

1. Agenda

Documents:

[AGENDA MAY 06.PDF](#)

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[PACKET MAY 06.PDF](#)

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Documents:

[ACTION TAKEN MAY 06.PDF](#)



Town of Chino Valley
MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
Tuesday, May 6, 2014
6:00 P.M.

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

AGENDA

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES**
 - A.** Approval of minutes from the April 1, 2014 Regular Meeting of the Planning & Zoning Commission.
- 5. STAFF REPORTS**
- 6. PUBLIC HEARING**
 - A.** Extend Amendments to Sections 4.21.7 TEMPORARY SIGNS and 4.21.11 PROHIBITED SIGNS authorized by adoption of Ordinance 10-726 with modifications.
 - B.** Consider amendments to the text of the Planned Area Development Overlay District (Section 1.9.4)
- 7. NON-PUBLIC HEARING ACTION ITEMS**
 - A.** Revise and relocate the subsections of Section 5.5 Modification, Appeals, and Enforcement to the appropriate sections of the UDO, and strike those portions that contradict Arizona Revised Statutes, Town Code, or other portions of the UDO.
 - B.** Consideration of text amendments regulating the manner and placement of special purpose residences such as sober houses and recovery homes, assisted living homes, and assisted living centers.
- 8. DISCUSSION ITEMS**
- 9. PUBLIC COMMENTS**
- 10. ADJOURN**

Dated this 30th day of April, 2014.

By: **Ruth Mayday, Planner**

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) or use the AZ Statewide Relay Service at 1-800-367-8939 (TDD) to request an accommodation to participate in this meeting.

In accordance with Chapter 3, Title 38, Section 38-431.02 Arizona Revised Statutes, public notice is hereby given that four (4) or more members of the Mayor and Town Council may be present at this meeting.



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In accordance with Chapter 3, Title 38, Section 38-431.02 Arizona Revised Statutes, public notice is hereby given that four (4) or more members of the Mayor and Town Council may be present at this meeting.

Meeting Date: 05/06/2014

CASE DESCRIPTION:

Approval of minutes from the April 1, 2014 Regular Meeting of the Planning & Zoning Commission.

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number.....
4. Site Area.....
5. Existing zoning:.....
6. Intended Use.....

ANALYSIS:

RECOMMENDATION

Attachments

Draft Minutes

Meeting Date: 05/06/2014

Amendments to Section 4.21 (Sign Regulations) of the Unified Development Ordinance

CASE DESCRIPTION:

Extend Amendments to Sections 4.21.7 TEMPORARY SIGNS and 4.21.11 PROHIBITED SIGNS authorized by adoption of Ordinance 10-726 with modifications.

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number:.....
4. Site Area:.....
5. Existing zoning:.....
6. Intended Use:.....

ANALYSIS:

In 2009, State Route 89 underwent improvements initiated by the Arizona Department of Transportation (ADOT). Residents and visitors complained of difficulty in locating businesses during construction, and merchants suffered as a result of the construction related confusion. Town Council first adopted Ordinance 09-718, temporarily suspending prohibitions on certain signage until December 31, 2009. The economy began to fail prior to the expiration of 09-718; because the additional signage had proven effective during the construction period and businesses were struggling to survive, Town Council extended the suspension of prohibitions on certain signage as set forth in Ordinance 09-718 by adopting Ordinance 10-726. This ordinance extended the suspension of prohibitions on certain signage from January 1, 2010 to January 13, 2011. Because economic conditions had not improved by the expiration of Ordinance 10-726, Town Council extended the modifications to the Unified Development Ordinance until January 8, 2014. That extension has now expired.

Code Enforcement staff have been enforcing the requirements of UDO Section 4.1 since the expiration of Ordinance 10-726 on January 8, 2014. Since that time, staff has received 15 phone calls, emails, and personal visits from businesses that use signs prohibited by the UDO but allowed with the ordinances adopted by Council; all of whom fully support reinstatement of the language set forth in Ordinance 10-726.

During the Regular Meeting of the Commission on April 1, 2014, Staff presented recommended amendments to the language of Ordinance 10-726. The proposed amendments were discussed by the Commission and changes were suggested to language governing the actual placement of the signs in the Rights-Of-Way (ROW). The Commission then took public comment from members of the audience who spoke of the impact the expiration of the amendments to the sign ordinance had on their businesses. The business owners all expressed support of extending the amendments to Sections 4.21.7 and 4.21.11 as they had all experienced declines in business since the expiration of Ordinance 10-726.

After further discussion, the Commission voted unanimously to initiate a Public Hearing at the next regular meeting of the Planning and Zoning Commission to take comment on the extension of the amendments to Sections 4.21.7 and 4.21.11 of the Unified Development Ordinance, and consider forwarding a new ordinance extending those amendments (with modifications) to Town Council with a recommendation for approval.

RECOMMENDATION

While the construction on State Route 89 is complete, the unstable economic conditions persist. During the April 1, 2014 meeting, the Planning and Zoning Commission took comment from business owners in the Town who have seen declines in their business since the expiration of Ordinance 10-726. Terminating the relief set forth in said ordinance will likely have a chilling effect on already struggling businesses within the town. Upon the ratification of the General Plan by the electorate on November 4, 2014, the UDO will undergo a rigorous rewrite so the zoning designations are congruent with the land use classifications set forth in the General Plan.

Therefore, Staff recommends amending the language of Section 4.21.7 Temporary Signs and 4.21.11 Prohibited Signs as follows:

- 1) Businesses are allowed one (1) type of temporary signage at a time.
- 2) Temporary sign permits must be obtained from the Development Services Department and renewed on an annual basis, beginning on July 1, 2014; permits will expire on June 30, 2015. Fees shall be \$5.00 per month, paid annually upon application for said permit.
- 3) Strike subsections (d) and (e) from Section 2.
- 4) Portable signs must be located at least six feet (6') behind the back of the curb. Where no curb is present, the sign must be at least 31' from the apparent center of the road.
- 5) Temporarily suspend the regulations in 4.21.11 (E) and (I)
- 6) Strike Section 4.21.11 (K) in its entirety as this prohibition is in direct conflict with the regulation of Real Estate signage as set forth in 4.21.7 (D) (4).
- 7) This ordinance shall expire on January 1, 2016 or upon the revision of Section 4.21 Signs of the UDO, whichever first occurs.

MOTION: Motion to forward the text amendments to Sections 4.21.7 Temporary Signs and 4.21.11 Prohibited Signs to the Town Council for approval. OR Motion not to forward the text amendments to Sections 4.21.7 Temporary Signs and 4.21.11 Prohibited Signs to Town Council for approval.

Attachments

Draft Ordinance

Meeting Date: 05/06/2014

Amendments to Section 1.9.4 Planned Area Development Overlay District (PAD)

CASE DESCRIPTION:

Consider amendments to the text of the Planned Area Development Overlay District (Section 1.9.4)

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number:.....
4. Site Area:.....
5. Existing zoning:.....
6. Intended Use:.....

ANALYSIS:

The intent of the Planned Area Development (PAD) overlay district is to allow for modification of the requirements of the UDO when planning developments throughout town. The initial direction of this item was to make minor adjustments to the PAD regulations as currently set forth in the UDO. Upon further review, it became apparent that the entire section was in need of revision. In its current form, the language in this portion of the ordinance contradicts the intent of a PAD, sets forth an unnecessarily long review and approval period, and repeats other sections of existing code that, if amended, would require additional amendments to the PAD regulations. Rather than amend the PAD regulations piecemeal, Staff has rewritten the entirety of this section of the UDO.

As written, this section sets forth specific requirements that should apply only to residential developments (Section 1.9.4.3 (B) (2)) that clearly are not related to industrial or commercial uses (e.g., Gazebos, slides, play apparatus)and mandates designation of open space as "active open space" which is not a valid zoning district or land use designation, nor is it defined in the UDO. While Section 1.9.4.3 (B) (4) speaks to relief from the regulations in (B) (2) for some uses, it does not address all commercial/industrial uses, and refers to zoning districts (light industrial) the town does not utilize. Further on in the same section, the language requires review and approval of Covenants, Conditions, and Restrictions by the Town Attorney, which may open the Town to liability issues. There are errors in grammar, punctuation, and capitalization that also need to be addressed.

Staff has relied on previous experience administering the PAD process in other municipalities as well as the Town Attorney's experience in addressing the deficiencies in the current PAD language and providing an alternative that ties the PAD requirements to the General Plan, safeguards the Town's interest in development and coordination of infrastructure extensions, and provides the flexibility necessary to encourage innovative design.

RECOMMENDATION

This portion of the UDO is unnecessarily complex, redundant, and undermines the actual intent of a Planned Area Development Overlay District.

In order for the Town to benefit from potential development activities, the revision of this portion of the UDO is essential in providing flexibility in the manner and placement of uses within a Planned Area Development Overlay zoning district, while codifying congruence with the General Plan. The public hearing process gives an opportunity for interested citizens and those affected by the proposed PAD plan to comment at both the Planning and Zoning Commission and Town Council levels. In addition, Town Council must approve the proposed plan, giving Council the ability to ensure the plan's adherence to the General Plan and the needs of the community. Therefore, Staff recommends forwarding the proposed text amendments to the Town Council with a recommendation of approval.

MOTION: Motion to forward the proposed text amendments to Section 1.9.4 Planned Area Development Overlay District to the Town Council with a recommendation for approval. OR Motion to forward the proposed text amendments to Section 1.9.4

Planned Area Development Overlay District to the Town Council with a recommendation of denial. OR refer matter back to Staff for further revision.

Attachments

PAD Redline

PAD Clean

Meeting Date: 05/06/2014

Amendments to Section 5.5 of the Unified Development Ordinance

CASE DESCRIPTION:

Revise and relocate the subsections of Section 5.5 Modification, Appeals, and Enforcement to the appropriate sections of the UDO, and strike those portions that contradict Arizona Revised Statutes, Town Code, or other portions of the UDO.

FACTS:

1. Applicant:.....
2. Owner:.....
4. Parcel Number:.....
5. Site Area:.....
6. Existing zoning:.....
7. Intended Use:.....

ANALYSIS:

During the August 20, 2013 Work/Study Session of the Planning and Zoning Commission (P & Z), Staff and Commissioners discussed revisions to Section 5.5 of the Uniform Development Ordinance (UDO) that set forth standards for modification of subdivision plats and enforcement mechanisms for violations of said regulations. At the September 17, 2013 P & Z meeting, the Commission voted unanimously to initiate a Public Hearing for the purposes of taking public comment on the proposed amendments to the text of Section 5, Subdivision Regulations, Subsection 5.5, Modification, Appeals, and Enforcement. Because some time has passed since the Commission first reviewed the text amendments, and because there are new members on the Commission that may not be familiar with the proposed changes, staff has brought this item back for reconsideration.

5.5 Modifications Paragraph A: Modification of Standards is unclear in its current form. While the intent may have been to grant Town Council flexibility to make adjustments to subdivision plats/plans that may or may not be in substantial conformance to the UDO, it references “this Ordinance”, which could be incorrectly assumed to be the UDO in its entirety rather than Section 5: Subdivision. Staff recommends striking “required by this Ordinance” and replacing it with “set forth in Section 5 Subdivision Regulations”.

The language in 5.5.2 of the UDO contravenes the authority set forth in ARS 9-462.06 (G), and the appeal process set forth in ARS 9-462.06 (K). Section 9.462.06 (G) sets forth the standards for the Board of Adjustments, in whom the authority to deviate from adopted zoning codes has been vested.

Statutorily, the only appeal to the zoning requirements dictated in the UDO is to the Board of Adjustments; any appeal to a decision of the Board of Adjustments is to Superior Court. Staff recommends striking Section 5.5.2 Appeals as it contradicts ARS 9-462.06.

Section 5.5.3 delineates enforcement actions that may be taken when the Ordinance is violated. Paragraph A appears to refer to violations that could apply in general to the entire UDO, while Paragraph B refers to division of property which is specific to subdivision and land splits. At the present time, Staff recommends inserting the word “real” in the first sentence as follows: “Any division of real property” and renumbering it 5.5.3

RECOMMENDATION: Because the current text of Section 5.5 (A) of the UDO is unclear as to which portion of the UDO it is modifying, instituting an appeals process, or enforcing, clarifying language must be added to specify that the modification process set forth applies only to Section 5, Subdivision Standards and not the UDO as a singular Ordinance. By adding the language that specifies Section 5, it is clear that Town Council’s ability to modify standards set forth in the ordinance is limited to those that are contained within the subdivision regulations.

The language in Section 5.5, Subsection 2 directly contradicts the authority and process described in ARS 9-462.06 (G) and (K) and therefore must be brought into compliance with the state statutes. Therefore, this section of the UDO must be stricken in its entirety.

Should the Commission accept the recommendations of staff and strike Section 5.5.2, the following Section 5.5.3 would be renumbered as 5.5.2. The addition of the word “real” preceding the word “property” in Paragraph B of Section 5.5.2 Enforcement would clarify that the division of land (“real property”) in a matter that contravenes the subdivision requirements would constitute a public nuisance, and enable the Town to pursue legal remedies.

Finally, as the language regarding appeals has been stricken from this portion of the UDO, Staff recommends renaming it Section 5.5 Modification and Enforcement of Subdivision Regulations.

RECOMMENDATION

Staff recommends initiation of a public hearing at the next regularly scheduled meeting of the Commission to consider the proposed amendments to the text of UDO Section 5.5 Modification, Appeals, and Enforcement (Subdivision Requirements) and forward the same to the Town Council with a recommendation for approval.

MOTION: Initiate a public hearing at the next regularly scheduled meeting of the Planning & Zoning Commission to take comment on text amendments to Section 5.5 Subdivision , Assisted Living Centers, and Assisted Living Homes, and to make a recommendation to Town Council regarding the proposed amendments.

Attachments

Text Amendments

Meeting Date: 05/06/2014

Discussion and possible initiation of Public Hearing for text amendments related to Special Purpose Residences.

CASE DESCRIPTION:

Consideration of text amendments regulating the manner and placement of special purpose residences such as sober houses and recovery homes, assisted living homes, and assisted living centers.

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number:.....
4. Site Area:.....
5. Existing zoning:.....
6. Intended Use:.....

ANALYSIS:

The purpose of these text amendments is to regulate the manner and placement of special purpose residences that may or may not be regulated by the Fair Housing Act, described in Section 36-581 and 36-582 of Arizona Revised Statutes, or otherwise regulated in the Unified Development Ordinance.

Given the growing demand for sober living and/or recovery homes in the region and the impact they may have on residential neighborhoods, implementing regulations to provide separation between these uses, the number of residents allowed per site, and to protect the health, safety, and general welfare of the community is timely. Additionally, there are group living situations such as elder care facilities that may benefit the community but are not currently defined in the UDO.

Occupants of Sober Living and Recovery Homes meet the definition of "disabled" under the Fair Housing Act (FHA) and Americans With Disabilities Act (ADA), as long as the residents are not using drugs and alcohol. When they relapse, they are no longer considered disabled; thus, almost all sober living homes evict residents that test positive for drugs or alcohol.

So that the establishment of Recovery Homes in Chino Valley is transparent, staff recommends requiring a conditional use permit prior to issuing said home a business license. This would mandate a neighborhood meeting, public hearings, and an opportunity for those affected to comment on the proposed use.

Currently, the UDO defines a nursing home as "A health care institution other than a hospital or personal care home (not defined) that is licensed by the State Department of Health Services as a skilled nursing facility for two (2) or more related persons." This does not meet the current definition of Nursing Care Institution or Residential Care Institution as set forth in ARS 36-401(31) or (39). The UDO also does not define "Assisted Living Home" or "Assisted Living Center" at all; ARS 36-401 clearly differentiates between these four types of special purpose residences.

Persons over the age of 65 are increasing in number in Chino Valley, as the reputation of the Quad Cities area's suitability for retirement grows. There is one (1) Assisted Living Home in the Town; other forms of congregate care such as assisted living or nursing homes are not available here. Nursing homes and convalescent homes are allowed as uses by right in Multiple Family (MR) or Mobile Home Parks (MH).

Staff suggests defining Assisted Living Center(s) and Assisted Living Home(s), and allowing them as conditional uses in residential zoning districts, and as permitted uses in Multiple Family (MH) and Commercial Light (CL) zoning districts.

Staff recommends the following changes to the UDO:

Add the following to Section 2.1 Meaning of Words and Terms:

A) Assisted Living Home

- B) Assisted Living Center
- C) Recovery Home
- D) Single Housekeeping Unit

Add Assisted Living Homes and Recovery Homes as conditional uses in the following zoning districts: 3.5 Agricultural/Residential 36 acre minimum (AR -36), 3.6 Agricultural/Residential 5 acre minimum (AR-5), 3.7 Agricultural/Residential 4 acre minimum (AR-4), 3.8 Single Family Residential, 2.5 acre minimum (SR-2.5), 3.9 Single Family Residential, 2 acre minimum (SR-2), 3.10 Single Family Residential 1.6 acre minimum (SR-1.6), 3.10 Single Family Residential 1 acre minimum (SR-1), 3.11 Single Family Residential 7,000 square foot minimum (SR-0.16)

Add Assisted Living Centers, Assisted Living Homes, and Recovery Homes as permitted uses in the following zoning districts: 3.13 Multiple Family Residential (MR), 3.15 Commercial Light (CL)

RECOMMENDATION

Staff recommends initiating a public hearing to consider text amendments to Section 2 Definitions, and Sections 3.5 through 3.11, Sections 3.13 and 3.15, for the purposes of regulating the manner and placement of Sober Homes, Assisted Living Centers, and Assisted Living Homes.

MOTION: Initiate a public hearing at the next regularly scheduled meeting of the Planning & Zoning Commission to take comment on text amendments regulating the manner and placement of Sober Homes, Assisted Living Centers, and Assisted Living Homes, and to make a recommendation to Town Council regarding the proposed amendments.

Attachments

SOBER HOMES DRAFT

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**MINUTES OF THE REGULAR MEETING
OF PLANNING AND ZONING COMMISSION
OF THE TOWN OF CHINO VALLEY**

**Tuesday, May 6, 2014
6:00 P.M.**

The Planning and Zoning Commission 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.

Commissioner Rowitsch called the meeting to order at 6:02 P.M.

Commissioner McCaullay led the Pledge of Allegiance.

Members present: Commissioner Gwen Rowitsch (Chair), Commissioner Chuck Merritt, Commissioner Corey Mendoza, Commissioner Robert McCaullay, Commissioner Florence Sloan, Commissioner Gary Pasciak

Members absent: Commissioner Michael Edmonds

Staff Present: Planner Ruth Mayday, Assistant Planner Elyse DiMartino, Town Clerk Assistant Liz Hart (recorder)

4. MINUTES

- A. Approval of minutes from the April 1, 2014 Regular Meeting of the Planning & Zoning Commission.

Commissioner McCaullay moved, seconded by Commissioner Pasciak to approval the April 1, 2014 regular meeting minutes.

5. STAFF REPORTS

Planner Mayday advised the election of officer would be on next month's agenda.

6. PUBLIC HEARING

- A. Extend Amendments to Sections 4.21.7 TEMPORARY SIGNS and 4.21.11 PROHIBITED SIGNS authorized by adoption of Ordinance 10-726 with modifications.

Planner Mayday advised in 2009 prohibition of temporary signage was suspended and expired in January 2014. The sign location needs correcting, as the Town does not own the Right of Way. The correction should read A portable sign is not permitted "To Obstruct the Public Right of Ways, Or"...

Commissioner Pasciak asked for clarification of sections D & E and Item 4 portable signs must be 6 feet back of curb. Planner Mayday clarified the changes as part of the current recommendations and gave examples of these changes.

Commissioner Rowitsch Opened the Public Hearing 6:08 P.M.

Commissioner Rowitsch Closed the Public Hearing 6:09 P.M.

Commissioner Pasciak moved, seconded by Commissioner Merritt to forward the text amendment to Town Council for approval. Passed Unanimously.

B. Consider amendments to the text of the Planned Area Development Overlay District (Section 1.9.4)

Planner Mayday advised upon review with Town attorney they discovered several conflicts between what ordinances say and purpose of a Planned Area Development Overlay District (PAD). In addition, the Town UDO and definitions does not define “open space”. She is suggesting the changes to correct these discrepancies.

Planner Mayday suggested the definition of Open Space. Open Space is an area or areas set aside for recreational uses either active or passive for the use by the general-public when dedicated and accepted by the Town or for use by residents of a PAD where such open space is reserved in perpetuity and is to be owned and maintained by the homeowners association.

Planner Mayday recapped by stating the following objectives:

- To clean up by removing redundant language
- Rewrite major and minor amendment sections
- Changes to process of bringing plans to Planning and Zoning Commission and to Council
- Cannot use PAD process to change zoning
- Minimum acreage of 2 acres especially for residential purposes

Commissioner Pasciak requested clarification on Section 1.9.4.3 item E2 (Eb) that every structure...owned by homeowners association and how it would related to and industrial or commercial area. The suggested change is from homeowners association to a property owners association.

Commissioner Pasciak requested clarification Item C 1.b.2 An increase in the number of dwelling units, using the word “Any change” instead of “An increase”. Planner Mayday advised those types of changes fall under mixed use and any changes would trigger major amendments.

Commissioner Pasciak requested clarification Minor amend item C if 10 days adequate for staff or do you need more? Planner Mayday advised that would be adequate timing.

Commissioner Rowitsch Opened the Public Hearing 6:17 P.M.

Commissioner Rowitsch Closed the Public Hearing 6:18 P.M.

Commissioner Merritt moved, seconded by Commissioner Sloan to move forward with the proposed text amendments with changes that we made tonight on Section 1.9.4 Planned Area Development Overlay District to the Town Council with the recommendation for approval included in 2.1, which was brought to our attention tonight about Open Space. Passed unanimously.

7. NON-PUBLIC HEARING ACTION ITEMS

- A.** Revise and relocate the subsections of Section 5.5 Modification, Appeals, and Enforcement to the appropriate sections of the UDO, and strike those portions that contradict Arizona Revised Statutes, Town Code, or other portions of the UDO.

Planner Mayday advised Section 5.5 is a separate section and not a sub-section of Section 5.

Due to the language in Section 5.5.1 paragraph A it is contradictory to state law needs to be included as a subsection of 5.5 rather than an independent section of the UDO.

5.5.2 Contradicts State law allows appeals to Town Manager and then Board of Adjustment overruling Planning and Zoning Commission and Town Council.

5.5.3 Planner Mayday recommended adding the word “real” in regard to the enforcement actions taken when violated”. If Section 5.5.2 is stricken then Section 5.5.3 will become 5.5.2.

Commissioner Merritt questioned if these changes would bring us into complete compliance with State law and State statute. Planner Mayday advised it would for this section. Commissioner Gwen Rowitsch clarified appeals of the Planning Commission and Council would be referred to the Board of Adjustment. If satisfaction were not met, the appeal would go before Superior Court.

Commissioner Pasciak moved, seconded by Commissioner McCaullay to initiate a public hearing at the next regular scheduled meeting of the Planning and Zoning Commission to take comment on text amendment Section to 5.5 Modification and Enforcement of Subdivision Regulation. Passed unanimously.

B. Consideration of text amendments regulating the manner and placement of special purpose residences such as sober houses and recovery homes, assisted living homes, and assisted living centers.

Planner Mayday advised the UDO does not define assisted living home or assisted living center. She reviewed the definition and restrictions of the homes and centers.

Due to the nature of recovery homes, the language complies with the fair housing act but allow regulation of the manner and placement of these homes. Regulations would require registration, confirmed zoning, operation and management procedure information, residency location separation, occupancy limits, no signage, and adequate parking.

Assisted living center is a residential care institution that provides a contract to provide supervisory care, personal care, or directed care services on a continual basis for 11 or more people. Limited to commercial and multifamily zoning districts.

Assisted living home as 11 or less persons, which can be in a residential setting.

Recovery residence is defined as a dwelling, unit or building used to provide a stable clean and sober environment for individuals recovering from substance abuse. Individuals do not live together as a single housekeeping unit and every person residing in the residence excluding the house manager is an individual with a disability as the term is used in the Federal and State fair housing laws.

Single housing keeping unit is an interactive group of persons occupying a residential unit with restrictions.

Commissioner Rowitsch requested clarification on residency maximums and minimums for assisted living home, assisted living centers and recovery centers. Assisted living homes and centers are regulated by the State. The State does not regulate recovery residences they are regulated by CUP permits and can be limited to an area one-mile separation.

The commissioners questioned further information on:

- Recovery residence restrictions on an addict which also a sex offender.

- Would adding assisted living and recovery units would it be problematic for in a single family residential with a density of 7,000 square foot minimum?
- In adding assisted living homes and recovery homes as a permitted use in high density would it be problematic?
- Would Planning and Zoning Commission review completed registration form? No
- Recommend under zoning changing the word “may” to “shall”.
- Item 4 part 4 procedure, along with an emergency contact telephone number include a name.
- Item 5c HUD standard is two per bedroom so three residences in bedroom largest bedroom and having a HUD building code standard.
- Parking for recovery residence shall be on site, adding the word “all’ parking.
- Request for accommodations if the verbiage was taken from a standard and the clause of being “economically viable” standard can we change it. Planner Mayday advised yes it comes from standards and the intent is not being able to raise fees that it is economically not viable for them to do it intentionally as opposed to any other use.
- on all residential areas add a conditional use permit
- On MPH 4 in higher density make CUP

Commissioner Rowitsch Opened the Public comments 6:41 P.M.

Liz Winn, Winn Home Care, advised she is trying to establish an eight (8) resident assisted living facility and are being mentored by New Horizons. They meet all code/zoning requirements and see a positive effect to Chino Valley in additional job opportunities as well as her personal goals in assisted elder care.

The commissioners asked about:

- Allowing signage on assisted living facility.
- Handling signage on a case by case.
- Precedence set for the current assistance living facility.

Planner Mayday advised home occupation do not have signage but can be added in the CUP language to allow signage. The current assisted living facility is grandfathered.

Commissioner Rowitsch Closed the Public comments 6:49 P.M.

Commissioner Merritt moved, seconded by Commissioner McCaullay to initiate a public hearing at the next regularly scheduled meeting of the Planning and Zoning Commission to take comment on text amendments regulating the manner and placement of sober homes, assisted living centers and assisted living homes and to make recommendations to Town Council for the proposed amendments. Passed. Commissioner Merritt moved, seconded by Commissioner Pasciak to corrected motion to include all the changes and discussion had this evening into the new text realize changes made today. Passed

8. DISCUSSION ITEMS – No discussion items

9. PUBLIC COMMENTS – No public comments

10. ADJOURN

Commissioner Robert McCaullay moved, seconded by Commissioner Pasciak to adjourn 6:50 p.m.

Dated this 12th day of May 2014.

By: *Liz Hart, Town Clerk Assistant*