

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

**TUESDAY DECEMBER 10, 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, December 10, 2019.

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

Staff Town Manager Cecilia Grittmann; Town Attorney Andrew McGuire; Finance Director Joe Duffy;

Present: Economic Development Project Manager Maggie Tidaback; Police Chief Chuck Wynn; Customer Service Manager JoAnn Brookins; Public Works Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Senior Planner Alex Lerma; Assistant Planner Will Dingee; Community Services Director Scott Bruner; Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk Vickie Nipper (recorder)

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

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Annual Report by the Chino Valley Equestrian Association regarding the status of the Chino Valley Equestrian Park located on Town property.

Danielle Feller introduced Cooper Anderson who reported on:

- Growth, changes, participation, volunteer hours, partnerships, programs, and events within the last year.
- Large equipment purchases made possible through donations and fund-raising activities, and improvements and maintenance to the facility.
- Future focus on education and disciplines to provide access to funding and grants.

Councilmember Turner congratulated everyone involved in the equestrian center for their successes. Councilmember Perkins thanked Ms. Feller, who will be leaving Chino Valley, for her contributions to the center. Ms. Feller shared some parting thoughts and recognized Mr. Anderson as the organization's next president.

- b) Presentation by Jeff Frohock, Director, Chino Valley Repertory Theater, regarding the organization's upcoming first production.

Jeff Frohock, portraying Mark Twain, spoke about the theater group's upcoming inaugural production.

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.

Daniel Brundage, owner of Affordable Auto, spoke about losing business due to not being allowed an offsite sign on the highway. He asked the Town to reconsider the restriction on offsite signage, as he did not want to have to move his business out of 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) Response to Carlos Romaniz, owner of CR Waterworks, requesting the Town to drop their tier system and replace with a flat fee.

Mayor Croft reported that at the November 12, 2019, Council meeting, a request was made to review charging a flat rate for all fill station customers versus the current tiered rate. Staff then reviewed the fill station accounts and agreed that a flat rate per 1,000 gallons was more equitable for residential customers having water delivered by commercial water haulers. In order to change the current rates, a Water Rate Analysis Report had to be completed and published, and a public hearing needs to be held. Staff will begin working on this and anticipated having it completed by early spring of 2020.

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.

Mayor Croft reported on the following:

- Deputy Town Clerk Vickie Nipper's retirement; and
- The Citizens Academy starting in January.

Councilmember Best reported on the following:

- 50th Anniversary commemoration book, which will be available for purchase in early 2020; and
- Memory Park tree lighting.

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

Town Manager Gritman reported on the following:

- Deputy Clerk Vickie Nipper's retirement, and Planner Alex Lerma's service during several transitions in Development Services;
- The upcoming Christmas celebration event at Memory Park;
- No more Council meetings for the month of December;
- Sitting on the panel for the two assistant Fire Chief vacancies; and
- Thanks to all for a great year.

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) through (e) as written.

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

7 - 0 PASSED - Unanimously

- a) Consideration and possible action to amend Ordinance No.18-853 concerning the zoning of six acres located at 940 South Road 1 West, by adopting Ordinance 2019-877. (Frank Marbury, Public Works Director)
- b) Consideration and possible action to adopt Resolution 2019-1151 abandoning Town rights to an easement along Tree Farm Lane as recoded in Book 3940 Page 275 in the records of the Yavapai County Recorder. (Frank Marbury, Public Works Director/Town Engineer)
- c) Consideration and possible action to adopt the 2020 Base Council Meeting Schedule.
- d) Consideration and possible action to approve October 15, 2019, study session minutes. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to approve October 29, 2019, study session 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 adopt Ordinance 2019-876 to rezone approximately 10 acres of real property, known as Craftsman Court, from AR-5 (Agricultural Residential-5 Acre Minimum) zoning district to SR-0.16 PAD (Single Family Residential-7,000 Square Foot Minimum Lot Area) zoning district with a Planned Area Development Overlay. The property is located on the southeast corner of Juniper Drive and North Road 1 East at 701 North Road 1 East, Chino Valley, AZ 86323, Assessor Parcel Number: 306-24-012. (Alex Lerma, Senior Planner)

Recommended Action: Adopt Ordinance 2019-876 to rezone approximately 10 acres of real property from the AR-5 (Agricultural Residential- 5 acre minimum) zoning district to SR-0.16 PAD (Single Family Residential-7,000 Square Foot Minimum Lot Area) zoning district with a Planned Area Development Overlay zoning district with the conditions recommended by Staff.

Senior Planner Lerma presented on this item:

- *Request:* The applicant requested the new zone to include a planned area development (PAD) overlay, which allowed the developer to deviate from the current development standards for single-family residential 7,000 square foot lot minimum.
- *Current condition:* Surrounding properties consisted of subdivisions, single family residences, and manufactured home parks. The General Plan land use designation was medium density residential 2-acres or less. The property had a single-family residence and an accessory structure.
- *Access:* Access to the property was through Juniper Drive. Two ingress/egress access points through Juniper Drive were being proposed.
- *Development:* Development would be in two phases, with the first developing 20 lots and the second developing an additional 25 lots. The total number of developed lots would be 45, with the smallest lot at 4,560 square feet and the largest at 9,409 square feet, with an average lot size of 5,334 square feet. The project density would be 0.5 dwelling units per acre, which was lower than the 6.2 allowed by 0.16 single residential zoning. The homes would be site built.
- *Features:* The applicant was proposing 2.5 acres of open space or 25% of the ten acres. Landscaping would be placed along Juniper Drive and along Road 1 East, as well as internally. Sidewalks would be located on Juniper Drive, Road 1 East, and internally. The internal sidewalks would be located on one side of the street within the development.
- *Deviation:* The applicant was requesting deviation from interior side yard setbacks from 10 feet to five feet; street side setback from 20 feet to 8 feet; front property line setbacks of 16 feet for lots with a sidewalk and 11 feet for properties without a sidewalk ; rear setback from 50 feet to 20 feet for properties abutting Road 1 east; and setback from 20 feet to 10 feet for properties abutting Juniper Drive side. The applicant was also requesting deviations from the 7,000 square foot lot size to cover the smallest development lots of 4,560 square feet, as well as the requirement of having sidewalks located on one sed of the street within the development.
- *Right-of-way:* The developer was proposing to dedicate 25 additional feet for the future development of widening Peppertree Drive. The landscaping and sidewalk would be outside the boundaries of the dedicated property. Public Works Director Marbury explained to Council the layout of sidewalks and the roadway within the 100-foot right-of-way requirement.
- *PAD:* In return for the PAD, the applicant was proposing 25% of the land being set aside for open space, off-street trails, a gazebo picnic area, guest off-street parking, and fencing along Juniper drive, Road 1 East, and the south property line.
- *Public comment:* Two residents attended the neighborhood meeting. Concerns raised included: water depletion of existing wells, water used for landscaping, and height restrictions. The applicant or developer had explained that the development would be

connected to Town water and sewer; landscaping would be low water usage; and while there would be two-story houses, none would be on the south property line. The developer would put a deed restriction on lots 40 to lot 14 to be only one story high and a wooden fence along the south property line.

- *Planning Commission hearing:* The Planning and Zoning Commission questioned why only one side of the development had sidewalks. The developer explained that location of the sidewalks helped provide enough setback depth into the garage area and allowed for street parking adjacent to lots that did not have sidewalks. The Commission forwarded a recommendation of approval by a vote of 6-1. The commissioner who voted nay thought the project should conform with straight zoning.
- *General Plan conformance:* The project was located right outside of the area considered the main community core district. The General Plan supported lower density and walkability in the main core area and it supported the type of density the applicant was proposing.
- *Staff and Commission recommendation:* Staff believed the proposed development would provide esthetics not provided by other developments. Staff and Commission recommended approval to the Council to adopt Ordinance No. 2019-876 with conditions relating to:
 - Substantial conformance to the site plan, landscaping plan, conceptual building elevations and other exhibits provided.
 - Fencing at lot lines and road frontages.
 - Assured water supply.
 - Water and sewer lines and fire hydrants.
 - Drainage, drainage study, and master plan.
 - Right-of-way dedications and drainage easements.
 - Road improvements, traffic impact statement, and non-vehicular access easements.
 - City of Prescott aerial easement.

Council and staff further discussed fencing. The developer had stated fencing would not be chain link and would be maintained by the HOA.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to adopt Ordinance 2019-876 rezoning approximately 10 acres of real property from the AR-5 (Agricultural Residential- 5 acre minimum) zoning district to SR-0.16 PAD (Single Family Residential- 7,000 Square Foot Minimum Lot Area) zoning district with a Planned Area Development Overlay zoning district with the conditions recommended by staff.

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

NAY: Councilmember Cloyce Kelly

6 - 1 PASSED

8) EXECUTIVE SESSION

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

MOVED by Councilmember Mike Best, seconded by Councilmember Cloyce Kelly to adjourn to Executive Session at 7:24 p.m.

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

7 - 0 PASSED - Unanimously

- a) The Council may hold an executive session pursuant to: (i) Ariz. Rev. Stat. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding negotiations related to a potential economic development agreement; and (ii) Ariz. Rev. Stat. § 38-431.03(A)(3) and (4) for discussion or consultation and legal advice with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the existing Chino Meadows development agreement.

9) ACTION ITEMS RESUMED

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

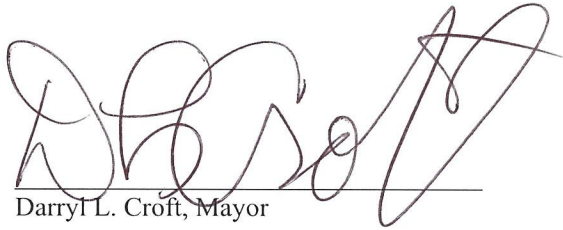
Mayor Croft reconvened the regular meeting at 8:13 p.m. and stated that no action had been taken.

10) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 8:15 p.m.

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

7 - 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 10th day of December, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of January, 2020.



Jami C. Lewis, Town Clerk