

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

**TUESDAY, OCTOBER 22, 2019
6:00 P.M.**

The Town Council of the Town of Chino Valley met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, October 22, 2019.

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

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

Absent: Councilmember Lon Turner

Staff Town Manager Cecilia Gritman; Town Attorney Andrew McGuire (electronically); Public Present: Works Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Police Officer (Sergeant-At-Arms) Michael Garcia; Administrative Technician Kathy Frohock (videographer); Town Clerk Jami Lewis (recorder)

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

3) CALL TO THE PUBLIC

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

Ron Romley provided statistics on the 2019 Paulden Plunge and presented a \$1,309 check to the Town. He commended donors, which included the Town and Kiwanis Club of Prescott; as well as volunteers, which included the Paulden Foundation, Councilmember Best, and Town staff.

Chris Foley spoke about the poor audio quality of some Town meeting videos.

Ryan Roberts questioned the value of the industrial park project, citing concerns about traffic, assured water supply, increasing project costs, and needed studies to determine if the project would help the town.

4) RESPONSE TO THE PUBLIC

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

- a) Comments in opposition to the proposed Brook Apartments planned area development.

Mayor Croft reported that this topic was on the current agenda, at which time the Council would discuss it.

- b) Comments regarding proposed amendments to temporary sign regulations in the Unified Development Ordinance.

Mayor Croft reported that Council had a study session on October 15, at which they addressed the language for temporary signs and directed staff to amend the language and bring it back for further review at the November 19 study session. The item will go back to the Planning Commission and Town Council for final adoption. Staff hoped to accomplish this by year-end.

- c) Request for Council support of citizens' efforts to improve the Town's 9/11 Memorial at the Shooting Range.

Mayor Croft reported that the Town appreciated citizens' efforts to improve the 9/11 Memorial at the Shooting Range. Police Chief Wynn will be coordinating the effort and the Council will report on the progress.

5) **CURRENT EVENT SUMMARIES AND REPORTS**

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

- a) Status reports by Mayor and Council regarding current events.

Councilmember Perkins reported that the Chino Valley boys' and girls' soccer teams were both vying for State championships and she encouraged community support.

Councilmember Kelly reported on an upcoming ADOT hearing regarding the flags that are flown along State Route 89. Town Manager Grittmann stated that she did not believe it would be a public meeting.

- b) Status report by Town Manager Cecilia Grittmann regarding Town accomplishments, and current or upcoming projects.

Ms. Grittmann reported on:

- The Clerk's Office accepting applications for Planning and Zoning Commission and Municipal Property Corporation through October 30.
- A Council study session on October 29.
- A thank you letter to the Town from the Chino Valley Pickleball Association.
- A thank you letter from Jeff Frohock regarding the Town's community theater.

- c) Recognition of Outstanding Customer Service by Town employees.

Town Manager Gritman recognized Kathy Parker, nominated by Richard Coley, for her outstanding customer service in the Court.

- d) Report regarding building permit and code compliance statistics, and Unified Development Ordinance updates. (Joshua Cook, Development Services Director)

Joshua Cook reported on the last quarter statistics regarding residential, commercial, and sign permits, project valuations, citations, code cases, neighborhood meetings, UDO updates, and land use matters.

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.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to approve the Consent Agenda Items 6(a), (b), (c), (d) and (e) as written.

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

6 - 0 PASSED - Unanimously

- a) Consideration and possible action to authorize the project's Design-Build team to proceed with construction documents for the Memory Park Restrooms and Utilities Shop Building. (Frank Marbury, Public Works Director/Town Engineer)
- b) Consideration and possible action to adopt Resolution No. 2019-1147, approving the Intergovernmental Agreement (IGA) for Interpreting Services between the Town of Chino Valley and the Yavapai County Superior Court from July 1, 2019 to June 30, 2021, in an amount of \$40/hour and \$0.445 per mile. (Ronda Apolinar, Court Administrator)
- c) Consideration and possible action to adopt Resolution No. 2019-1149, authorizing staff to apply for a rural broadband grant from the Arizona Commerce Authority, in the amount of \$50,000 with a 10% match equaling \$5,000. Funds for the match to come from General Fund Contingency. (Maggie Tidaback, Economic Development Project Manager)
- d) Consideration and possible action to approve Financial Report for the three months ending September 30, 2019. (Joe Duffy, Finance Director)
- e) Consideration and possible action to approve the October 8, 2019, regular meeting minutes. (Jami Lewis, Town Clerk)

7) ACTION ITEMS

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

- a) Consideration and possible action to rezone approximately 6.85 acres of real property from the MR-1 (Multi-Family Residential 1-acre minimum) zoning district to the MR-1 PAD (Multi-Family Residential 1-acre minimum) zoning district with a Planned Area Development Overlay. The project proposes 152 units in four (4) stepped 2 to 3 story structures. The property is generally located 1,400 feet west of State Route 89 and 620 feet south with Assessor Parcel Number: 306-23-024C. (Joshua Cook, Development Service Director)

Recommended Action: adopt Ordinance 2019-873 rezoning approximately 6.85 acres of real property from the MR-1 (Multi-Family Residential - 1 acre minimum) zoning district to the MR-1 PAD (Multi-Family Residential - 1 acre minimum) zoning district with a Planned Area Development Overlay with its associated development plan with the following conditions:

1. The project shall substantially conform to the site plan, landscaping plan, conceptual building elevations and other exhibits provided by the applicant, as modified by staff's recommended conditions contained herein.
2. Developer shall provide a 54 inch high CMU block wall along the south property line. Developer shall align and reinforce existing fence along the west property line per prior discussions with Mrs. Kris Foley.
3. Depths of flows over onsite and offsite streets shall not exceed one foot to allow passage of emergency vehicles. The standard applies to both public and private streets.
4. One five-foot concrete pedestrian sidewalk (onsite and offsite from project going north to Road 2 North within the existing Hawks Nest right-of-way) shall be constructed by Developer prior to issuance of any certificate of occupancy related to the property.
5. Hawks Nest Trail shall be constructed to commercial standards (28' roadway width, with curb and gutter, and a five -foot concrete sidewalk on one side with associated ramps and other devices). The roadway design and associated curb profile may be adjusted as needed to accommodate storm water by utilizing low water crossing; provided, final design shall be approved by the Town Engineer. Town to provide full support for a reimbursement agreement with owners of Heritage Place commercial subdivision relating to reimbursement by owners of lots within the Heritage Place commercial subdivision to Developer for costs incurred to construct Hawks Nest Trail improvements to commercial standards.
6. Intersection improvements at Hawk's Nest Trail and Road 2 North shall be constructed in accordance with the existing traffic study match road construction type and materials existing on similar improved segments (widened road, curb, gutter and sidewalk) of west Road 2 North. Final design of the intersection improvements shall be approved by the Town Engineer.
7. Water and sewer mains on Road 2 North through the Hawks Nest intersection shall be 12 inches in diameter. Town will provide support for a line extension agreement which causes reimbursement to Developer for installation of the 12 inch lines from future hook-ups of property benefiting from the up-sized water and sewer lines. Alternatively, the Town may directly reimburse Developer for the cost of up-sizing of the lines from 8 inches to 12 inches in diameter.

Mr. Cook presented on this item:

- *Project history:* In 2006, the Council approved an ordinance for MR-1 and SR-2 blended zoning and later that year, the blended zoning was split into two separate parcels. A similar development request for an MR-1 PAD overlay for increased density was denied by the Planning and Zoning in 2017. Consequently, the applicant withdrew the application before Town Council review.
- *Current situation:* The property's General Plan designation was commercial multi-family residential and it was located within the potential community core. Mr. Cook reviewed the surrounding subdivisions, developments and zoning designations.
- *Proposed features:* Access to the property would be through Hawks Nest Trail and the Heritage Place subdivision. Mr. Cook reviewed the site plan, including setbacks, buildings and units, elevations and architectural elements of the buildings, and amenities. He added that the applicant was also amenable to including a dog park.
- *Comparison of MR-1 code standards and proposal:* Mr. Cook explained that lot coverage excluded paved areas, walks, and swimming pools.

MR-1 Code Standards	Proposed Standards
99 units / 14.5 dwelling units per acre	152 units / 22.5 dwelling units per acre
40% lot coverage	20% lot coverage with max. building height of 35 feet
20, 10, 10, and 20 feet setbacks	20, 100-165, 44-98, and 85 feet setbacks
144 trees and 115 shrubs in buffer zone	233 trees and 740 shrubs in buffer zone
	Block wall screening and repair existing property line fence
184 parking spaces	287 parking spaces

- *Similar developments:* Mr. Cook reviewed other proposed developments and densities in the Town which had been approved but had not yet been constructed.
- *Public participation:* All correspondence received from the community had been forwarded to the Planning and Zoning Commission ("Commission") and Town Council. Staff also provided an interpretation letter addressing issues brought up in letters. 21 residents attended the neighborhood meeting.
- *Recommendation:* The Commission recommended denial by a 4-3 vote. During the Commission meeting, several stipulations had been in draft form, but since that time, staff had finalized them. Staff recommended approval of the application with seven stipulations related to (i) conformance with the applicant's development plans as modified by staff's recommended conditions; (ii) block wall and reinforcement of existing fence; (ii) drainage flows; (iv) pedestrian sidewalk; (v) trail construction and reimbursement agreement; (vi) intersection improvement at Hawk's Nest Trail and Road 2 North; and (vii) water and sewer mains on Road 2 North and a line extension agreement.

Council asked about the following issues:

- *Hawk's Nest intersection:* Mr. Marbury spoke about a left turn lane from the road going into the apartments that would be based on a traffic impact analysis that may or may not have been completed. The developer's engineer confirmed that a traffic analysis had

been completed for the previous 192 units and Mr. Marbury added that the Town had completed a study on all development in aggregate on both sides of Road 2 North. Chris Fergis, project architect, confirmed that the concrete walkway was fully accessible, and the path, to be constructed with decomposed granite, would be maintained and kept to accessibility standards.

- *Drainage basins:* Staff stated these were for water retention.
- *Lack of amenities for children:* Mr. Fergis explained there were insurance liability issues with playground areas and there were parks in close proximity of the development. The developer had offered to contribute to the park system to help improve the local parks and there were places within the buildings that had game rooms.
- *Wall height reduction:* Mr. Fergis was not clear why the owner had shortened the wall, but he did not believe a six-foot wall would be an issue. He did not think that the zoning required a wall to be in place, but it was put in for separation from neighboring properties. There would also be a large landscaping buffer in place.
- *Single ingress/egress:* Scott Freitag, Fire Chief, Central Arizona Fire and Medical Authority, explained that the project met the letter of the code, which allowed for a single ingress/egress location as long as all the buildings were sprinkled. Outside the code, there was concern from a service perspective, especially since entry went through another commercial residential property, which could create some future challenges. He was assured that the roadways would allow for emergency apparatus to maneuver throughout the property and they had ladders that would reach the top of a three-story building.
- *Water and fire protection other than sprinklers:* Mr. Marbury explained that the Town would be providing water and sewer and the Town had the capacity to meet the needs.
- *School buses space and pick up area:* Staff assured that if a fire truck could use the roads, a school bus could as well. The developer stated there was an area near the gazebo that would work for pickup needs and confirmed that school buses could maneuver the streets.

Public Comment:

Jean McFadzen spoke on behalf of 25 people from the Grove Lane area, who all opposed the proposal. She added that she had also submitted petitions from the surrounding area to the Town asking the Council to deny the proposal. Key points were:

- *Ordinance errors:* (i) the ordinance stated that the Commission recommended approval, which they did not; and (ii) the zoning label on the property to the east was designated as CH, but had previously been labeled CL/AR-5.
- *Commission recommendation:* The Commission had denied both applications.
- *Density:* The number of bedrooms had increased 10% from the previous application. Adding 300 plus people and 180 plus cars on seven acres next to a single-family residential one-acre neighborhood with 50 residents was a concern.
- *Inadequate buffer from neighbors:* The middle three-story portion had windows that looked directly down into Grove Lane and the landscape trees would take a while to grow to 30-feet. The four-foot wall would not provide protection or division.
- *Developer advertising:* In October, a website solicited potential tenants for the apartment complex that was coming soon. Later, a caveat was added that the project was under Town review. She objected to the advertisement without the necessary government approval.
- *Lack of amenities for children and pets:* Bored kids caused trouble and the wall was not tall enough to keep them out of her neighborhood. There would be a lot of dogs and

waste.

- *Emergency access:* There was concern about having adequate equipment to fight a fire on a three-story building.
- *Traffic and safety:* There was no statement as to who would pay for the new turn lane. Road 2 North would become more congested with traffic and have more accidents. School traffic would also increase and there would be no sidewalks to the school.
- *Location:* While she supported the proposed business park and apartments for its workers, and updating the Town's zoning, she did not believe this project fulfilled the General Plan and Strategic Plan visions. She believed a better place for apartments would be at Old Home Manor, close to the business park; and the project's tenants would not be employed or spend their money within the Town.

Chris Foley, resident, spoke about her address being used for the project, resulting in people harassing her, and asked that her address be removed. She also asked the Town to consider a turnaround for the congested water fill area when the apartment complex went in. Mayor Croft asked the Town Manager to get the address corrected and confirmed that the Town was working on improvements for the water fill station.

Yolanda Menellia, resident, questioned the subject property's zoning with so many residential homes down the road. She was concerned about congestion at the water fill station and the wall not being high enough due to lighting at the apartments, and she wanted to see how the road looked with a left turn lane. She also asked if the Town was going to allow everyone that wanted to divide their property to bring their acreage down to one acre. The Town should not be greedy and commercial uses should be in commercial areas.

Stacey Woodsum, resident, spoke about concerns regarding vehicle and pedestrian traffic.

Jim Capano, resident, questioned the Town offering reimbursement to the developer, as the developer should be held responsible for all the improvements such traffic lights, water, curbs, gutter, and sewer. He felt developers should pay for all improvements tied to new development.

Nick Sallee, resident, spoke about choosing his current home because there were no large buildings in the area and the proposed trees not being tall enough to hide the apartments.

MOVED by Vice-Mayor Jack Miller, seconded by Mayor Darryl Croft to adopt Ordinance 2019-873 zoning approximately 6.85 acres of real property from the MR-1 (Multi-Family Residential - 1 acre minimum) zoning district to the MR-1 PAD (Multi-Family Residential - 1 acre minimum) zoning district with a Planned Area Development Overlay with its associated development plan with the following conditions number 1 through 7.

Mr. Cook brought to Council's attention that the neighbors filed a legal protest and the Town Attorney could provide further information. Mayor Croft stated they could address that after the vote.

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

0 - 6 FAILED

Councilmembers stated their reasons for their vote:

Councilmember Perkins opposed the project due to location, density, increased traffic, the property not being compatible with the surrounding area, and lack of children and pet areas. The negative aspects outweighed the water and sewer revenue the Town would receive from the development. The Commission's denial should not be overturned based on staff's recommendation because the Commission served the community with a purpose by diligently reviewing requests.

Councilmember Mendoza spoke about this being a good learning opportunity for people purchasing property to research the surrounding property rights. While the owner could build a three story, 99-unit apartment, he opposed this project due to 159 units being excessive and preferring the Town's established limit.

Councilmember Best opposed the project due to the developer's lack of concern for children and pets.

Vice-Mayor Miller believed that 99 units was plenty.

Councilmember Kelly opposed the project due to what he had read and the response of the people he represented.

Mayor Croft opposed the project due to the density and height.

8) EXECUTIVE SESSION

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

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with attorneys for the Town regarding a potential development agreement for Chino Meadows Subdivision. (Cecilia Gritman, Town Manager)

The executive session was not held.

9) ACTION ITEMS RESUMED

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

10) ADJOURNMENT

MOVED by Councilmember Cloyce Kelly, seconded by Vice-Mayor Jack Miller to adjourn the meeting at 7:17 p.m.

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

6 - 0 PASSED - Unanimously

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 22nd day of October, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of November, 2019.

Jami C. Lewis, Town Clerk