 Acre Minimum) for a parcel of approximately 5.74 Acres located at 1159 Red Cinder Road, Chino Valley, AZ 86323 and further described as Assessor's Parcel Number 306-18-009P. Owner/Applicant: Donna Jones (Dennis Price, Associate Planner)

Mr. Price reported that:

- The subject property had access from Red Cinder Road and included two single family manufactured homes, barn, and riding arena.
- The applicant desired to split the property into three separate parcels, resulting in a 2.00-acre undeveloped parcel, a 2.00-acre parcel with a residence, and a 1.75-acre parcel with a residence and a barn. All three parcels will have ingress/egress frontage on Red Cinder Road.
- The applicant complied with the required Citizen Participation protocol, holding the neighborhood meeting on May 1, 2013, at which five citizens attended and no opposition was heard.
- The Planning and Zoning Commission held the public hearing on May 21, 2013, with no opposition to the request heard. The Commission voted 4-0 to recommend approval with the findings and stipulations indicated in the Ordinance.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Lon Turner to adopt Ordinance No. 13-769 approving the zone change from "AR-5" Agricultural Residential (5 Acre Minimum) to "SR-1" Single Family Residential (1 Acre Minimum) for Assessor's Parcel No. 306-18-009P.

Vote: 7 - 0 PASSED - Unanimously

b) *Continued from May 28, 2013:* Consideration and possible action regarding Council's annual performance evaluation of Town Manager Robert Smith. (Mayor & Council)

Mayor Marley noted that it was unusual to do an appraisal in public review, but Mr. Smith had requested it. Councilmembers had previously submitted rankings on certain performance factors, and now would be given the opportunity to comment on their rankings.

Councilmember Hatch stated that she did not agree with doing this publicly; Vice-Mayor Tenney agreed, stating that he had reviewed his comments with Mr. Smith privately and would not comment further. The mayor and other councilmembers then commented on their rankings.

Mayor Marley then opened discussion on identifying five major goals for the next appraisal period.

MOVED by Councilmember Linda Hatch, seconded by Vice-Mayor Tenney, to have the new Council set the goals.
Vote: 3 - 4 FAILED
AYE: Vice-Mayor Tenney; Councilmember Linda Hatch; Councilmember Lon Turner

Mayor Marley reviewed his proposed organizational goals: completing the Prescott IGA; resolving issues with Deep Well Ranch; Highway 89 bond issue; ADOT yard on Highway 89 and Perkinsville Road; and revising the shooting range contract.

Council discussed adding a whistle blower hotline to the list of goals, voting on tasks versus organizational goals, and the new Council identifying performance measures for reaching the goals and/or changing the goals.

As there did not appear to be enough support to add the whistle blower hotline to the list, Mayor Marley asked for a motion on the original five goals.

MOVED by Councilmember Darryl Croft, seconded by Councilmember Dean Echols to set these five organizational goals at this time, plus do the follow up work to make a plan and action steps and identify those things that the town manager can accomplish over the next reporting period, which is the next year.
Vote: 6 - 0 PASSED
OTHER: Councilmember Linda Hatch

c) Consideration and possible action to move up items 8a and 8b to this location on the agenda.

Council invites the public to a brief reception to honor the outgoing and newly-elected Mayor and Councilmembers at this time. The Mayor and Councilmembers will join the reception after holding the executive session. (Mayor & Council)

Town Manager Robert Smith reported that as resolution was still pending on some late comments from Prescott, it was not critical to take comment from Council at this time.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to move up item 7d.

Vote: 7 - 0 PASSED - Unanimously

d) Recognition of Vice-Mayor Carl Tenney and Councilmember Dean Echols for four years of service and parting comments by the same. (Mayor Marley)

Mayor Marley recognized outgoing Vice-Mayor Carl Tenney and Councilmember Dean Echols. Vice-Mayor Tenney spoke about serving the Town as a town manager and councilmember and the many changes that had occurred in the Town in the past 14 years; and Councilmember Echols also spoke about the Town's many changes.

Mayor Marley recessed the meeting for the reception at 7:31 p.m. and called the meeting back to order at 7:55 p.m.

e) Administer Oaths of Office to Mayor-Elect Chris Marley and Councilmembers-Elect Linda Hatch, Pat McKee, and Don Wojcik. (Jami Lewis, Town Clerk)

Ms. Lewis administered the Oath of Office to Mayor-Elect Chris Marley and Councilmembers-Elect Linda Hatch, Pat McKee, and Don Wojcik, followed by a Roll Call of the new Council:

Present: Mayor Chris Marley; Councilmember Mike Best; Councilmember Darryl Croft; Councilmember Linda Hatch; Councilmember Pat McKee; Councilmember Lon Turner; Councilmember Don Wojcik

f) Consideration and possible action to nominate and elect a Councilmember to serve as Vice-Mayor from June 2013 through a specified time. (Jami Lewis, Town Clerk)

Ms. Lewis reported that per Town Code Section § 30.021, at the first regular meeting in June, following an election, the newly elected mayor shall nominate one of the councilmembers as vice-mayor, followed by a Council vote to elect the vice-mayor. Traditionally, the term for vice-mayor was two years. However, this was not codified in the Town Code, and due to the implementation of HB 2826, staff recommended that Council revisit the vice-mayor appointment at the end of 2014 to be on track with the new election schedule.

Council discussed electing a vice-mayor on a rotating basis.

Town Attorney Phyllis Smiley advised that per the Town Code, Council could elect a vice-mayor and end the term at their pleasure.

MOVED by Mayor Chris Marley, seconded by Councilmember Mike Best to select a vice-mayor to serve as vice-mayor from June 2013 to December 31, 2014, and nominate Darryl Croft to serve in that position.
Vote: 4 - 2 PASSED

AYE: Mayor Chris Marley, Councilmember Mike Best, Councilmember Darryl Croft, Councilmember Lon Turner

OTHER: Councilmember Pat McKee

g) Presentation of report and recommendation of the SR89 Utility Project Citizens Committee, by Gary Warren, Committee Chair; and discussion and possible action regarding the same. (Ron Grittman, Public Works Director; Pat Walker, Consultant)

Acronyms used in this item:
G.O. (General Obligation)
MGD (Million Gallons per Day)

Ms. Walker's staff report stated that:

- The SR89 Utility Project Citizens Committee held their final meeting on May 21, 2013 wherein they discussed and formulated a recommendation to present to Council.
- Council could hear the report, further discuss the matter, and/or direct staff on next steps at this meeting, or refer any or all of these these actions to a study session or special meeting. Staff

intended to place an item on the June 25 agenda to give Council the option to call a November 5 bond election, in order to have adequate time to prepare election materials.

- Once Council determined a course of action, the official work of the Committee will be done, and Council will be asked to officially disband it and accept its final minutes.

Mr. Grittman recognized the seven Committee members--Paul Eguina, Art Castricone, John Adams, Bud Hanen, Don Wojcik, Karrie Blum, and Gary Warren, Chair.

Mr. Warren presented a summary of the Committee's report and recommendation to Council:

- Committee formation – Council appointed seven members to the committee on April 23, 2013.
- Committee purpose – Review the SR89 Utility Project, revenue sources to fund the project, and the impacts of the various funding sources on the Town's citizens; make a recommendation to Council regarding the project and possible funding sources; and if the recommendation included G.O. bonds as a funding source, advise Council regarding a bond election and proposed amount to bond.
- Proposed project – Extend water and sewer infrastructure along the commercial corridor of State Route 89, as well as prioritize the areas to be developed.
- Committee meetings – Held four meetings in May 2013. Financial information was presented by Financial Consultant Pat Walker, Dan Jackson with economists.com, and Bond Counsel Mark Reader. The Committee's full report outlined their discussions, questions, analyses, and a variety of alternatives.
- Items deemed critical to the project's success – Expand wastewater treatment plant ("Plant") to 1 MGD; complete Plant contract; acquire Prescott water customers; and strict adherence to the Town's mandatory hookup policy. A major concern was the effect upon taxpayers and ratepayers with regard to the wastewater treatment plant.
- Prioritization criteria used – Amount of vacant land; amount of occupied parcels; lowest comparative cost per area; and ranking of areas from north to south, starting at Road 3-1/2 north, and south to north, starting at Kalinich Avenue. The Committee increased the project areas from six to nine due to this criteria.
- Cost estimates, possible funding sources, and issues reviewed – G.O. bonds, the Town's current debt limit, utility revenue bonds, and the financial impact of bond sales on Town residents.
- Committee recommendations – (i) Council call bond election to fund the project from G.O. bonds (vote: 7-0); (ii) ask voters to fund $9.5 million from G.O. bonds (vote: 6-1); and (iii) base area prioritization on staff proposal and Committee input (vote: 4-2-1). Two committee members opposed the recommended prioritization due to the areas proposed; and one abstained due to outstanding concerns and questions. The Committee agreed that something needed to be done, but they believed it would take much more time and much discussion to determine a solution.
- Priorities recommended – (i) only extend transmission lines 12-inch and larger; (ii) smaller distribution piping to be the responsibility of each individual property owner; (iii) construct Area 2 between Perkinsville Road and Road 2 North for $2.6 million; (iv) construct Area 3 between Road 2 North and Center Street for $2.8 million; (v) construct Area 1a between Road 3 North and Perkinsville Road for $3.5 million; (vi) expand Plant to 1 MGD for $4.6 million; and (vii) next priority area to be Area 4 between Center Street and Road 2 South.
- Funding recommended – Although the Town's maximum bonding capacity at this time was $17 million, the Committee felt that the most the Town should consider would be $13.5 million, with $4 million from utility bonds, to be supported by new growth and a property tax of $104 per year per $100,000 of value, and $9.5 million from GO bonds.
- Two items that must be completed prior to the August 12, 2013 bond election deadline – Certainty that the Plant contract and Prescott water customers and system were negotiated. If these were not completed by the deadline, the Committee did not recommend that Council move forward with the bond election. If they were completed, the Committee recommended letting the voters decide.

Council discussed problems with rushing things in the past and further discussing the item in a study session.

MOVED by Mayor Chris Marley, seconded by Councilmember Pat McKee to table the item to a later date.

Vote: 7 - 0 PASSED - Unanimously

h) Consideration and possible action to set a date for an orientation to review the Chino Valley Councilmember Handbook.

Mayor Marley suggested offering the orientation during two separate times to make sure everyone could attend.

MOVED by Mayor Chris Marley, seconded by Vice-Mayor Darryl Croft to have the receptionist set the meetings.
Vote: 7 - 0 PASSED - Unanimously

8) EXECUTIVE SESSION

Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the Town's attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03(A)(3).

a) Consideration and possible action to recess the Regular Meeting and hold an executive session pursuant to A.R.S. § 38-431.03(A)(3) &(4) for discussion or consultation with the Town Attorney for legal advice and in order to consider its position and instruct the Town Attorney regarding the Town's position regarding an intergovernmental agreement with the City of Prescott, Arizona, related to payments for the transportation of water that is the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, including the matter of City of Prescott v. Town of Chino Valley, Yavapai Superior Court No. 46161. (Robert Smith, Town Manager)

Council took no action on item 8a.

b) Consideration and possible action to approve the Intergovernmental Agreement between the Town of Chino Valley and the City of Prescott relating to Payments for the Transportation of Water.

Council took no action on item 8b.

9) ADJOURNMENT

Chris Marley, 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 11th day of June, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 9th day of July, 2013.

Jami C. Lewis, Town Clerk

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 7. a.**

Meeting Date:	07/09/2013
Contact Person:	Mary Brasher, Administrative Clerk Phone: 928-636-2646 x-1216
Department:	Development Services
Item Type:	Action-Presentation
Estimated length of staff presentation:	5 minutes
Physical location of item:	3440 N. State Route 89, Chino Valley, AZ

AGENDA ITEM TITLE:

Consideration and possible action to adopt Ordinance No. 13-771 approving a zone change from "CL" Commercial Light to "CH" Commercial Heavy for an approximately 1-acre parcel located at 3440 N. State Route 89, Chino Valley, AZ 86323 and further identified as Assessor's Parcel Number 306-04-028C. Applicant/Property owner: Mary DeWitt, Trustee for the DeWitt Family Revocable Trust.

RECOMMENDED ACTION:

Adopt Ordinance No. 13-771 approving the zone change from "CL" to "CH" for Assessor's Parcel Number 306-04-028C.

SITUATION AND ANALYSIS:

The applicant's commercial tenant/purchaser desires to offer an expanded range of services such as welding, auto body repairs and painting which necessitates the request to rezone the property from Commercial Light (CL) to Commercial Heavy (CH).

At the Planning Commission meeting of June 18, 2013, applicant/owner Mary DeWitt addressed the Commission and requested that the staff's stipulations regarding the requirements for paving and landscaping be waived. In response to Mrs. Dewitt, the Commission recommended that Council approve a waiver of the requirement for paving in favor of the applicant providing a gravel driving surface for dust control. The Commission recommended that Council approve a waiver of the requirement for landscaping.

Staff recommendations included that a minimum of a chip sealed surface be provided for driving and parking areas, that landscaping be provided along the property frontages, and that screened fencing be provided about the outside storage area.

General Plan Conformance:
The proposed rezone is consistent with and conforms to the Land Use Designation for the property as set forth in the Land Use Element of the Town's 2003 General Plan.

Fiscal Impact

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

Attachments

Ordinance Option 1
Ordinance Option 2
Legal Description
Zoning Map
Future Land Use Map
P&Z Packet
Minutes

ORDINANCE NO. 13-771

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, APPROVING A CHANGE OF ZONING FOR APPROXIMATELY 1 ACRE OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF WEST CHOCTAW LANE AND NORTH ROUTE 89, ALSO KNOWN AS ASSESSOR'S PARCEL NUMBER 306-04-028C FROM COMMERCIAL LIGHT (CL) ZONING DISTRICT TO COMMERCIAL HEAVY ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, The DeWitt Family Revocable Trust, Mary DeWitt, Trustee has filed an application with the Town of Chino Valley requesting a Change of Zone for Assessor's Parcel Number 306-04-028C from Commercial Light (CL) to Commercial Heavy (CH); and

WHEREAS, the Town Council has determined that this change of zoning conforms with the Town of Chino Valley General Plan, any applicable specific area plan, neighborhood, 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, on May 29, 2013, a "neighborhood meeting" was held in conformance with the requirement set forth in the Town's Unified Development Ordinance ("UDO"); and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on June 18, 2013, during which testimony was presented by Town staff, the property owner's agent and others; and

WHEREAS, the Commission, by a unanimous vote of those members present (Vice Chairperson Garland Miner absent) to recommend approval of the rezoning; and

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

Section 1. In General.

1. The Change of Zoning is hereby approved for property consisting of approximately 1 acre, described in Exhibit 1, attached hereto and incorporated herein by this reference, also known as Assessor's Parcel Number 306-04-028C and located at 3340 N. State Route 89, Chino Valley, Arizona 86323, from Commercial Light (CL) zoning district to Commercial Heavy (CH) zoning district.

2. The Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance. Development of the Property shall also be subject to the following conditions:

a. The Property shall be developed and used in accordance with the regulations of the Unified Development Ordinance for the Commercial Heavy (CH) zoning district.

b. Applicant shall comply with all federal, state, and local regulations.

c. Within 60 days of approval of this Ordinance, Developer shall submit to Town staff improvement plans in compliance with the following UDO requirements:

i. UDO §4.9 Outdoor Storage: Provide screened fencing of outdoor storage yard; and

ii. UDO §4.22 Off-Street parking and Loading: Provide paved driveway and parking area, as approved by the Town Engineer; and

iii. UDO §4.26 Landscaping: Provide a minimum 20-foot wide landscaping area on all property adjacent to SR89 and a minimum 10-foot wide landscaping area adjacent to Choctaw Lane, as required by the UDO and except for that portion of the Property within the screened storage area.

d. The improvements required above (the "Improvements"), and as approved by Town Staff shall be constructed and installed within 365 days of the effective date of this Ordinance. Failure to complete construction and installation of the Improvements as required in this Ordinance may result in reversion of the zoning to the prior zoning classification.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 9th day of July, 2013 by the following vote:

AYES:____

NAYES: ____________________ ABSENT: ____________________

EXCUSED: __________________ ABSTAINED: ________________.

APPROVED this ___ day of _____________, 2013.

____
Chris Marley, Mayor

ATTEST:

____
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

____
Curtis, Goodwin, Sullivan, Udall & Schwab, PLC, Town Attorney

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _______ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____________, 20__, WAS POSTED IN THREE PLACES ON THE _____ DAY OF ______________, 20__.

____
Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:
1. Legal Description

ORDINANCE NO. 13-771

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, APPROVING A CHANGE OF ZONING FOR APPROXIMATELY 1 ACRE OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF WEST CHOCTAW LANE AND NORTH ROUTE 89, ALSO KNOWN AS ASSESSOR'S PARCEL NUMBER 306-04-028C FROM COMMERCIAL LIGHT (CL) ZONING DISTRICT TO COMMERCIAL HEAVY ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, The DeWitt Family Revocable Trust, Mary DeWitt, Trustee has filed an application with the Town of Chino Valley requesting a Change of Zone for Assessor's Parcel Number 306-04-028C from Commercial Light (CL) to Commercial Heavy (CH); and

WHEREAS, the Town Council has determined that this change of zoning conforms with the Town of Chino Valley General Plan, any applicable specific area plan, neighborhood, 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, on May 29, 2013, a "neighborhood meeting" was held in conformance with the requirement set forth in the Town's Unified Development Ordinance ("UDO"); and

WHEREAS, the Planning and Zoning Commission ("Commission") conducted a Public Hearing on June 18, 2013, during which testimony was presented by Town staff, the property owner's agent and others; and

WHEREAS, the Commission, by a unanimous vote of those members present (Vice Chairperson Garland Miner absent) to recommend approval of the rezoning; and

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

Section 1. In General.

1. The Change of Zoning is hereby approved for property consisting of approximately 1 acre, described in Exhibit 1, attached hereto and incorporated herein by this reference, also known as Assessor's Parcel Number 306-04-028C and located at 3340 N. State Route 89, Chino Valley, Arizona 86323, from Commercial Light (CL) zoning district to Commercial Heavy (CH) zoning district.

2. The Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance. Development of the Property shall also be subject to the following conditions:

a. The Property shall be developed and used in accordance with the regulations of the Unified Development Ordinance for the Commercial Heavy (CH) zoning district.

b. Applicant shall comply with all federal, state, and local regulations.

c. Within 60 days of approval of this Ordinance, Developer shall submit to Town staff improvement plans in compliance with the following UDO requirements:

i. UDO § 4.9 Outdoor Storage: Provide screened fencing of outdoor storage yard; and

ii. Provide and maintain gravel surface to be applied to driveways and parking areas.

d. The improvements required above (the "Improvements"), and as approved by Town Staff shall be constructed and installed within 365 days of the effective date of this Ordinance. Failure to complete construction and installation of the Improvements as required in this Ordinance may result in reversion of the zoning to the prior zoning classification.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 9th day of July, 2013 by the following vote:

AYES:____

NAYES: ________________________ ABSENT: _______________________

EXCUSED: _____________________ ABSTAINED: __________________.

APPROVED this ___ day of ______________, 2013.

____
Chris Marley, Mayor

ATTEST: APPROVED AS TO FORM:

____
Jami C. Lewis, Town Clerk

____
Curtis, Goodwin, Sullivan, Udall & Schwab, PLC, Town Attorney

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _______ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____________, 20__, WAS POSTED IN THREE PLACES ON THE _____ DAY OF ______________, 20__.

____
Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Legal Description

LEGAL DESCRIPTION

All that portion of Section 3, Township 16 North, Range 2 West, Gila Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at a point recovered in the Westerly Right-of-Way of U.S. Highway 89 from whence the Southeast corner of Section 3 bears East 1134.81 feet and South 1144.15 feet;

Thence North 05 degrees, 58 minutes 17 seconds East, 1173.67 feet along said Right-of-Way to a one-half inch rebar and the TRUE POINT OF BEGINNING;

Thence South 58 degrees 36 minutes 10 seconds West, 115.09 feet;

Thence along a curve concave to the right with a radius of 42.32 feet, a central angle of 35 degrees, 04 minutes, 05 seconds and length of 25.90 feet;

Thence North 86 degrees 19 minutes 45 seconds West, 67.86 feet;

Thence along a curve concave to the right with a radius of 50.75 feet, a central angle of 74 degrees, 21 minutes, 30 seconds and length of 65.86 feet;

Thence North 11 degrees, 58 minutes 15 seconds West, 55 feet;

Thence along a curve concave to the left with a radius of 44.17 feet, a central angle of 69 degrees, 43 minutes, 40 seconds and length of 53.76 feet;

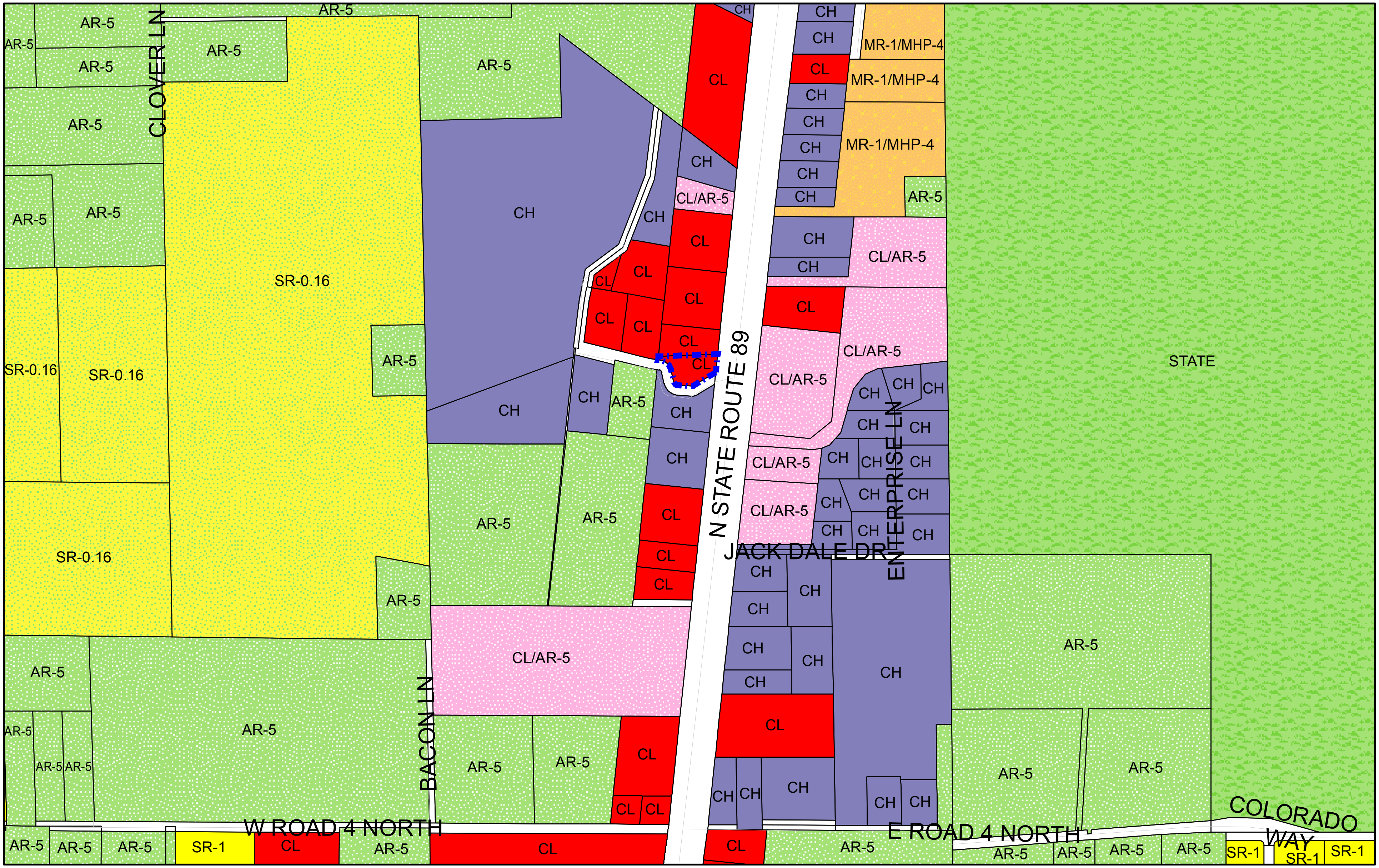
Thence North 81 degrees 41 minutes 55 seconds West, 9.26 feet;

Thence North 05 degrees 58, minutes 17 seconds East, 43.33 feet;

Thence North 87 degrees, 45 minutes, 54 seconds East, 303.10 feet to a one-half inch rebar on the Westerly Right-of-Way of U.S. Highway 89;

Thence South 05 degrees, 58 minutes, 17 seconds West, 123.67 feet to the TRUE POINT OF BEGINNING.

DEWITT FAMILY REVOCABLE TRUST APN 306-04-028C
Rezone CL to CH
RZ 13-002



Town of Chino Valley
1020 West Palomino Road
Chino Valley, AZ 86323
(928) 636-2646 FAX (928) 636-2144

Legend

- Town Boundary 082308
- Chino_Parcels040813
- 306-04-028C
- Streets

Zoning

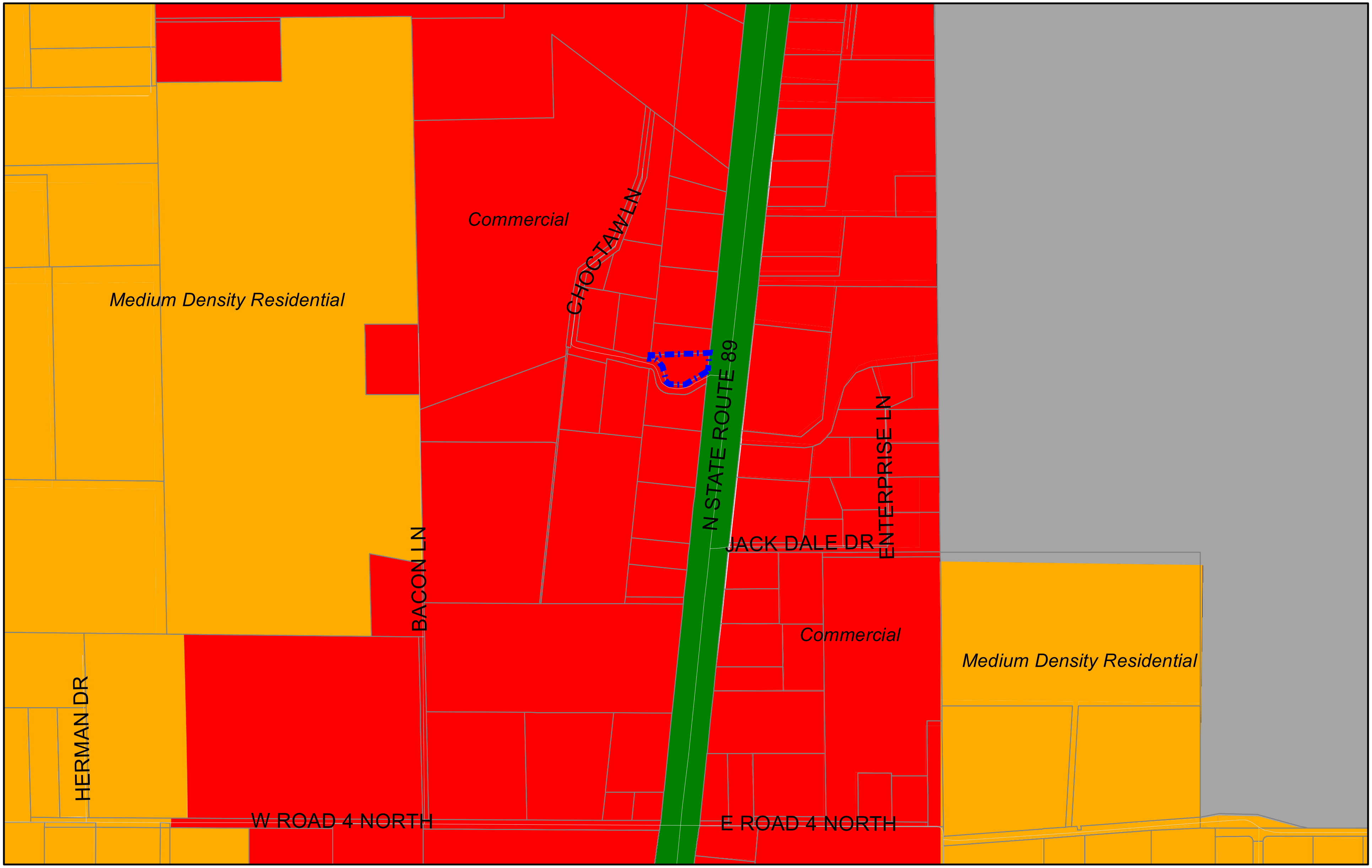
AR-5, CL, CL/AR-5, CL/SR-1, CH, CH/AR-5, I, PL, SR-2.5, SR-1, SR-2, SR-0.16, MR-1/MHP-4, State, AR-4, AR-36, SR-1.6, OS, MR1/CL, MR1, MHP-4, I/CH

1 inch = 700 feet

N

DEWITT FAMILY REVOCABLE TRUST APN 306-04-028C
REZONE CL to CH
RZ 13-002

GENERAL PLAN - AMENDED
FUTURE LAND USE MAP



Town of Chino Valley
1020 West Palomino Road
Chino Valley, AZ 86323
(928) 636-2646 FAX (928) 636-2144

Legend

- Town Boundary 082308
- StreetNames
- 306-04-028C
- Chino_Parcels040813
- Schools
  - Existing Schools
  - Future Schools
- Flood Plain
- Highway 89
- Industrial Overlay
- Industrial Overlay - Amended Area
- Commercial Zoning - Amended Area
- Old Home Manor
- Peavine Trail
- Commercial
- Low Density Residential Greater than 2 Acres
- Medium Density Residential 2 acres or Less
- Public Land
- Special Development Areas
- State Land

1 inch = 700 feet

N

DEVELOPMENT SERVICES DEPARTMENT
1982 VOSS DRIVE #203
CHINO VALLEY, AZ 86323

TOWN HALL (928) 636-2646
DEVELOPMENT SERVICES (928) 636-4427
FAX (928) 636-6937

NOTICE OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

June 18, 2013
6:00 P.M.

Pursuant to ARS 38-431-02, notice is hereby given to the members of the Chino Valley Planning and Zoning Commission and the general public that the Chino Valley Planning and Zoning Commission will hold a regular meeting open to the public on Tuesday, June 18, 2013, at 6:00 p.m. in the Chino Valley South Campus building, located at 202 N. State Route 89, Chino Valley, Arizona 86323.

The Agenda for the meeting is as follows:

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4A. **May 21, 2013 and June 4, 2013**

5. STAFF REPORT

6. PUBLIC HEARING

6A. For consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from “CL” Commercial Light to “CH” Commercial Heavy. The location of the proposed zone change is 3440 N. State Route 89, Chino Valley, Arizona 86323, and further described as Assessor’s Parcel Number’s 306-04-028C and consists of approximately 1 Acre. Applicant/Owner: Mary Dewitt, Trustee for the Dewitt Family Revocable Trust.

6B. For consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from “AR-5” Agricultural/Residential (5 Acre Minimum) to “MHP- 4” Mobile/Manufactured Home Park (4 Acre Minimum). The location of the proposed zone change is northwest of Road 4 North/Road 1 West, with a physical address at 1429 Road 4 ½ North, Assessor’s Parcel Number’s 306-05-030X (Approximately 60.2 Acres). Applicant/Owner: La Vacara Trust

7. PUBLIC COMMENTS

DEVELOPMENT SERVICES DEPARTMENT
1982 VOSS DRIVE #203
CHINO VALLEY, AZ 86323

TOWN HALL (928) 636-2646
DEVELOPMENT SERVICES (928) 636-4427
FAX (928) 636-6937

8. ADJOURN

A copy of the agenda and background material provided to the Commissioners is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona.
Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427. The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice), 636-1787 (TDD) or use the AZ Statewide Relay Service at 1-800-367-8939 (TDD) to request an accommodation to participate in this meeting.

ITEM
6A

DEVELOMENT SERVICES DEPARTMENT
1020 WEST PALOMINO ROAD
PO Box 406
CHINO VALLEY, AZ 86323

TOWN HALL (928) 636-2646
DEVELOPMENT SERVICES (928) 636-4427
FAX (928) 636-2144

PLANNING COMMISSION, STAFF REPORT

TOWN OF CHINO VALLEY, ARIZONA
June 18, 2013

LEGAL AD

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Planning and Zoning Commission at the Chino Valley Council Chambers-South Campus, located at 202 N. State Route 89, Chino Valley, Arizona 86323 at 6:00 p.m., on Tuesday, June 18, 2013. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from "CL" Commercial Light to "CH" Commercial Heavy. The location of the proposed zone change is 3440 N. State Route 89, Chino Valley, Arizona 86323, and further described as Assessor's Parcel Number: 306-04-028C and consists of approximately 1 acre. Applicant / Owner: Mary DeWitt, Trustee for the DeWitt Family Revocable Trust.

A. LOCATION: Please see Exhibit "C" Zoning Map.
The subject parcel is located on the northwest corner of the intersection of Choctaw Lane and State Route 89.

B. FACTS:

1. Owner: ....DeWitt Family Revocable Trust
2. Applicant: ....Mary DeWitt
3. Subdivision Name......................N/A
4. Engineer:.......................................N/A
5. Site Area:......................................Approximately one acre
6. Number of Proposed Lots.......1 lot – No division is proposed
7. Current Zoning...........................Commercial Light, (CL)

DEVELOMENT SERVICES DEPARTMENT
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8. Requested Zoning:...................Commercial Heavy (CH)

9. Adjacent Zoning and Use:
   North ....CL – Vacant 1-acre parcel
   West..................................CL - Vacant 1.33-acre parcel
   South................................. CH – Mini Storage Facility on 1.28-acre parcel
   East....................................CL/AR-5 – Small Retail / Vacant on 4.85-acre parcel on the east side of SR 89.

10. Water Source:.................................Private Water Well

11. Waste Water.....................................Private On-site Septic System

12. Topography:.................................... Relatively flat

13. General Plan Conformance:........General Plan Designation is "Commercial." The subject property will continue to be in conformance with the General Plan Land Use Element if zoning change to Commercial Heavy (CH) is approved.

C. The Citizen Participation protocol as required by the Town Code resulted in a mailing of 9 letters to property owners within a 300-foot buffer of the subject property. To date, the Town has not received any responses to the mailing for the Neighborhood Meeting. The Neighborhood Meeting was held at 4:00 p.m. on May 29, 2013, in the Town's Council Chambers. Applicant, Mary DeWitt was present as was staff member, Dennis Price. No one from the neighborhood mailing list or general public attended.

D. ANALYSIS:

This relatively flat one-acre property is situated on the northwest corner of State Route 89 and Choctaw Lane. Access to the property is from Choctaw Lane, a graded but unimproved roadway. The entire property is enclosed by chain-link fencing and includes one 3,200 square-foot metal building which was constructed in 2001. The present zoning district is Commercial Light (CL).The applicant's commercial tenant/purchaser desires to offer an expanded range of services such as welding, auto body repairs and painting which necessitates the request to rezone to Commercial Heavy (CH). There is a mixture of zoning districts in the vicinity of the subject site such as Commercial Light (CL), Commercial Heavy (CH), Commercial Light / Agricultural-Residential 5, (CL/AR-5) and Agricultural Residential 5-acre minimum (AR-5). The predominant zoning district is Commercial Heavy (CH).

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A visit to view the property revealed that the tenant/purchaser is in the process of installing screening battens on the existing chain-link fencing.

Access and On-Site Circulation
An existing gated driveway on the Choctaw Lane frontage provides for ingress / egress. The Site Plan indicates that there is a defined parking lot and a screened storage area but these improvements do not yet exist. There is no asphalt-concrete paving on the site and screening to obscure existing storage of auto parts has not been completed.

Water and Sewer Provider
The existing building is served by an individual on-site sanitary (septic) system and a private well.
.

General Plan and Arizona Revised Statutes
The Town's General Plan was adopted by the Town Council on June 26, 2003. The Plan was ratified by the citizens of the Town of Chino Valley in an election held on November 4, 2003. Arizona Revised Statutes (ARS) 9-462.01, G. requires zoning and rezoning ordinances to be "consistent with and conform to the adopted General Plan of the municipality".

The proposed rezone is consistent with and conforms to the Land Use Designation for the property as set forth in the Land Use Element of the Town's 2003 General Plan (Exhibit "D"). Therefore the requested rezone does merit a positive consideration, and endorsement to the Town Council from Planning Commission.

E. RECOMMENDATION FOR THE ZONE CHANGE:

1. Move to recommend to the Town Council the approval of the request to rezone APN: 306-04-028C from "CL" Commercial Light to "CH" Commercial Heavy per the following findings and stipulations.

FINDINGS FOR THE ZONE CHANGE REQUEST:

1. That the requested rezone is consistent with and conforms to the "Town of Chino Valley 2003 General Plan".
2. That approval of the requested rezone will not be adverse to the health, safety and general welfare of the residents of the Town of Chino Valley, Arizona.

DEVELOMENT SERVICES DEPARTMENT
1020 WEST PALOMINO ROAD
PO Box 406
CHINO VALLEY, AZ 86323

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FAX (928) 636-2144

STIPULATIONS FOR THE ZONE CHANGE:

1. Applicant agrees that the approval of this rezone confers no entitlements or rights to the owner or applicant other than those that are vested with the CH zoning district.
2. Applicant shall comply with all federal, state, and local regulations.
3. Pursuant to ARS 9-462-1.E, the applicant shall submit to Town staff improvement plans for compliance with the following UDO Sections within 60 days of Council approval for this zone change:
   a. UDO Section 4.9 Outdoor Storage
   b. UDO Section 4.22 Off-Street Parking and Loading
   c. UDO Section 4.26 Landscaping
4. Applicant will construct, install and maintain said improvements, as approved by Town staff, within 365 days of Council approval for this zone change or cause the property to revert to its former zoning classification.

Attachments:

Exhibit "A" Application
Exhibit "B" Map of Assessor's Parcel 306-04-028C
Exhibit "C" Zoning Map
Exhibit "D" General Plan Future Land Use Map
Exhibit "E" Site Plan

REQUESTED LAND USE ACTION

Applicant proposes to change the zoning from Commercial Light to Commercial Heavy. Property is located at 3440 N SR 89, but access is from Choctaw Lane. This is in the north area of Chino Valley, between Roads 4 and 5 North, where heavy industrial businesses are located. The auto business that operates out of the building at the premises is expanding into more areas of auto related activities that are not listed in the CL zoning. The additional business activities include but are not limited to; auto body repairs, engine repairs, auto painting and welding.

REZONING APPLICATION

1.	PROPERTY OWNER NAME	DeWitt Family Revocable Trust
	MAILING ADDRESS	784 Grapevine Lane, Prescott, AZ 86305
	TELEPHONE NUMBER	928-710-2242
	FAX NUMBER	928-445-9357
2.	APPLICANT NAME	Mary DeWitt, Trustee
	MAILING ADDRESS	same
	TELEPHONE NUMBER	same
	FAX NUMBER	same
3.	ENGINEER NAME	-N/A-
	MAILING ADDRESS	
	TELEPHONE NUMBER	
	FAX NUMBER	
4.	ARCHITECT/DESIGNER	-N/A-
	ADDRESS	
	TELEPHONE NUMBER	
	FAX NUMBER	
5.	SITE LOCATION (Major Cross Streets)	N S.R. 89 & Choctaw Lane
6.	ASSESSORS PARCEL NUMBER(S)	306-04-028C
7.	SITE DIMENSIONS	115.69x25.90x67.86x658.86x55x53.76x9.26x43.33x303.10x123.67
8.	SITE AREA (GROSS)	1 acre
9.	EXISTING STRUCTURES	3200 s.f. metal building
10.	DESCRIBE ACCESS TO THE SITE (STREET FRONTAGE OR EASEMENT)	street frontage on Choctaw Lane
11.	UTILITIES PROVIDED BY	ELECTRIC: APS
		GAS: Propane
		WATER: private well
		SEWER: commercial septic
12.	FLOOD ZONE DESIGNATION	unshaded X
13.	EXISTING ZONING	CL
14.	REQUESTED ZONING	CH
15.	ADJACENT ZONING NORTH: CL SOUTH: CH EAST: CL/AR5 WEST: CL	ADJACENT LAND USE NORTH: vacant land SOUTH: Choctaw Lane/Mini Storage EAST: Hwy 89/commercial retail WEST: Commercial
16.	TOPOGRAPHY	Flat

17.	INTENT OF THE ZONE CHANGE REQUEST:
	To allow additional auto related business activities for the existing business occupying the premises. Including: Auto & Vehicle Body Repair, Engine Repair, Auto & Vehicle Painting and Welding The auto business was previously located on the south end of Chino Valley in commercial heavy (CH) zoning. It has now moved to the north side of Chino Valley to be in the commercial heavy and industrial area of town and would like to continue to offer to its customers the same services it had at its previous location. It currently offers sandblasting, and will add a paint booth. The lot consists of one (1) acre and does not abut any single family residential zoning. There will be no expansion or remodel with this request. The auto repairs will be conducted inside of the shop, unless size or other circumstances prevent bringing the vehicle inside. Outside storage will consist of customers vehicles; waiting on parts, in the que to be repaired, or customer pick up. There will be outside storage of supplies and materials behind the building in the back portion of the lot, see site plan, and that area is screened. There will be no additional signage at this time other than what has just been permitted. The lot has been graded and crushed pea gravel laid down. Over the years the material has compacted with continued use of the entrance way, making dust minimal, and customer parking is located in the front of the building's double roll up doors.

OWNER'S SIGNATURE: Mary Drews DATE: 4/18/13

APPLICANT'S SIGNATURE: ____________ DATE: ____________

(Office Use Only):

Date of Meeting: ____________ Time of Meeting: ____________

Agency's Notified: ____________

Log #: ____________

File No.: **283-4780384 (brk)**
A.P.N.: **306-04-028C**

Warranty Deed - continued

LEGAL DESCRIPTION

ALL THAT PORTION OF SECTION 3, TOWNSHIP 16 NORTH, RANGE 2 WEST, GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT RECOVERED IN THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 89 FROM WHENCE THE SOUTHEAST CORNER OF SECTION 3 BEARS EAST 1134.81 FEET AND SOUTH 1144.15 FEET;

THENCE NORTH 05 DEGREES, 58 MINUTES, 17 SECONDS EAST, 1173.67 FEET ALONG SAID RIGHT-OF-WAY TO A ONE-HALF INCH REBAR AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 58 DEGREES, 36 MINUTES, 10 SECONDS WEST, 115.09 FEET;

THENCE ALONG A CURVE CONCAVE TO THE RIGHT WITH A RADIUS OF 42.32 FEET, A CENTRAL ANGLE OF 35 DEGREES, 04 MINUTES, 05 SECONDS AND LENGTH OF 25.90 FEET;

THENCE NORTH 86 DEGREES, 19 MINUTES, 45 SECONDS WEST, 67.86 FEET;

THENCE ALONG A CURVE CONCAVE TO THE RIGHT WITH A RADIUS OF 50.75 FEET, A CENTRAL ANGLE OF 74 DEGREES, 21 MINUTES, 30 SECONDS AND A LENGTH OF 65.86 FEET;

THENCE NORTH 11 DEGREES, 58 MINUTES, 15 SECONDS WEST, 55.00 FEET;

THENCE ALONG A CURVE CONCAVE TO THE LEFT WITH A RADIUS OF 44.17 FEET, A CENTRAL ANGLE OF 69 DEGREES, 43 MINUTES, 40 SECONDS AND A LENGTH OF 53.76 FEET;

THENCE NORTH 81 DEGREES, 41 MINUTES, 55 SECONDS WEST, 9.26 FEET;

THENCE NORTH 05 DEGREES, 58 MINUTES, 17 SECONDS EAST, 43.33 FEET;

THENCE NORTH 87 DEGREES, 45 MINUTES, 54 SECONDS EAST, 303.10 FEET TO A ONE-HALF INCH REBAR ON THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 89;

THENCE SOUTH 05 DEGREES, 58 MINUTES, 17 SECONDS WEST, 123.67 FEET TO THE TRUE POINT OF BEGINNING.

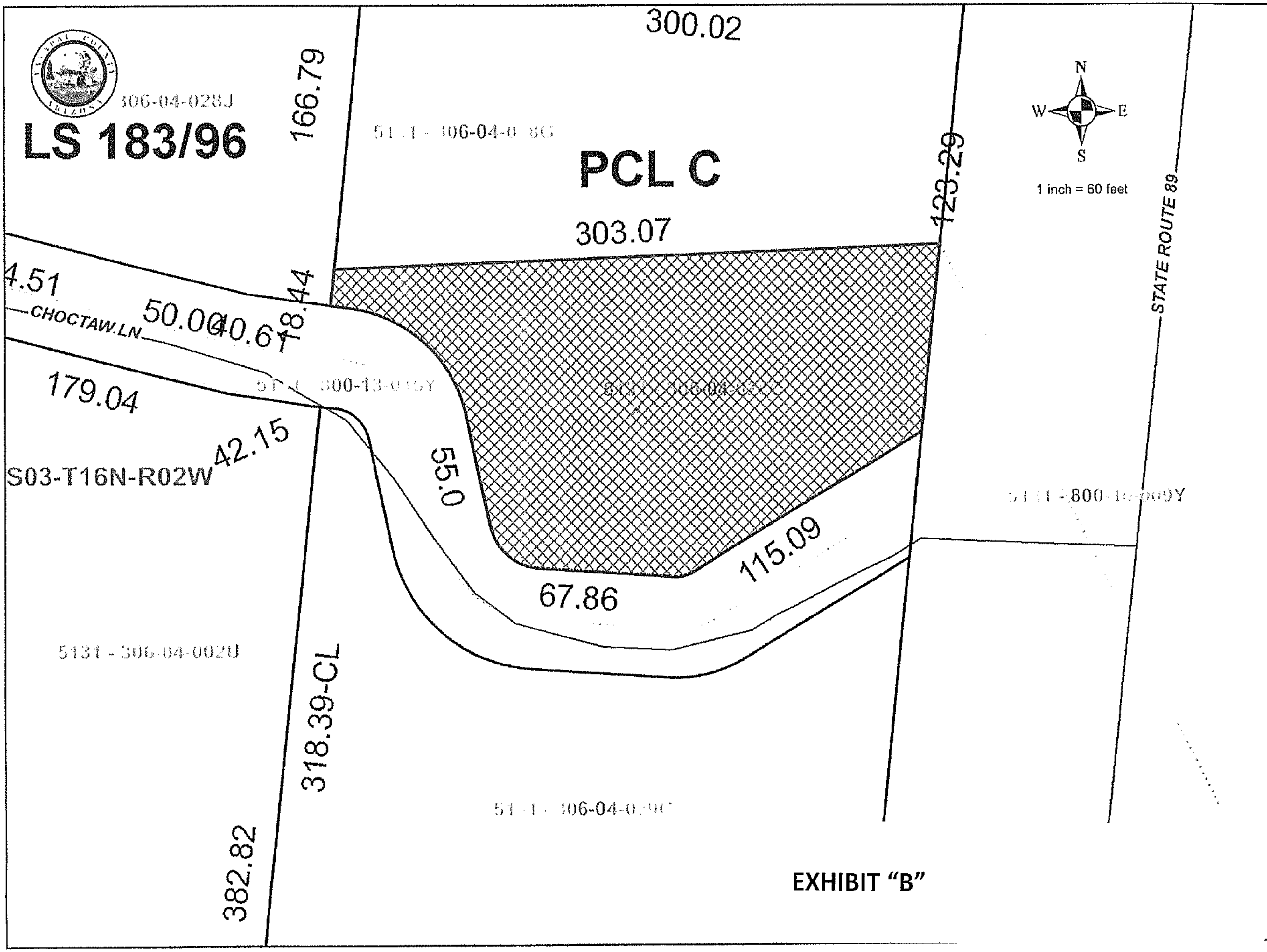
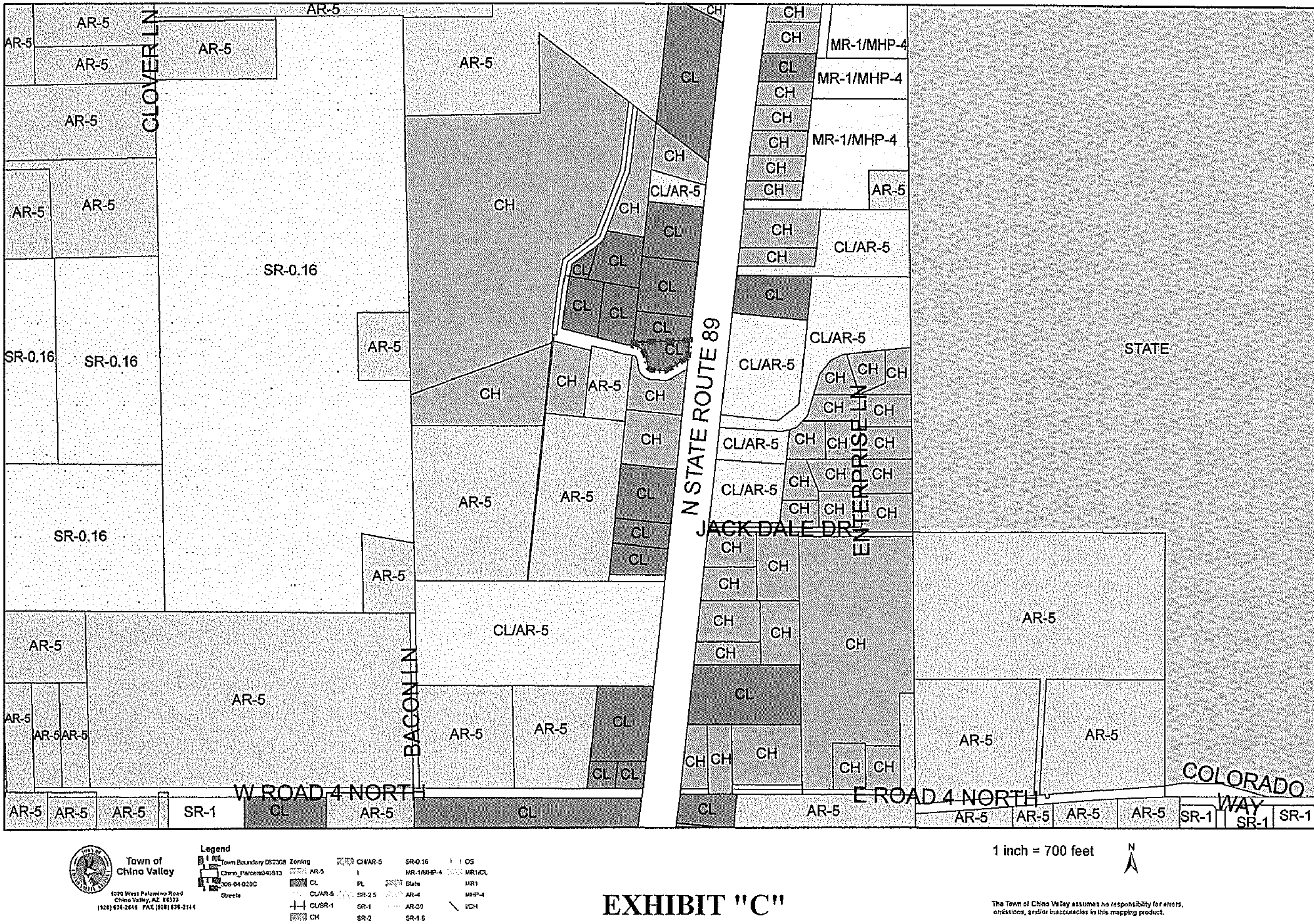


EXHIBIT "B"

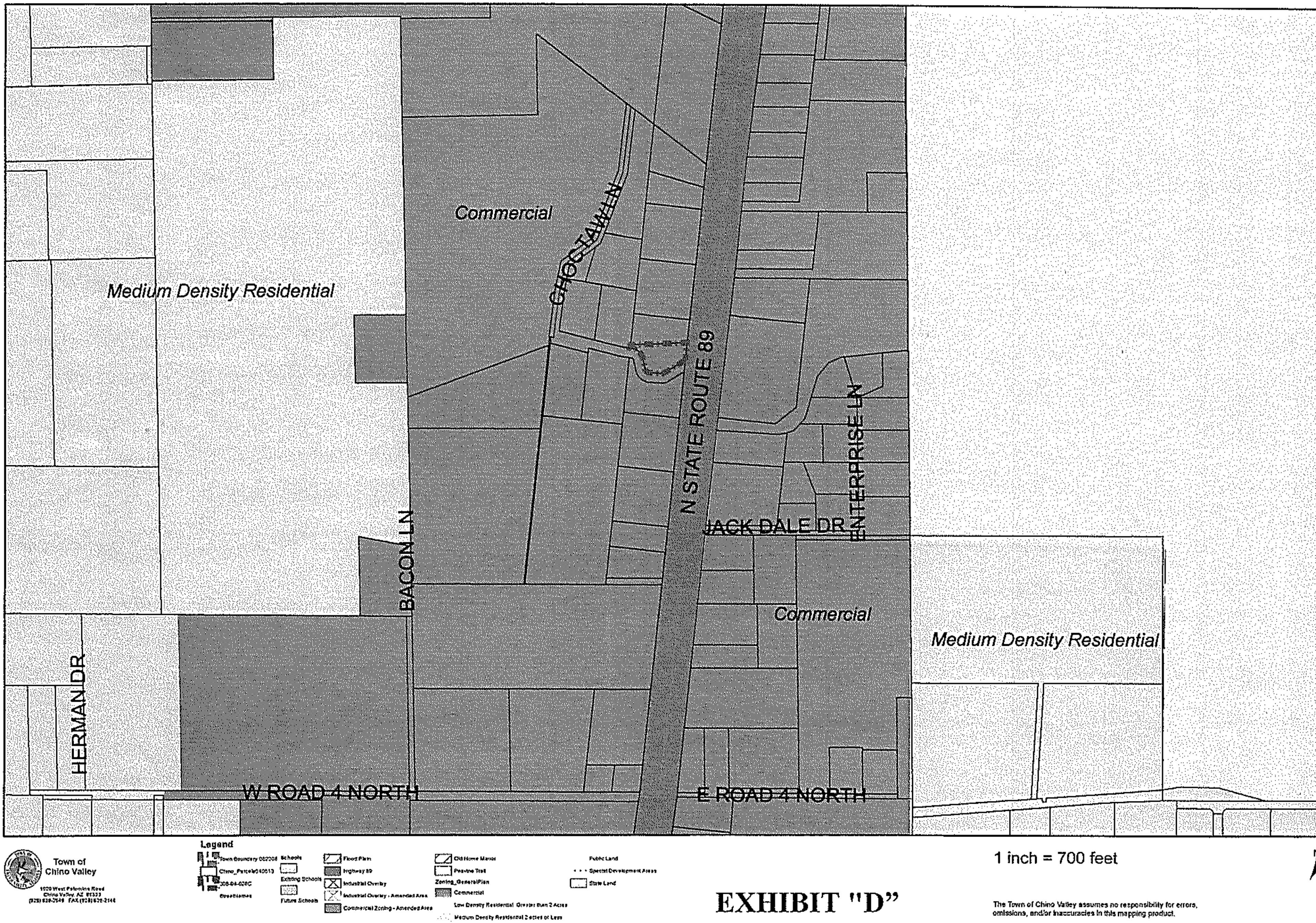
Date: 4/11/2013

DEWITT FAMILY REVOCABLE TRUST APN 306-04-028C
Rezone CL to CH
RZ 13-002



DEWITT FAMILY REVOCABLE TRUST APN 306-04-028C
REZONE CL to CH
RZ 13-002

GENERAL PLAN - AMENDED
FUTURE LAND USE MAP

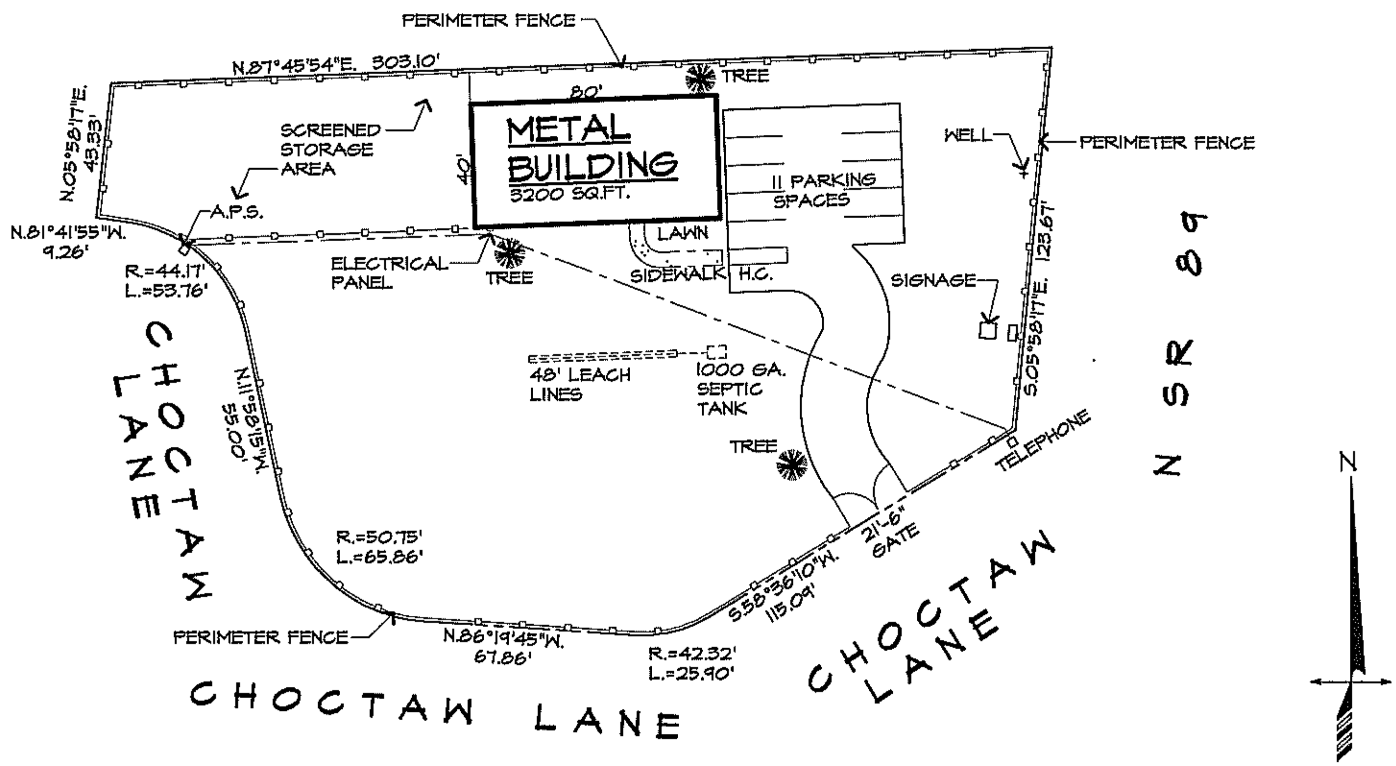


Town of Chino Valley

1 inch = 700 feet

EXHIBIT "D"

The Town of Chino Valley assumes no responsibility for errors, omissions, and/or inaccuracies in this mapping product.



SITE PLAN

SCALE: 1" = 40'-0"

EXHIBIT "E"

TOWN OF CHINO VALLEY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
Chino Valley South Campus
202 N. State Route 89
June 18, 2013
6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

Meeting was called to order at 6:00 p.m.

Members Present:	Gwen Rowitsch, Chairperson Florence Sloan, Commissioner Jack Owen, Commissioner Charles Merritt, Commissioner Michael Edmonds, Commissioner Robert McCaullay, Commissioner (Teleconference)
Staff Absent:	Garland Miner, Vice Chairperson
Staff Present:	Dennis Price, Associate Planner Dava Hoffman, Planning Consultant Mary Brasher, Administrative Technician

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4A. For consideration, discussion, and possible action regarding the regular meeting minutes of May 21, 2013.

Chairperson Rowitsch forwarded the minutes from the May 21, 2013 meeting to the next regular meeting due to lack of quorum of those present for that meeting.

For consideration, discussion, and possible action regarding the regular meeting minutes of June 4, 2013.

Commissioner Merritt MOVED, seconded by Commissioner Owen to approve the regular meeting minutes of June 4, 2013.
MOTION CARRIED 6-0

5. STAFF REPORT: None

6. PUBLIC HEARING: Chairperson Rowitsch opened the public hearing.

6A: For consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from “CL” Commercial Light to “CH” Commercial Heavy. The location of the proposed zone change is 3440 N. State Route 89, Chino Valley, Arizona 86323, and further described as Assessor’s Parcel Number’s 306-04-028C and consists of approximately 1 Acre. Applicant/Owner: Mary Dewitt, Trustee for the Dewitt Family Revocable Trust.

Mr. Price informed the Commission that the applicant wishes to change the zoning on the property from CL to CH so the current tenant and purchaser can expand his range of service to his customers. This service would include welding, auto body repairs, and painting. Notification letters were mailed to nine adjacent property owners, a neighborhood meeting was held May 29, 2013, no members of the community attended, no letters in favor or opposition to the request have been received. The request is consistent with the Town’s General Plan, and staff supports the recommendation of approval for this zone change with the findings and stipulations as noted in the staff report.

Mary Dewitt stated she has reviewed the stipulations and ask the Commission for a recommendation to the Town Council for a waiver from the paving and landscaping requirements in front of State Route 89. She also commented that the property borders Choctaw Ln and currently has a chain link fence which they are in the process of screening. She felt the screening along Choctaw Ln would be sufficient and would be no need for the additional landscaping. The Town Code requires 10 feet from the property line for landscaping and felt the screened fencing was sufficient, considering there are no residential or multifamily properties adjacent to this property. The tenant is thinking of purchasing this property and has been a long time resident and originally had his business located at the South end of Town, but moved to the North end of Town to be among other industrial properties.

Chairperson Rowitsch asked the applicant if she was requesting to have the landscaping along Choctaw Ln waived.

Ms. Dewitt indicated that was correct, because she was in the processes of installing screening, and the landscaping along State Route 89 would require 20 feet of landscaping from the property line which would take up about 2500 sq. ft. of the property, and request that requirement be waived. She also asked to have the entranceway paving requirement waived as well because they are not constructing any additions or remodeling. Since they are not asking for improvements to be made to the property, she didn’t feel those requirements were necessary until such time that improvements were done.

Chairperson Rowitsch asked Mr. Price if the landscaping was required in front of or behind the fence.

Mr. Price indicated it was required from the property line and he assumed the fence was on the property line.

Ms. Dewitt indicated the fence was on the property line.

Chairperson Rowitsch asked about State Route 89.

Ms. Dewitt stated the livelihood of this business depends on visibility from State Route 89, and they don't want to block that view, but she would be willing to screen the front if necessary.

Chairperson Rowitsch asked Mr. Price what triggers the paving requirement.

Mr. Price stated this was a discretionary approval process which allows the Town to ask for these improvements. The minimum paving requirement is chip seal, so the applicant was asked to come back with a plan for these improvements in order to determine if the applicant is willing to meet these requirements.

Chairperson Rowitsch asked if discussions had taken place, and commented that she was surprised the request to waive these requirements was not noted in the staff report. It's difficult to make a recommendation when the Commission doesn't know specifically what the applicant wants to do.

Mr. Price stated the applicant is asking for some forbearance from these requirements, maybe not in perpetuity, but a waiver of time.

Ms. Dewitt stated at least until such time another building is constructed, because they are not making any changes to the building at this time, they are only asking for a change of use.

Commissioner Owen stated he drove by the property and could see that gravel was brought in at one time, but it has dissipated and may need more. He thought making them pave the entire property was over kill, and was not fond of putting in more landscaping. He felt that the property needed to be screened on all sides except the front, and would like to see some dust control.

Commissioner Merritt commented that improvements to a property are expected to comply with Town standards, but didn't feel a zone change would necessarily be considered improvements.

Commissioner Edmonds felt this property was consistent with the surrounding properties and because of the minimal traffic, that gravel and dust mitigation would be acceptable.

Commissioner Merritt thought it would be appropriate to stipulate that the applicant apply gravel to the area.

Commissioner Merritt MOVED, seconded by Commissioner Sloan to recommend to the Town Council approval of the zone change from Commercial Light (CL) to Commercial Heavy (CH) for Assessor Parcel 306-04-047C with the stipulation that gravel be applied to the parking area's to a standard set by the Town Engineer. Recommend approval to the Town Council to waive stipulation number three regarding the UDO Section 4.22 of the Off-Street Parking and Loading, and UDO Section 4.26 Landscaping.
MOTION CARRIED: 6-0

Chairperson Rowitsch called for a five minute recess at 5:25 P.M.
Chairperson Rowitsch called the meeting to order at 5:35 P.M.

6B. For consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from "AR-5" Agricultural/Residential (5 Acre Minimum) to "MHP- 4" Mobile/Manufactured Home Park (4 Acre Minimum). The location of the proposed zone change is northwest of Road 4 North/Road 1 West, with a physical address at 1429 Road 4 ½ North, Assessor's Parcel Number's 306-05-030X (Approximately 60.2 Acres).Applicant/Owner: La Vacara Trust

Dava Hoffman gave a brief overview of the history of the property and the proposed request. She stated the applicant would like to change the zoning from AR-5 to MHP-4 to allow the applicant to develop a gated 55+ manufactured home community on 60.2 acres and consist of 74 manufactured home pads. Theses pads would be approximately 60 by 90 feet, and the community would contain 30 foot wide private roads, and about 48 acres of the site would be open space. There would be a 15 foot wide landscape buffer located along the west and north perimeters with 15 gallon trees and three one-gallon shrubs per tree. There will be underground utilities, trash enclosures, fire hydrants, as well as a 33,000 gallon water tank in accordance with the Chino Valley Fire District, water will be supplied by the Appaloosa Water Company, and there will be a centralized septic system located in the northeastern area of the open space. The primary access will be from Road 4 North and there will be an exit only on Bumblebee Dr.

Ms. Hoffman commented that the property containing the Windmill House is not a part of this application. Ms. Hoffman commented that the applicant complied with the public notification process and a neighborhood meeting was held. There were about 35 citizens in attendance and the main concerns were the closely clustered layout of the home pads, the available water, how the age restriction would be maintained, would the open space areas be maintained as such, and how the property would be buffered from the properties to the west. The applicant submitted an modified site plan after the neighborhood meeting in an attempt to mitigate some of the impact to the neighbors along the western property line. The applicant relocated the water tanks, added additional landscape buffering, and enlarged the open space at the entrance as well as at the northeast area adjacent to the home pads, and reduced the number of pads from 5 to 4 at the entry area.

Ms. Hoffman informed the Commission that 6 letters of opposition were received prior to the writing of the staff report, and another 7 letters of opposition after the meeting packet was distributed. She indicated that when a zone change is requested, staff looks at the request from a land use stand point and what is written in the UDO, as well as State Statutes regarding zoning. The UDO section 1.9.2 deals with amendments of the Town's zoning map. The intent is that the regulations of the ordinance and boundaries of the zoning districts are established by the Town and may be amended, supplemented, modified, changed or appealed when deemed necessary when best served for the public interest, health, comfort, convenience, safety, and general welfare of the citizens of the Town. AZ Revised Statutes state that rezoning ordinances and regulations must be consistent with and conform to the adopted General Plan of the municipality.

Ms. Hoffman stated that after reviewing the Town's General Plan, she determined this property is in the Future Land Use designation of medium density residential which is defined as lots that are 2 acres or less in size. This designation promotes single family residential, multifamily residential, along with mobile home parks. Based on those findings staff finds this request to be in compliance with the General Plan and recommends approval of the zone change with the findings and stipulations as outlined in the staff report. (Ms. Hoffman read each Zoning Condition and Engineering Condition of Approval word for word aloud.)

Mike Cordovana representing the LaVacara Trust commented that at the neighborhood meeting citizens were concerned that the water company proposed to serve the area was not in compliance. Mr. Cordovana stated that the water company is in compliance and was only out of compliance during the 3rd quarter of 2011. The CCN was extended in March of 2008 and that ADWR stated there is no signs of insufficient water, and that the system was in compliance. Mr. Cordovana indicated the plan is to install a centralized septic system with hopes of eventually hooking into the Town's sewer system when it becomes available. He indicated that landscaping would be installed so that the development would seem to disappear, similar to the way the Windmill House is set up, and they added an additional 15 feet of landscaping to the west to minimize the impact to the neighbors. There is one neighbor who commented that the water tank would be located close to their home, so they increased the setback to allow for more landscaping to help with buffering, and moved the tank to another tract north of Bumblebee Rd.

Mr. Cordovana indicated he heard concern over there not being another exit or entrance out to 4 ½ North. He stated that most people will use the arterial routes and that Rd 4N and sometimes Bumblebee were more reasonable routes.

Commissioner Merritt asked how the age restriction would be governed.

Mr. Cordovana indicated that the restrictions would be governed with CCR's, but is okay with the Town placing a stipulation as well.

There was some discussion between the Commissioners and Mr. Cordovana on the particulars for the centralized septic system.

Commissioner Edmonds asked about the density. According to the UDO they are allowed 6 sites per acre and he asked how many sites per acre are proposed.

Mr. Cordovana indicated there are 60.2 acres and it calculated at 1.23 units per acre.

Commissioner McCaullay commented that the UDO states the minimum of 7260 sq. ft. and these pads only appear to be 5400 sq. ft. and are crammed into a 9 acre area, so that would not be 1.23 units per acre.

Mr. Cordovana stated that if the site plan is not designed sufficiently then they will make modifications to comply with all standards including roadways. The pads are designed to be equal too or greater than the current market to allow for landscaping.

Commissioner McCaullay commented he thought the 5400 sq. ft. did not comply with the minimum lot size.

Ms. Hoffman stated that the code actually reads a "Minimum Gross Site Area per mobile or manufactured home" is 7260 sq. ft. That number is used to determine the density which comes out to 6 MH pads per acre.

Mr. Edmonds commented that the units are compressed into a 9 acre area, which would exceed the area acreage capacity and thought the 9 acre area that is being used should be what the calculation is based on and not the entire parcel.

Chairperson Rowitsch stated she respectfully disagreed, this is not a subdivision and each individual parcel would not have to meet the density because the overall project and the overall density of the entire site has to be taken into consideration for the overall density which is no more than 1 unit per 7200 sq. ft. of the entire site.

The Commissioners were concerned that the designated open spaces would remain open space in the future.

Ms. Hoffman stated that zoning stipulation number 5 covers that, but if the Commissioners would like to add the wording "in perpetuity" they can.

Chairperson Rowitsch reiterated that the designated open space could not be used for anything else without going through another public hearing process.
Ms. Hoffman stated that was correct.

Commissioner Owen commented such a situation occurred not long ago, and the Commission denied the request to use the open space for something else. He asked for clarification on how the density is calculated.

Ms. Hoffman stated the code does not require that each mobile home pad be 7200 sq. ft. The UDO states that the minimum gross site area for manufactured homes is 7260 sq. ft. You then divide an acre by 7260 sq. ft. to find out how many sites are allowed per acre. The project consists of one parcel with a gross site area of 60.2 acres and that is used to determine how many units are permitted on the entire site.

Commissioner McCaullay had some concerns with the pond and grandchildren visiting and wondered if it would be fenced off, and was concerned with the mobiles being crammed into a 9 acre area.

Commissioner Edmonds was concerned that this plan did not show 2 direct accesses to a public street.

Ms. Hoffman stated there was direct access to Road 4 North, and one to Bumblebee Dr.

Commissioner Edmonds didn't feel that Bumblebee Dr. was direct access.

Mr. Cordovana indicated it is designed for public emergency vehicles access and for exit only by residents.

The Commissioners and Mr. Cordovana discussed the access, the legality and configuration onto a private and public roadway.

Mr. Cordovana stated he would have to refer to the Town in regards to the access as it was designed in accordance with conversations with them.

Ron Grittman, Public Works Director stated that the ingress and egress meet the requirements for public access in and out of the development. The development will have private streets that allow access to the public as well as the residents. There is a standard cross access easement that is recorded which gives access and is permanent to the property. Country West Mobile Home Park is set up similar to this proposal. They have private streets but everyone can drive on those streets which are maintained by the Home Owners Association.

Commissioner Merritt asked if there was a way to tighten the wording up for the open space to ensure that it did remain as open space, such as adding "in perpetuity".

Mr. Cordovana agreed that was acceptable.

Chairperson Rowitsch opened the public portion of the meeting.

Several citizens spoke and one citizen spoke for a group of people in an effort to save time. Their concerns had to do with: water issues, and whether or not there would be enough water to serve current customers and this development; the density with the clustering of these mobile homes on 9 acres when the entire property is 60 acres; the trustworthiness of the applicant due to prior experience; future maintenance of the development so that it doesn't become like other deteriorated developments of this type. Citizens were also concerned that the applicant would be applying for Commercial zoning next because they showed interest at a Technical Review meeting to have smaller seasonal rental cottages, or for corporate and team events. Citizens questioned whether these units would be owner occupied, or rentals, and felt this type of development would bring down property values. They had questions about additional lighting, and how that would affect the dark skies, worries over fire and if there was adequate water to fight such a fire, parking for residents and visitors, is the developer bringing in all the same units, are they single or doublewide, and who absorbs the cost of impact fees, what about potential flooding, and would there be an architectural review of units.

It was suggested that this development plan was pre-mature and there should be a study session in which citizens, the developer, and Town staff could get together in order to get questions answered and allow citizens more input into this development in an effort to preserve the community.

Chairperson Rowitsch closed the public portion of the meeting.

Chairperson Rowitsch commented that it may not be appropriate in this setting to talk about the CCN, but comments are welcome from the applicant.

Mr. Cordovana stated that the CCN does cover the 60 acre parcel.

Chairperson Rowitsch asked about the perimeter fencing.

Mr. Cordovana stated the existing chain link fence will remain and there would be an additional 15 foot landscape buffer.

Chairperson Rowitsch asked if they had any intention of putting commercial uses on this parcel.

Mr. Cordovana stated they do not.

Chairperson Rowitsch stated any future request that comes before the Commission will be addressed on its own merit just as this item is being addressed. She asked if the CCR's restrict owner occupied or will they allow rentals.

Mr. Cordovana stated the intent is for owner occupied with the pad being rented.

Chairperson Rowitsch asked if there would be a restriction to prevent owners from renting out their home.

Mr. Cordovana stated he could not answer that at this time.

Chairperson Rowitsch asked about the type of lighting they plan.

Mr. Cordovana stated it would be minimal, but would be following the Town's requirements.

Chairperson Rowitsch asked if there would be a clubhouse.

Mr. Cordovana indicated no there will not be a clubhouse.

Chairperson Rowitsch asked if there would be a restriction on single or doublewide units.

Mr. Cordovana indicated they discussed double wide only, but have not committed to that yet. If so that would be indicated in the CC&R's, and there would be architectural review with specific models to choose from.

Chairperson Rowitsch asked if the homes would be on foundations.

Mr. Cordovana stated they have not made a decision on that yet.

Chairperson Rowitsch asked who would be responsible for impact fees.

Dan Trout, Building Official stated that impact fees would be charged to each individual unit.

Chairperson Rowitsch asked about the flooding concerns on Road 4 ½ North.

Mr. Cordovana stated that a grading and drainage study is required and would address those issues, and that they plan to retain on site.

Chairperson Rowitsch asked if any grading had been taking place lately.

Mr. Cordovana indicated he didn't know as he does not live up here.

Chairperson Rowitsch asked if there would be storage areas available for residents.

Mr. Cordovana stated they are not proposing additional storage area except for what is allowed by Town code for each lot; however, he thought they would be restricting the parking of boats in driveways.

Chairperson Rowitsch asked if an area is planned for visitor parking.

Mr. Cordovana stated they did have additional parking planned and he didn't know why that was not reflected on this site plan. He believed there was an extra 42 parking spots scattered through the open spaces.

Chairperson Rowitsch asked if the egress onto Bumblebee Rd. is a residential street.

Mr. Grittman stated that it is a public street and any property owner who wishes to use it cannot be denied.

Chairperson Rowitsch commented that it is classified as a residential street.

Mr. Grittman stated that was correct, everything that is not classified in the UDO is a residential street. The UDO classifies the major arterial streets and minor arterial streets and everything else not listed is a residential street.

Chairperson Rowitsch asked for an explanation for retention or detention of water on the site.

Mr. Grittman stated that engineers do an analysis of pre and post development flow and that will determine what the increase of water is that the developer will need to detain.

Mr. Cordovana clarified that the arsenic levels at the Appaloosa Water Company at different times have been out of compliance. In regards to what was discussed at the Technical Review Meeting the application originally submitted was different, it included Parcel A and cottages for rent, RVP and boat storage on Parcel B, but after learning of the requirements to do those things they removed those uses. It is not their intent to do commercial on Parcel B.

Commissioner Edmonds asked about the parking for each lot, and what are the dimensions.

Mr. Cordovana stated there would be 2 parking spaces per lot and he couldn't say what the dimensions would be as it would depend on the units and whether or not there are garages or carports.

Commissioner Merritt asked why the homes are contained on such a small area when there is enough property to spread them out.
Mr. Cordovana stated it has to do mainly with monetary concerns, if this is stretched out it becomes economically not feasible. In working with the manufacturer of these homes, this was the typical layout with these being on the higher end in size, and if they are not able to get the homes in there then the final area would be larger. This would also apply to turn around areas for emergency vehicles. He stated that the plan was designed based on the comments from the Town and developers.

Commissioner Merritt asked why there were no provisions made for ingress and egress at 4 ½ North.

Mr. Cordovana stated they looked at that and the pros and cons and the reasons for using either 4 ½ North or Bumblebee and it was determined that Bumblebee would be more feasible in accessing Reed Rd. and the other arterial roads.

Commissioner Owen commented that he was concerned with parking, emergency vehicles and enough room to maneuver, and sufficient water to fight a fire.

Mr. Cordovana stated it was not their intent to create substandard streets, if the streets are not adequate to meet the needs for emergency personnel then they will be made larger, but according to the engineers, what is planned is adequate. They are following the requirements given to them by the fire department and the Town.

Chairperson Rowitsch commented that this does comply with the General Plan, but the biggest issue she had with it was she didn't feel the applicant was mitigating the impact this development would have on the neighbors.

Mr. Cordovana stated that there are only 4 pads that hit right up to the neighboring properties.

Chairperson Rowitsch stated those 4 pads directly affect those neighbors and reiterated that the applicant agreed to make adjustments, this site does not show onsite parking and she felt there were several things that needed to be clarified before the Commission could make a decision on this site plan. She felt they were on the right path and the request is consistent with the General Plan, but that their job was to make sure that it is compatible with the neighborhood and doesn't impact the current residents. She stated it wasn't the Commission's job to design the project for them, but thought moving pads 1 through 4 in order to mitigate the impact to the neighbors should be considered, and that they needed to bring another site plan back that addresses these concerns. She felt there were several things that have not been addressed with access being the biggest concern. She stated they met the density requirements; however, using the open space as a way to mitigate the impact to the neighbors would be an efficient use of that open space.

The Commissioners agreed that with minimal effort to mitigate the impact to the neighbors on the west, they felt this project could be successful, but the plan needed some revisions in order to address the concerns that have been voiced. They suggested the applicant may want to get with Town staff and the neighbors again to work out some of the details discussed.

Mr. Cordovana stated he didn't feel they have designed substandard streets or a bad project, but agreed to go back and add the things that are missing, and getting with the Town again to go over some of the other issues.

Commissioner Merritt MOVED, seconded by Commissioner Sloan to postpone this item until the July 16, 2013 Commission Meeting.
MOTION CARRIED: 6-0

7. **PUBLIC COMMENTS**: None

8. **ADJOURN:** 8:30 p.m.

____
Chairperson Date:

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 7. b.**

Meeting Date:	07/09/2013
Contact Person:	Jami Lewis, Town Clerk Phone: 928-636-2646 x-1208
Department:	Town Clerk
Item Type:	Action
Estimated length of staff presentation:	None
Physical location of item:	Maverik, 1060 S. Highway 89, Chino Valley

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AGENDA ITEM TITLE:

(i) Public Hearing regarding application from Lauren Merrett for the acquisition of control (change of ownership) of an existing Series 10 (Beer and Wine) Liquor License for Maverik, Inc., located at 1060 S. Highway 89, Chino Valley.

(ii) Consideration and possible action to either allow or protest the change of ownership of the Series 10 Liquor License for Maverik, Inc. to the Arizona Department of Liquor Licenses and Control.

RECOMMENDED ACTION:

(i) Hold Public Hearing.
(ii) Take no action; OR Protest the acquisition of control of Maverik's Series 10 Liquor License.

SITUATION AND ANALYSIS:

A.R.S. § 4-203.F provides that: "If a person other than those persons originally licensed acquires control over a license or licensee, the person shall file notice of the acquisition with the director within thirty business days after such acquisition of control and a list of officers, directors or other controlling persons on a form prescribed by the director. All officers, directors or other controlling persons shall meet the qualifications for licensure as prescribed by this title. On request, the director shall conduct a preinvestigation before the assignment, sale or transfer of control of a license or licensee, the reasonable costs of which, not to exceed one thousand dollars, shall be borne by the applicant. The preinvestigation shall determine whether the qualifications for licensure as prescribed by this title are met.*On receipt of notice of an acquisition of control or request of a preinvestigation, the director shall forward the notice within fifteen days to the local governing body of the city or town, if the licensed premises is in an incorporated area, or the county, if the licensed premises is in an* *unincorporated area. The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. [Italics by author]* If the director does not receive any protests, the director may protest the acquisition of control or approve the acquisition of control based on the capability, reliability and qualification of the person acquiring control. Any protest shall be set for a hearing before the board. Any transfer shall be approved or disapproved within one hundred five days of the filing of the notice of acquisition of control. The person who has acquired control of a license or licensee has the burden of an original application at the hearing, and the board shall make its determination pursuant to section 4-202 and this section with respect to capability, reliability and qualification."

Lauren Merrett has applied with the state for an Acquisition of Control of the Series 10 (beer and wine store) Liquor License for Maverik.This non-transferable, off-sale retail privileges liquor license allows a retail store to sell beer and wine (no other spirituous liquors), only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises. A retailer with off-sale privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale. Payment must be made no later than the time of delivery. Series 10 (beer and wine store) licensees and applicants may apply for unlimited sampling privileges by completing the Sampling Privileges form.

The Police and Planning Departments reviewed the application and offered no comments. Staff posted the establishment with the necessary notices to meet the required 20-day period from June 11, 2013 through July 9, 2013. As of the date of this report, staff has not received any written arguments in favor of or in opposition to the application.

Other Pertinent Documents Available Upon Request:
Liquor License application (also posted at establishment)

Fiscal Impact

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

Attachments

No file(s) attached.

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting **Item No. 7. c.**

Meeting Date:	07/09/2013
Contact Person:	Jami Lewis, Town Clerk Phone: 928-636-2646 x-1208
Department:	Council
Item Type:	Action
Estimated length of staff presentation:	None
Physical location of item:	Road 1 East extension south of Road 3 South

AGENDA ITEM TITLE:
Discussion and possible direction to staff regarding extension of Road 1 East to Road 4-1/2 South instead of the proposed location.

RECOMMENDED ACTION:
Direction to staff.

SITUATION AND ANALYSIS:
On June 11, 2013, during Call to the Public, Mr. Steve Chontos Steve Chontos, a Town business owner, asked Council to consider reconfiguring the proposed Road 1 East extension so that it turned at Road 4-1/2 South instead of at the proposed location to give the Town an alternate route and provide closure to Dirt on the Range.

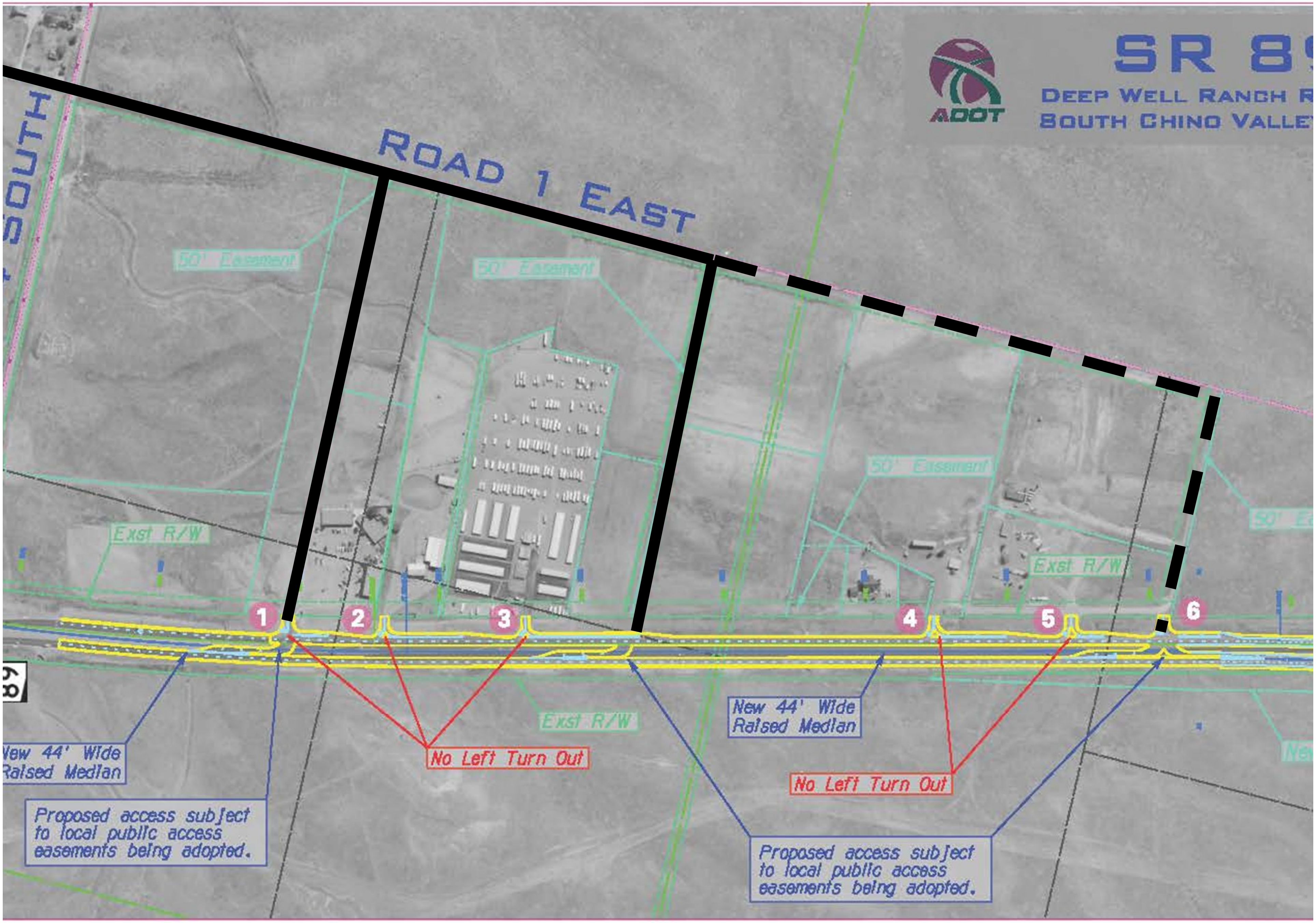
Per Council Rules of Procedure § 10(A): "Items may be placed on a Council agenda by the Mayor, the Town Manager, or any two Council members. Said agenda items must be submitted in writing by the submission deadline date." Councilmembers Turner and Wojcik submitted their request via email prior to the July 1 deadline.

Fiscal Impact

Fiscal Impact?: TBD
If Yes, Budget Code:
Available:
Funding Source:

Attachments

Images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ADOT
ROAD 1 EAST
SOUTH
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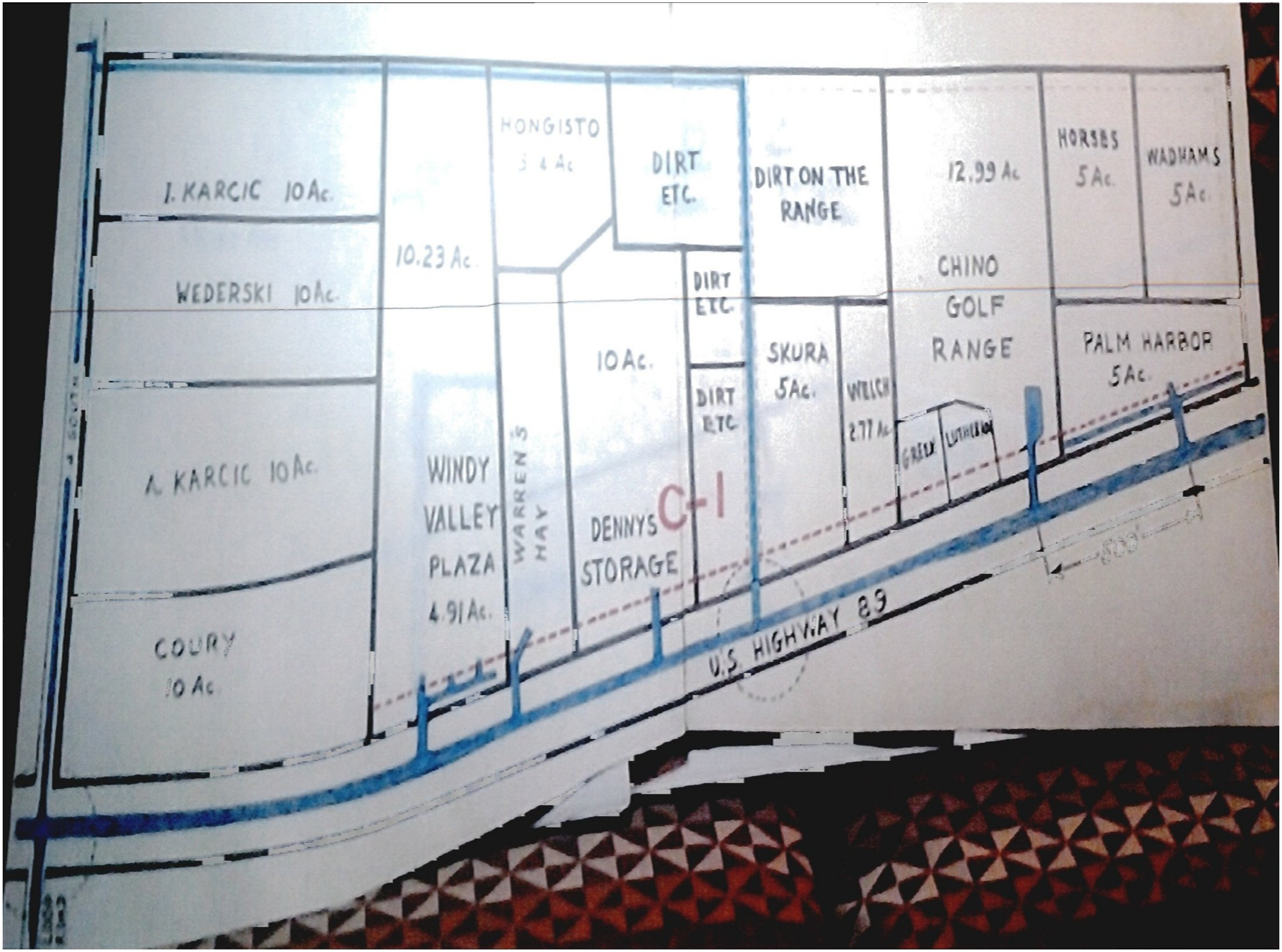
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