

MINUTES OF THE STUDY SESSION OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY OCTOBER 16, 2018
6:00 P.M.**

The Town Council of the Town of Chino Valley met for a Study Session in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, October 16, 2018.

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

Staff: Town Manager Cecilia Grittman; Economic Development Project Manager John Coomer;
Present: Development Services Director Jason Sanks; Planner Alex Lerma; Customer Service Manager JoAnn Brookins; Public Works Director/Town Engineer Frank Marbury; Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER; ROLL CALL

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

2) Presentation and discussion regarding community outreach to local news media, department of commerce, and other outlets regarding the Town's plan to improve the appearance of commercial properties, comply with local ordinances, and encourage ongoing commercial development primarily along State Route 89. (Jason Sanks, Development Services Director)

Mr. Sanks reviewed the following:

- The new Code Enforcement Officer, hired to work on improving the appearance of the commercial properties along Highway 89, was working with staff and business owners to clean up the commercial properties and illegal signage. The goal of cleaning up Highway 89 was to encourage economic development.
- Staff preferred to work with the business community to clean up properties in a collaborative manner. The focus of the cleanup was on outdoor storage, signage, and screening of outdoor items. Staff had also been inspecting properties on the weekend to catch the weekend popup businesses.
- To help get the word out, staff had tentatively scheduled a Chino Valley Review interview with the new compliance officer, Ms. Brookins and Mr. Sanks. The Chamber of Commerce was assisting with business outreach and staff member Matt Santos will do a brief interview to be posted on the Town's website.
- Staff was working with legal counsel to change from a citation process to an administrative process to avoid the slowdown of court cases.

Ms. Brookins reviewed the following:

- She complimented the new code enforcement officer for her knowledge, demeanor and mannerisms.
- Staff had been visiting the business owners directly to review with them signage requirements and permits for both the Town and ADOT. The enforcement took a great

deal of research for each property.

- Staff was requesting businesses to apply for temporary sign permits for banners, flags, and the like. The current code made it difficult to enforce temporary signs. Most business owners had responded positively, but some had been upset at the enforcement of sign requirements.
- Staff had been focusing on the north end of Highway 89 and had been looking at contractors' yards, screening, fencing, business licenses, and zoning uses. They had found several issues that they were working on resolving, but it would not be simple in several instances. Staff had found businesses without business licenses and property parcels zoned incorrectly for the business licenses. The next step will be to notify the property owners of their findings.

Council and Staff discussed the following:

- *Sign Code*: The sign code, especially the temporary sign code needed to be updated, as the current code: (i) did not define the length of time for a temporary sign; (ii) did not address if a person could reapply for a temporary sign permit; (iii) did not address if the temporary sign fee was per sign or per parcel; (iv) was vague and did not always address actual issues. It took some adjustment to get business signage in place for some businesses because of the way the code was written.
- *Contractors' yards*: Some were grandfathered from current code regulations. In the past, contractors' yards only needed a fence if located next to residential property; now they must be fenced regardless of location.
- *Standardization*: The code needed to be standardized so that all businesses were following the same requirements. The Town could create a standard to transition legal non-conforming uses to a conforming status. Staff could make a recommendation for this type of regulation.
- *Complaints*: Council members had received complaints from some long-time business owners upset at the citation or warning they had received. Council members needed to forward citizen complaints to staff so that the issues could be dealt with properly.
- *Business licensing and land uses*: When business licenses came up for renewal, the code compliance officer should be matching up uses with the business license. One business had been in the wrong zoning for the business, but went through the process of a rezone and was now properly licensed and operating legally. That type of process needed to be focused on and used for other businesses. The Town could consider changing the business licenses renewal date to the anniversary date of the original license.
- *Citation process*: Upon a complaint, staff inspected the property. If the property was in violation, the Town sent a letter to the business owner providing 15 days for the property owner to comply. If the owner did not comply, the Town sent a second notice with the same time limit. Third notices were sent to the court, giving the owner an additional 30 days to comply. If the owner still did not comply, the Court could fine the property owner.
- *Compliance*: It was important to inform property owners that these regulations had been in the code, but had not been enforced and that the Town was now focusing on implementing the regulations. The Town needed to have a plan and be clear on what grandfathered rights they wanted to eliminate without over complicating the issues.
- *Compliance plan*: This was the first of many phases for enforcement issues and staff would not be entering any buildings. The current focus was a beautification program and correcting business license issues. Code compliance could get extensive, but there was not enough staff to pursue that type of enforcement nor the proper code language to enforce the rules.
- *Business signage*: Staff had approached businesses that were out of compliance with

signage, giving them two days to come into compliance and apply for the signage permit. If they did not submit the proper permit application within the two-day timeframe, staff would send a warning letter.

- *UDO rewrite*: The original intent of the rewrite was to help clean up the town and update areas of the code that were contradictory.
- *Outreach*: Staff should work with the local paper to write a public service announcement that could explain to the public the Town's goals to clean up the community and the process staff would be following.
- *Code compliance cases*: Currently, there were 176 cases; last year, staff had approximately 197 cases in the entire year.

Council indicated that their priorities were:

- Cleaning up unkempt or trashy properties on Highway 89.
- Keeping a positive initial impression for people driving through on Highway 89.
- Signage was not the priority, but it needed consistency when new businesses opened.
- Remain focused on illegal businesses, wrong zoning, and no business licenses.

- 3) Presentation and overview of the intent and purpose of Conditional Use Permits, Planned Area Developments, and the general development process as related to rezoning cases and other entitlement applications related to new development. (Jason Sanks, Development Services Director)

Mr. Sanks related that every property was zoned and had a particular set of development standards. If a use did not conform with the standards, a property owner could go about using different mechanisms to get to the proper use and development standards desired. The Town then would decide to support or not support the use and/or mechanism. Such mechanisms included rezones, CUPs, PADs and general plan amendments to the map or text.

Conditional Use Permits (CUP)

- CUPs provided additional discretion on uses in a particular zone. They were granted only by ordinance once the Planning and Zoning Commission ("Commission") made a recommendation to the Council and the Council found that the use:
 - o Would not be detrimental to neighboring properties.
 - o Was reasonably compatible with uses in the surrounding area.
- CUPs could have a timeline placed on them or no expiration date at all. Some current CUPs had expired, but staff was trying to fix those issues as they were found. CUPs were not permanent, but could have more regulations attached than a zone change. Conversely, zone changes were permanent and did not expire or revert to the previous zoning.
- CUPs were tied to the land, not property ownership. If a CUP was not initiated within a year, it became null and void. There was no cost or time difference between a zone change and a CUP.

Protected Development Rights (PDR). PDRs could be transferred to a different owner but not to a different property. Those rights did have an expiration date; they had sunset and were no longer available.

Planned Area Developments (PAD)

- PADs provided a specific time to complete the development; however, the property owner was locked into what was approved. If development did not occur during the timeframe, staff would go through the Town's compliance process with the property owner.
- PADs were a zoning action and were adopted by ordinance. They made the base code more malleable for larger projects. PADs offered the applicant the opportunity to diverge from zoning standards, change up uses and development standards, and could even make a property more restrictive to accomplish what the property owner wanted to accomplish. It also allowed the Council to lock in certain restrictions and uses.
- While a prospective use could change with a zone change only, PADs must be followed as written. People tended to use PADs when a code became outdated with the current development trends. The Town was currently updating the code so that PADs were not as necessary.

- 4) Review and discussion regarding the proliferation of Conex style storage containers, primarily on commercial property, and how those should be regulated for location and screening on properties. Discussion may also include how these containers may be adapted as structures, such as offices. (Jason Sanks, Development Services Director)

Mr. Sanks reported that:

- Staff needed direction from the Council on how to handle the Conex containers that were being used throughout the Town and that the current code did not address.
- Conex boxes were repurposed cargo containers that were about eight feet wide, eight feet tall and up to forty feet long. People were using the containers for storage containers, offices, workshops, residential space or any useable space.
- Issues to consider included level of regulation, restrictions on location, screening, painting, permitted quantities, temporary versus permanent uses, design standards, and permitting. Upon becoming aware of a Conex being placed on a property, staff had already been asking owners to paint them the same as the building it served.

Council and staff discussed their preferences:

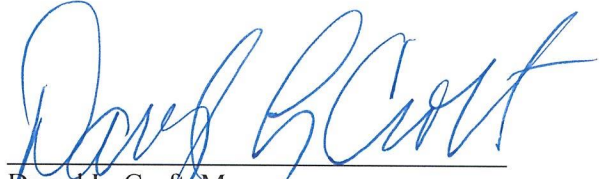
- The containers did not technically require a building permit because they were not a building. Containers could fall under a land use permit which could regulate where it was located. Modifying the container for storage purposes only was not a staff concern.
- Paint color should be the same color as the building it served and fences should not be required around a Conex.
- If placed on a property adjacent to Highway 89, the Conex should be hidden from sight. If not hidden behind a building, the container should be placed on a side lot of the building and not in front of the building.
- There should be a square foot ratio to the building the Conex would serve. Commercial and residential ratios should be different.
- A Conex was appropriate when new construction, a remodel, or a large store delivery was taking place; and it could have a temporary use permit.
- Council was not equipped, without getting expert advice, as to whether the containers were appropriate for use for anything besides storage containers. There were strict code regulations for converting the containers to working or livable spaces. The Town could implement a design review for applicants that wanted to use a Conex box as an apartment.
- Staff would bring back suggestions for regulations to Council. Staff could use policy in place of a code amendment during the UDO rewrite.

5) ADJOURNMENT

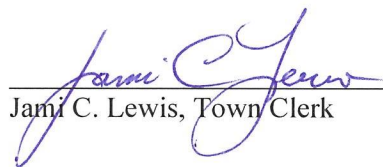
MOVED by Councilmember Jack Miller, seconded by Councilmember Annie Perkins to adjourn the meeting at 7:33 p.m.

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

PASSED - Unanimously


Darryl L. Croft, Mayor

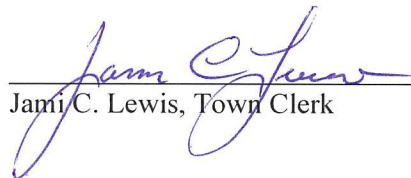
ATTEST:


Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the Town Council of the Town of Chino Valley, Arizona held on the 16th day of October, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of November, 2018.


Jami C. Lewis, Town Clerk