

**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, and passed.

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 is 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, and passed.

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 and passed.

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, and 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, and 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.

Submitted this 4th day of June 2014.

By: *Liz Hart, Town Clerk Assistant*