

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

**October 7, 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, Arizona, on October 7, 2014.

Present: Chair Gwen Rowitsch; Commissioner Gary Pasciak; Vice-chair Chuck Merritt;
Commissioner Florence Sloan; Commissioner Corey Mendoza

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

1) CALL TO ORDER

Chair Rowitsch called the meeting to order at 6:00 p.m.

2) PLEDGE OF ALLEGIANCE

Commissioner Mendoza led the pledge of allegiance.

3) ROLL CALL

4) MINUTES

- A)** Approve minutes from the August 5, 2014 regular meeting.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner Florence Sloan to approve the August 5, 2014 minutes.

Vote: 4 - 0 PASSED

Other: Vice-chair Chuck Merritt (ABSTAIN)

5) STAFF REPORTS

6) PUBLIC HEARING

- A) The applicant is requesting issuance of a Conditional Use Permit recognizing the Robin Airport as a Conditional Use rather than its current status as a legal non-conforming use. This will allow the owner to rebuild the hangar destroyed by a storm on July 31, 2014, and make other improvements to mitigate impact on the surrounding neighborhood. The subject parcel is located at the southwest corner of the intersection of East Road 1 South and South Road 1 East, and encompasses approximately nine (9) acres.

Director Mayday reported on the July 31, 2014 destruction of Mr. Coury's airpark structure, the history and current zoning, and the requested Conditional Use Permit (CUP).

Mr. Coury's airpark qualifies as a legal non-conforming status with the request and passing of a CUP Mr. Coury could upgrade the airstrip and rebuild a nonconforming structure, which would include electricity and plumbing.

Director Mayday defined airport per UDO and Arizona Revised Statutes (ARS) and advised that this facility does not qualify as an airport as it is not open to the public. Due to the inability to expand, the airstrip limits the size of planes arriving and departing.

Staff recommends forwarding to Council for approval.

Director Mayday advised Commissioner Pasciak that the existing structure is a temporary structure.

Paul Thorn reported that the building is engineered and anchored secured to concrete pillars and will be removed when the proposed structure is erected.

Commissioner Mendoza questioned why a CUP is required and not a building application. Director Mayday advised a CUP is required because an airport is allowed but only as a conditional use, which would allow multiple sub-uses.

Director Mayday advised the length of time of CUP is in perpetuity. The airstrip can be used for landing and taking off but without the CUP, it could not be upgraded to allow a new hanger, lighting, plumbing, electricity, and hard surfacing. A CUP is revocable if there is a violation of the CUP it is not permanent zoning. The rights to take off and land remain regardless of time limits or sale to another party until the time of notification of cease to use.

Chair Rowitsch opened public hearing at 6:18 p.m.

Attorney Andy Fennemore with Fennemore Craig of Phoenix responded to Commissioner Mendoza's question. He advised because Mr. Coury has used the property as an airport before the Town was formed and has grandfathered use of the airport he is entitled to use in perpetuity, unless he stops for six solid months landing an airplane or taking off, he would continue to have that legal non-conforming use forever. Permitting a hanger would allow improvements to the property, and mitigate the impact on the surrounding neighbors making it safer for the community. They held discussions with the Town and legal point of view did not need to ask for this (CUP). There are ways to rebuild the hanger, which is a component of the use of the airstrip, and destruction of wooden hanger does not constitute reducing the value of the airstrip by 50%.

The Town asked for a CUP and Coury guarantees to comply with Town's rules and regulations so there is no disagreement amongst parties. Do not want the misunderstanding, the airfield is a unitary use, but here because want to be good neighbor and work with the Town and appreciate

support.

Chair Rowitsch closed the public hearing at 6:21 p.m.

Vice-chair Merritt advised he did not see an issue with what the Commission was being asking to do. He expressed his concern regarding the attitude about being under the Town's authority but that would not change his opinion it should be grandfathered.

Commissioner Mendoza expressed his wonder at why the issue was presented and why the Commission was reviewing this item and he has no objection to this request.

Chair Rowitsch express opinion that this is a legal non-conforming use and would like to see a nicely developed site that would help mitigate some of the impact to the neighbors.

MOVED by Commissioner Gary Pasciak, seconded by Vice-chair Chuck Merritt to forward the Conditional Use Permit 14-003 to Town Council with a recommendation of approval.

Vote: 5 - 0 PASSED

7) NON-PUBLIC HEARING ACTION ITEMS

8) DISCUSSION ITEMS

9) PUBLIC COMMENTS

10) ADJOURN

MOVED by Vice-chair Chuck Merritt, seconded by Commissioner Florence Sloan to adjourn 6:24 p.m.

Vote: 5 - 0 PASSED

Chair Gwen Rowitsch

Date