

1. Agenda

Documents: [AGENDA MAY 21.PDF](#)

2. Packet

Documents: [PACKET MAY 21.PDF](#)

3. Action Taken

Documents: [ACTION TAKEN MAY 21.PDF](#)



NOTICE OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

**May 21, 2013
6 p.m.**

Pursuant to ARS 38-431-02, notice is hereby given to the members of the Chino Valley Planning and Zoning Commission and the general public that the Chino Valley Planning and Zoning Commission will hold a regular meeting open to the public on Tuesday, May 21, 2013 at 6:00 p.m. in the Chino Valley South Campus building, located at 202 N. State Route 89, Chino Valley, Arizona 86323.

The Agenda for the meeting is as follows:

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES**
 - 4A. February 19, 2013**
- 5. STAFF REPORT**
- 6. PUBLIC HEARING**
 - 6A. For consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from "AR-5" Agricultural/Residential (5 Acre Minimum) to "SR-1" Single Family Residential (1 Acre Minimum). The location of the proposed zone change is 1159 Red Cinder Rd., further described as Assessor's Parcel Number's 306-18-009P and consists of approximately 5.74 Acres. Applicant/Owner: Donna Jones**
- 7. PUBLIC COMMENTS**
- 8. ADJOURN**

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), 636-1787 (TDD) or use the AZ Statewide Relay Service at 1-800-367-8939 (TDD) to request an accommodation to participate in this meeting.



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TOWN OF CHINO VALLEY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
Chino Valley South Campus
202 N. State Route 89
February 19, 2013
6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

Meeting was called to order at 6:00 p.m.

Members Present: Gwen Rowitsch, Chairperson
Garland Miner, Vice Chairperson
Jack Owen, Commissioner
Charles Merritt, Commissioner
Michael Edmonds, Commissioner

Staff Absent: Florence Sloan, Commissioner

Staff Present: Robert Smith, Town Manager
Dava Hoffman, Planning Consultant
Mary Brasher, Administrative Technician

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4A. For consideration, discussion, and possible action regarding the regular meeting minutes of January 15, 2013.

Commissioner Rowitsch MOVED, seconded by Commissioner Merritt to approve the regular meeting minutes of January 15, 2013.
MOTION CARRIED 5-0

5. STAFF REPORT: Dava Hoffman thanked the Commissioners for their participation in the joint study session that was held January 31, 2013 and notified them that a new planner has been hired and will be on board March 4, 2013.

6. ELECTION OF OFFICERS in accordance with Section 1.4.3 of the UDO

The Commission shall elect a Chairperson and Vice Chairperson from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairperson shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chairperson shall have the power to take evidence. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.

Commissioner Merritt MOVED, seconded Commissioner Edmonds to elect Commissioner Gwen Rowitsch for Chairperson of the Planning and Zoning Commission.
MOTION CARRIED: 4-0 (Chairperson Rowitsch led the meeting)

Commissioner Owen MOVED, seconded Commissioner Merritt to elect Commissioner Garland Miner for Vice Chairperson of the Planning and Zoning Commission.
MOTION CARRIED: 4-0

7. PUBLIC HEARING

7A. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding the following: Text amendments of the Unified Development Ordinance, Section 4.25 Wireless Telecommunications Facilities

The proposed text amendments are intended to provide an updating of the code reflective of newer technology and standards to ensure access to reliable wireless telecommunication services throughout Chino Valley. The following sections are proposed for text amendments:

1. Section 4.25A. Purpose
2. Section 4.25D. General Requirements
3. Section 4.25E. Permitted Uses
4. Section 4.25F. Conditional Use Permits
5. Section 4.25G. Minimum Setbacks and Separation
6. Section 4.25H. Buildings or Other Equipment Storage
7. Section 4.25I. Co-Location
8. Section 4.25K. Nonconforming Uses
9. Adding Section 4.25L. Notice

Robert Smith gave a brief presentation explaining the different types of facilities and how they should be processed through the Unified Development Ordinance (UDO). There are four distinguishing features: Organization behind the Ordinance, mitigating impacts to the community, administrative flexibility, and controlling impacts with Conditional Use Permit (CUP).

In the draft that is proposed, wireless facilities are grouped into three basic categories; concealed facilities, disguised facility, and visible. A concealed facility would be one that is housed within a building and cannot be seen, the panels are installed inside a space and then enclosed by a transparent material, the disguised facility would be one that you would have to look closely to see, and then there is the visible sites.

- Concealed sites: Potential impact is limited to nonexistent. Should be allowed in all zoning areas and quasi-public spaces not occupied by homes.
- Disguised sites: Depends on how well the disguise is executed, and the environment it's placed in. Should be allowed in all zoning areas. Restrict them in the same manner as a residential area such as; healthy setbacks, design requirements, which is included in the draft language proposed.
- Visible Sites: High visual impact, restricted to Commercial and Industrial areas with healthy setbacks to residentially zoned property, other visual sensitive areas, and specific design requirements.

There should be some projects that can be processed and approved administratively. If a project comes in and meets all the requirements of the code, design specifications and any other requirements, then the Administration should be able to process and approve those. The Commission and Council would be involved when there is a risk that has not been mitigated or when the applicant is asking for something outside the design specifications found in the code.

Disguised facilities that meet all design requirements, are not over 65', and meet other code requirements can be administratively processed. This allows a faster review process with less risk to the applicant. If the applicant requests something outside of this code, then it will be forwarded to Commission and Council.

Controlling the impacts within the draft language proposed, it's suggested that a CUP be that control mechanism. If anything falls outside the definition of what would be considered an administrative item, then it would automatically go for a CUP process.

If a concealed type of facility doesn't meet the design requirements it would go for a CUP. Examples of these are ones that are proposed in a protected view shed or on a home site within a neighborhood. The Town is not looking to have these sites within residential neighborhoods. The disguised facilities would also have to meet the design requirement that is found in the draft language of the code, The Town needs to regulate how far the antennas stick out from the pole, if it is to be constructed with a palm tree or other concealment type apparatus. The idea is to have the antenna hidden by the facade.

A maximum height proposed for an administrative approval, would be 65 feet because that is closely related to the current ordinance. Visible sites that are going over the height limit would be required to go through the CUP process. The objective for creating a code amendment across these three different kinds of sites would be to;

- Recognize which type of project represents a risk of visual impact to the community,
- Regulate these sites based on the visual impact they represent,
- Create guidelines and set standards for construction so the Town gets the look they are after, especially when the industry walks away from a site.
- Provide an administrative process for proposals that are fully compliant with the Town's codes in order to expedite the process.
- Provide the CUP process for any proposals asking for something special.

The most abrupt change in this amendment would be moving an actual section from one place to another.

Chairperson Rowitsch opened the public portion of the meeting.

Citizens that spoke had concerns relating to the possibility of adding a third layer of decision making with the administrative approvals proposed. That layer appears to remove the transparency in government and limits public input. Disagreed with the statement that relates to providing Town wide wireless service, because it implies that the Town is in the wireless business. Deletion of the 65 foot height limit and the objectivity of the Town Manager are in question due to his affiliation with the wireless industry.

Chairperson Rowitsch closed the public portion of the meeting.

Chairperson asked the Town Manager to address the comment about another layer of government.

Mr. Smith stated that they would not be adding another layer; they would be removing a layer of governmental process by carving out proposals that meet requirements to simplify the process which is a common approach. The applicant would need to meet significant requirement to achieve an administrative approval. Providing staff the ability to do some of the work without the Commission and Council process, the Town would effectively be providing an incentive to the industry to design and locate the facility where the Town wants it located. This allows a faster, less risky process for the industry. The purpose of the Town regulating these land uses is for the health, safety, and welfare of the community. There is a recognized correlation between robust wireless communications and a community's health, safety, welfare and economic vitality. Designing a zoning code to regulate a place and manner for which these facilities will be located, is to ensure the health, safety, and welfare of the community. The Federal Government says it's their objective to ensure that all Americans have access to wireless communications, and the Town recognizes that the robust distribution of wireless communications across our community offers quality of life to citizens that wouldn't be there if these wireless communications didn't exist. It is the Town's business to regulate where these facilities go and what they look like. In the telecommunications act of 1996, Congress specified that local government will regulate the manner and placement of these sites.

Mr. Smith stated that the ordinance specifically promotes co-locations; however if the height is limited to 65 feet, the centerline for the top set of antennas is at about 63 feet, and is not tall enough for multiple antennas to view enough area to serve the market. This restriction would force the industry to create more sites. Adding more height to an existing pole and regulating the impact on how they look, is more preferable to having multiple poles.

Mr. Smith commented that he has worked in the wireless industry in the past; however he does not currently operate a consulting firm. As soon as he was hired at the Town, he handed his projects off to his wife to complete. It is true that his LLC is not in good standing with the state, but that is due to the fact that he did not renew it. He then explained that when AT&T wanted to

construct a 99 foot tower he informed them of the height limit of 65 and instructed them that they would need to seek Commission and Council approval to deviate from the code and that is how

these amendments came about. The additional height limit was not acceptable to the Town, if the height limit is going to be relieved then there needs to be design requirements imposed in response to ensure the Town gets what they are looking for in terms of the infrastructure. The language proposed in the amendment is language that has been largely borrowed from other communities across the US that has already stood the test of litigation, and the Town attorney is also reviewing it.

To give the Commission a comfort level of the language, Mr. Smith briefly went through some of the specific requirements that the Town would be looking for with these projects, such as;

- Definitions and Purpose
- General Building Permit Requirements
- Descriptions of requirements for sites on Town owned property.
- Restriction on lighting
- Requirements regarding the type of information that must be submitted with permits.
- Requirements for sites in Quasi Residential Zones.
- Design Guidelines
- Setback Requirements
- Guidelines for Administrative Approval
- Relief for area's adjacent to Commercial Zoning
- Height Restrictions
- Guidelines for Equipment Enclosures, and Screening

Chairperson Rowitsch opened the public portion.

Commissioner Edmonds clarified that they were discussing a 99 foot tower, and asked about a requirement for a notarized letter stating applicants had intended to co-locate.

Mr. Smith stated that it wasn't included, but it could be requested of applicants to certify that they are willing to allow co-location to their site.

Commissioner Merritt commented that the Administrative Process has language that sets clear limits on what can be approved without Commission and Council input, and felt this would allow a more efficient process. He also felt that a height limit of 65 feet would not work for co-location.

Chairperson Rowitsch commented that she drove around looking for tall structures, (in CV & Phx) and the tallest item she found were light poles at ball fields and determined they were about 75 feet high, and felt that communications towers at that height would not be that noticeable. She felt that a height of 65 feet or more should be confined to Commercial or Industrial zoning, and the Town should regulate were different types of uses go, because that is the Town's job. She indicated she thought the language in this ordinance does that, but was a bit concerned with a

height of 100 feet and felt 80 feet would be a more appropriate, and could consider anything higher than that through the CUP process.

Commissioner Owen agreed that 65 feet would be impractical and felt that 80 feet would be an appropriate height for Administrative Approval within the Commercial and Industrial zoning districts.

Vice Chair Miner agreed that 80 feet or less in height could be approved administratively and anything above that would require a CUP for either a Quasi Residential, Commercial, and Industrial areas.

Commissioner Edmonds asked who is ultimately responsible for the permit process and if something goes wrong with the facility.

Mr. Smith stated the property owner is essentially responsible for the property. The owner generally constructs a lease with the applicant, and their agreement does not concern the Town. If the Town has to employ compliance measures on the property, then the owner is ultimately who is responsible.

Vice Chair Miner MOVED, seconded by Commissioner Merritt to forward this item to the Town Council with a recommendation of approval for the amendments to the Wireless Communications Section E.6.A.1 of the Unified Development Ordinance (UDO) with one change to limit the height of 80 feet for Administrative Approval.

MOTION CARRIED: 6-0

7B. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding the following: The application for a Conditional Use Permit (CUP) for a wireless communication tower, 99-foot in height. Clear Blue Services, which is representing AT&T, is requesting the CUP to construct a new wireless communication tower located at 2655 North State Route (SR) 89 (Assessor's Parcel Number 306-14-021C). The site is located on the east side of SR 89 approximately 600 feet north of the Road 3 1/2 North alignment and consists of approximately one acre.

Dava Hoffman stated the request is for a 99 foot tower on a zoning district of Commercial Heavy which is surrounded by Commercial property. The applicant has complied with all the public notification process for this item. Staff has reviewed the request and determined the project is in compliance with section 1.9.3 of the UDO, and recommends approval for the requested CUP with the findings and stipulations as noted in the staff report.

Mr. Scott September, Acquisition Manager for AT&T Mobility, stated this site is significant to AT&T because for the first time in almost 100 years AT&T had less hook up's on the wire line network. The old landline is being disconnected at a rate of 70,000 customers every month. There is a significant shift in communications and AT&T needs to be competitive with their service as well as provide adequate coverage for their customers.

Adam Brixius, representative for Clear Blue Services gave a brief presentation outlining the project, its location, and the gap in coverage that AT&T is trying to close using this location. He indicated that 70% of emergency calls are made wirelessly and this service needs to be reliable. He also indicated that AT&T would be willing to provide a letter that this would be a co-locatable site, even though they do not have a co-locator at this time.

Mr. Brixius showed the coverage areas that would be acquired using this site and the requirement by the Federal Government to meet customers' demands.

Commissioner Merritt asked the applicant if they could get the coverage they need at a height of 80 ft.

Mr. September indicated that he could not answer that at his time and that it's more valuable for AT&T to continue with the CUP process and obtain the 99 feet. He stated they will look into whether or not 80 feet would serve their needs because using the Administrative process for approval would be more efficient in the future. The amendments the Commission considered tonight is important because it will enable applicants to easily and quickly understand how these sites should look and where they can be placed to achieve an Administrative Review.

Chairperson Rowitsch opened the public portion of the meeting.

On resident stated they had an opportunity to place a wireless communication tower on their property and refused because they felt it was too close to a residential structure. She wondered if the proposed tower would be 300 feet from the residential structure on the property. She also asked who takes responsibility if something goes wrong with this tower.

Mr. Smith indicated this tower is locating in a Commercial zone and that 300 foot setback would not apply in this case. That setback would apply for a tower going into park space, open space, a retention pond and other similar locations. He also indicated that the applicant and property owner would be named as those responsible.

Chairperson Rowitsch closed the public portion of the meeting.

The Commissioners indicated they were satisfied with the explanations presented, but would like to see if there is a significant difference in service between the 99 foot and 80 foot height, but it was pretty apparent the applicant wants to proceed with the CUP at this time. The property this particular tower will be on sits lower than the road so the tower will not visually appear that tall. There was concern for this tower and its proximity to the residential home and asked the applicant if they would consider moving the tower further north on the site. However residences on Commercial property have to expect the uses that are primarily allowed in the Commercial zoning district.

The Commission is taxed with looking at what is proposed at the present time, and needs to make a recommendation to the Town Council. One Commissioner stated that they were against the 99 foot tower when they walked in the door, however, after hearing the presentation, and the realization that the tower over at the Police Department is almost as tall, they have changed their mind and think the location and height is appropriate.

Chairperson Rowitsch closed the public portion of the meeting.

Vice Chair Miner MOVED, seconded by Commissioner Owen, to forward this item to the Town Council with a recommendation of approval for the Conditional Use Permit (CUP) to allow a 99 foot Communications Tower with the Findings and Stipulations as noted in the staff report.

MOTION CARRIED: 6-0

8. **PUBLIC COMMENTS:** None

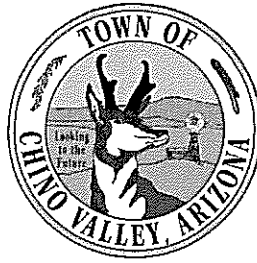
9. **ADJOURN:** 8:15 p.m.

Chairperson Rowitsch Date:

ITEM

6A

DEVELOPMENT SERVICES DEPARTMENT
1020 WEST PALOMINO ROAD
PO Box 406
CHINO VALLEY, AZ 86323



TOWN HALL (928) 636-2646
DEVELOPMENT SERVICES (928) 636-4427
FAX (928) 636-2144

PLANNING COMMISSION,
STAFF REPORT

TOWN OF CHINO VALLEY, ARIZONA
May 2, 2013

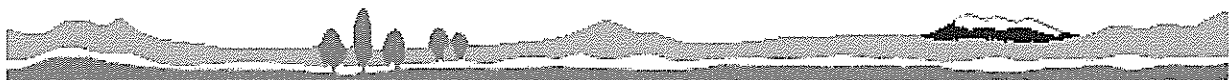
LEGAL AD

CUP-07-(NUMBER): NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Planning and Zoning Commission at the Chino Valley Council Chambers-South Campus, located at 202 N. State Route 89, Chino Valley, Arizona 86323 at 6:00 p.m., on Tuesday, May 21, 2013. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from "AR-5" Agricultural/Residential (5 Acre Minimum) to "SR-1" Single Family Residential (1 Acre Minimum). The location of the proposed zone change is 1159 Red Cinder Road, Chino Valley, Arizona 86323, Assessor's Parcel Number: 306-18-009P (Approximately 5.76 acres). Applicant / Owner: Donna Jones

A. LOCATION: Please see Exhibit "B" Zoning Map.
The subject parcel is located on Red Cinder Road approximately 575 feet east of its intersection with Road 1 East.

B. FACTS:

1. Owner:Donna Jones
2. Applicant:Donna Jones
3. Subdivision Name.....N/A
4. Engineer:.....Haywood & Associates
5. Site Area:.....5.76 Acres
6. Number of Proposed Lots.....3 lots
7. Current Zoning.....Agricultural Residential, 5 Acre Minimum (AR-5)



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8. Requested Zoning:.....Single Family Residential, 1 Acre Minimum (SR-1)
9. Adjacent Zoning and Use:
 - NorthAR-5 – Vacant 5+ acre parcel
 - West.....AR-5 - Residence on 4.99-acre parcel
Residence and Guest house on 7.01-acre parcel
 - South..... AR-5 – Vacant 16.76 acre parcel
 - East.....AR-5 – Residence on 4.82 acre parcel
10. Water Source:.....Private Water Wells
11. Waste Water.....Private On-site Septic Systems
12. Topography:..... A gentle slope downward from West to East
13. General Plan Conformance:.....General Designation is “Medium Density Residential – 2 Acres or Less”. If the property is rezoned to (SR-1), the property will be in conformance with the General Plan Land Use Element.

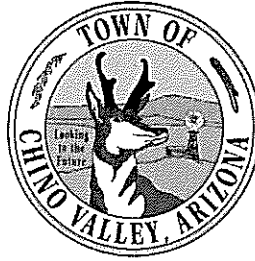
C. The Citizen Participation protocol as required by the Town Code resulted in a mailing of 11 letters to property owners within a 300-foot buffer of the subject property. Not included in that mailing were two parcels owned by the Town of Chino Valley. To date, the Town has not received any responses to the mailing for the Neighborhood Meeting. The Neighborhood Meeting was held at 4:00 p.m. on May 1, 2013, in the Town’s Council Chambers. Applicant, Donna Jones and a friend were present as were two Planning Commissioners, two Council Members and staff member, Dennis Price. No one from the neighborhood mailing list attended. Ms. Jones briefly explained to those present that she was requesting the zoning change to facilitate the division of her property into three parcels.

D. ANALYSIS:

Currently, this relatively flat 5.76-acre property includes two single family manufactured homes, a barn, and riding arena. The present zoning district is Agricultural Residential 5-Acre Minimum (AR-5). Access to the property is from Red Cinder Road. The applicant desires to split the 5.74-acre property into three separate parcels which necessitates the request to rezone to SR-1. The proposed split will result in a 2.00-acre undeveloped parcel, a 2.00-acre parcel with a residence



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and a 1.75-acre parcel with a residence and a barn. All three parcels will have ingress/egress frontage on Red Cinder Road.

At the present time, there are approximately 30 properties zoned SR-1 within a 1,000-foot radius of the subject property.

Access and On-Site Circulation

The all three proposed parcels of the 5.76-acre property (proposed to be changed to SR-1) will use the Red Cinder Road frontage for ingress / egress. The existing westerly situated residence will use the existing driveway which extends to the west. The easterly situated residence will install a new driveway which will extend north to Red Cinder Road through a 50-foot wide section of the 1.75-acre parcel. The location of the access for the remaining undeveloped 2.00-acre parcel onto Red Cinder Road is yet to be determined. Cross-access for vehicles between the parcels is not a consideration.

Water and Sewer Provider

The two existing homes on the property are served by two private on-site shared-wells and two individual on-site sanitary (septic) systems. Future development of the proposed two-acre site will require construction of a new well system and septic system.

General Plan and Arizona Revised Statutes

The Town's General Plan was adopted by the Town Council on June 26, 2003. The Plan was ratified by the citizens of the Town of Chino Valley in an election held on November 4, 2003. Arizona Revised Statutes (ARS) 9-462.01, G. requires zoning and rezoning ordinances to be "consistent with and conform to the adopted General Plan of the municipality".

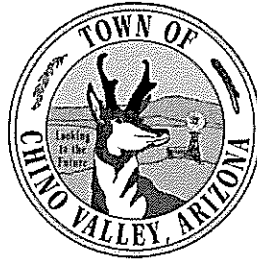
The proposed rezone is consistent with and conforms to the Land Use Designation for the property as set forth in the Land Use Element of the Town's 2003 General Plan (Exhibit "D"). Therefore the requested rezone does merit a positive consideration, and endorsement to the Town Council from Planning Commission.

E. RECOMMENDATION FOR THE REZONE:

1. Move to recommend to the Town Council the approval of the request to rezone APN 306-18-009P from "AR-5" Agricultural/Residential (5 Acre Minimum) to "SR-1" Single-Family Residential (1 Acre Minimum). Applicant desires 5.76 acres to be zoned SR-1 with the following findings and stipulations;



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1020 WEST PALOMINO ROAD
PO Box 406
CHINO VALLEY, AZ 86323



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FAX (928) 636-2144

FINDINGS FOR THE REZONING REQUEST:

1. That the requested rezone is consistent with and conforms to the "Town of Chino Valley 2003 General Plan".
2. That approval of the requested rezone will not be adverse to the health, safety and general welfare of the residents of the Town of Chino Valley, Arizona.

STIPULATIONS FOR THE REZONING:

1. Applicant agrees that the approval of this rezone confers no entitlements or rights to the owner or applicant other than those that are vested with the SR-1 zoning district.
2. That additional right-of-way as deemed necessary by the Town Engineer shall be dedicated to the Town prior to issuance of any permits that are requisite to the development of the property.

Attachments:

- Exhibit "A" Application
- Exhibit "B" Zoning Map
- Exhibit "C" General Plan Future Land Use Map
- Exhibit "D" Record of Survey Parcel 306-18-009P (Parcel Split) Map with existing structures





ZONE CHANGE APPLICATION

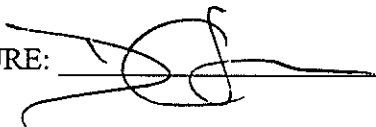
1.	PROPERTY OWNER NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	DONNA C. JONES 1155 RED CINDER Rd. CHINO VALLEY AZ (928) 379-0241 84523
2.	APPLICANT NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	DONNA C. JONES 1155 Red Cinder Rd. Chino Valley, AZ (928) 379-0241 84523
3.	ENGINEER NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	MIKE HAYWOOD - HAYWOOD & ASSOC. 212 S. MARINA ST. (928) 778-5101
4.	ARCHITECT/DESIGNER ADDRESS TELEPHONE NUMBER FAX NUMBER	N/A - -
5.	SITE LOCATION (Major Cross Streets)	RED CINDER ROAD
6.	ASSESSORS PARCEL NUMBER(S)	306-18-009 P
7.	SITE DIMENSIONS	654.44' x 712.30' x 500.40'
8.	SITE AREA (GROSS)	
9.	EXISTING STRUCTURES	
10.	DESCRIBE ACCESS TO THE SITE (STREET FRONTAGE OR EASEMENT)	RED CINDER ROAD
11.	UTILITIES PROVIDED BY	ELECTRIC: APS GAS: N/A WATER: N/A (WELL) SEWER: N/A (SEPTIC)
12.	FLOOD ZONE DESIGNATION	
13.	EXISTING ZONING	AR-5
14.	REQUESTED ZONING	SR-1
15.	ADJACENT ZONING NORTH: AR-5, SR-2.5? & SR-1? SOUTH: AR-5 & SR-1? EAST: AR-5 & SR-1? WEST: AR-5	ADJACENT LAND USE NORTH: SOUTH: EAST: WEST:
16.	TOPOGRAPHY	Level with a few trees, brush and some grass

EXHIBIT "A"

17. INTENT OF THE ZONE CHANGE REQUEST:

To divide property into 3 – 1.5+ acres. Adjacent and surrounding properties were previously approved for the same rezoning and for the same purposes.

OWNER'S SIGNATURE:  DATE: 10/2/12

APPLICANT'S SIGNATURE:  DATE: 10/2/12

(Office Use Only):

Date of Meeting: _____ Time of Meeting: _____

Agency's Notified: _____

Log #: _____

TOWN OF CHINO VALLEY

AGREEMENT TO WAIVE CLAIMS FOR DIMINUTION IN VALUE

PURSUANT TO A.R.S. §12-1134

I/We, DONNA C. JONES, ("Owner") am/are all the owner(s) of real property ("Property") generally located at 1155 Red Lion Rd consisting of approximately 5.74 acres, as shown in the evidence of ownership attached as Exhibit A and legally described in Exhibit B, both of which are attached to this Agreement.

The Property is subject to the land use laws of the Town of Chino Valley, Arizona or to be annexed by the Town. For purposes of this Waiver, "land use law" shall be defined as set forth in A.R.S. § 12-1136.

I/We have requested that the Town take/approve the land use action ("Requested Action") as set forth in Exhibit C, which is attached to this Agreement.

I/We acknowledge that as the request is processed for approval, changes may be made to the details and requirements for approval of the request. Some of these changes may materially alter the request, so that the final approval may be substantially different than originally requested. I/We understand and agree that execution of an additional waiver will be required for approval if the request is altered.

I/We acknowledge that the Requested Action may alter my/our rights to use, divide, sell or possess our Property, and that, pursuant to A.R. S. § 12-1134, as the owner of property directly regulated by a land use law, I/we may be entitled to compensation from the Town for diminution of value in the property if the action I/we have requested from the Town reduces the fair market value of the above described property.

By signing this Agreement, I/we together with Owner's heirs, successors or assignees, hereby voluntarily agree to waive any and all claims for diminution in value for the Property which may arise pursuant to A.R.S. § 12-1134 as a result of the Town's actions, including but not limited to approvals, denials or conditions of approvals with respect to the above-described Requested Action. Owner understands that this

Agreement shall run with the Property and be binding upon subsequent landowners and shall be recorded by Owner.

I/we hereby further understand that the Town is acting in reliance upon my/our representations in this waiver.

Dated this 27th day of September, 2002.

[OWNER]

By: [Signature]
Its: OWNER

State of Arizona)
) ss
County of YAVAPAI)

SUBSCRIBED AND SWORN to before me this 27th day of Sept., 2002, by

DOANNA C. JONES.

My commission expires:

11/29/2013

Deborah L. Palmer
Notary Public



FEES
\$7
\$8
\$5
\$1
\$6
3

at the request of Pioneer Title Agency, Inc.

when recorded mail to
Donna C. Jones
P.O. Box 10873
Prescott, AZ 86305



8-4592 P-506
Page: 1 of 2
MD 4231486

00353195-DIC

Tax Code: 306-18-009P

WARRANTY DEED

For the consideration of Ten Dollars, and other valuable consideration, I or we,

Allen Nel, a married man who acquired title as an unmarried man

do/does hereby convey to

Donna C. Jones, an unmarried man

the following real property situated in Yavapai County, Arizona:

See Exhibit A attached hereto and made a part hereof.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record.

The Grantor warrants the title against all persons whomsoever.

DATED this 29 day of April 2008

Allen Nel

State of Arizona

County of Yavapai

The foregoing instrument was acknowledged before me this 29 day of April, 2008, by Allen Nel.

NOTARY PUBLIC

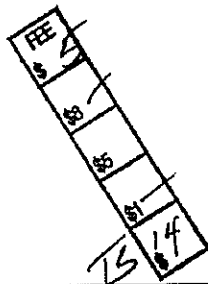
My commission expires:



SEAL

Recorded at the request of:
when recorded mail to:

Allen Nel
P.O. Box 28622
Las Vegas, NV 89126-2622



3747916 BK 4172 P6 164
Yavapai County, Arizona
Patsy Jenney-Colon, Recorder
07/30/2004 11:56A PAGE 1 OF 4
M HAYWOOD ASSOCIATES INC
RECORDING FEE 5.00
SURCHARGE 8.00
POSTAGE 1.00

Warranty Deed

AFFIDAVIT OF VALUE EXEMPT PER A.R.S. 11-1134 B-5.

For the consideration of Ten Dollars, and other valuable considerations, I or we,

Allen Nel, an unmarried man

do/does hereby convey to

Allen Nel, an unmarried man

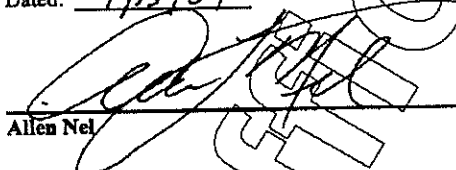
the following real property situated in Yavapai, County, Arizona:

See attached legal descriptions (3) Parcel 1 ;
Parcel 2 ; and Parcel 3

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, covenants, conditions and restrictions as may appear of record.

And I or we do warrant the title against all persons whomsoever, subject to the matters set forth above.

Dated: 7/15/04

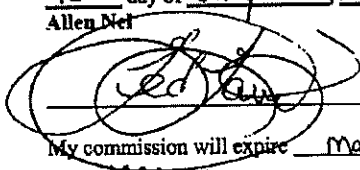

Allen Nel

STATE OF NEVADA

County of CLARK

} ss

This instrument was acknowledged before me this
15th day of July, 2004 by
Allen Nel


Notary Public
My commission will expire March 15, 2008

TED LAIR
Notary Public, State of Nevada
Appointment No. 99-83779-1
My Appt. Expires Mar. 15, 2008



Exhibit A

All that portion of Government Tract 53, located in Section 11, Township 16 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the Southwest corner of Government Tract 40, point also being an angle point on Government Tract 53, as recorded in Book 46 of Land Surveys, page 15, on file in the Office of the Yavapai County Recorder, Yavapai County, Arizona;

Thence North 00°03'06" West, 763.18 feet along the East line of said Government Tract 53 to the POINT OF BEGINNING;

Thence North 89°52'10" West, 751.53 feet to a point on the South right-of-way of Red Cinder Road;

Thence North 40°15'23" East, 693.67 feet along said South Right-of-way;

Thence South 89°52'10" East, 302.80 feet along said South right-of-way to a point on said East line;

Thence South 00°03'06" East, 530.40 feet to the POINT OF BEGINNING.

EXCEPT that portion Dedicated for Roadway in instrument recorded in Book 4165 of Official Records, page 111, records of Yavapai County, Arizona.

Unofficial

EXHIBIT B

LEGAL DESCRIPTION

(Parcel # 306-18-009P)

All that portion of Government Tract 53, located in Section 11, Township 16 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the Southwest corner of Government Tract 40, point also being an angle point on Government Tract 53, as recorded in Book 46 of Land Surveys, page 15, on file in the Office of the Yavapai County Recorder, Yavapai County, Arizona;

Thence North 00°03'06" West, 763.18 feet along the East line of said Government Tract 53 to the POINT OF BEGINNING'

Thence North 89°52'10" West, 751.53 feet to a point on the South right-of-way of Red Cinder Road;

Thence North 40°15'23" East, 693.67 feet along said South right-of-way;

Thence 89°52'10" East, 302.80 feet along said South right-of-way to a point on said East line;

Thence South 00°03'06" East, 530.40 feet to the POINT OF BEGINNING.

EXCEPT that portion Dedicated for Roadway in instrument recorded in Book 4165 of Official Records, page 111, records of Yavapai County, Arizona.

EXHIBIT TO LEGAL DESCRIPTION

3739322 BK 4165 PG 111
Yavapai County, Arizona
Patsy Jenney-Colon, Recorder
07/07/2004 04:02P PAGE 1 OF 7
TOWN OF CHINO VALLEY
RECORDING FEE 4.00
SURCHARGE 0.00
POSTAGE 1.00

When Recorded Return To:

Town Clerk
Town of Chino Valley
P.O. Box 408
Chino Valley, AZ 86323

DOCUMENT CAPTION:

DEDICATION OF A PUBLIC ROADWAY
ALLEN G. NEL
PARCEL #306-18-009F

FE
\$
\$
\$

"UnOfficial Copy"

APN: 306-18-009F
Name: Allen G. Nel, An Unmarried Man

DEDICATION OF PUBLIC ROADWAY

THIS INDENTURE, made this 23rd day of April, 2004, by and between Allen G. Nel, An Unmarried Man, hereinafter designated "Grantor," and the TOWN OF CHINO VALLEY, a municipal corporation of the County of Yavapai, State of Arizona, hereinafter designated "Grantee."

RECITALS

Grantee requires a right-of-way, under and across, to a parcel of land, hereinafter described, owned by Grantor, upon which Grantee may hereafter construct, improve, operate and maintain a public roadway, and exercise all rights incident thereto, together with the right to authorize, permit and license the use thereof for utilities, or other public purposes, as may be necessary for the efficient construction, improvement, operation and maintenance of such roadway.

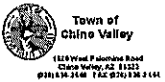
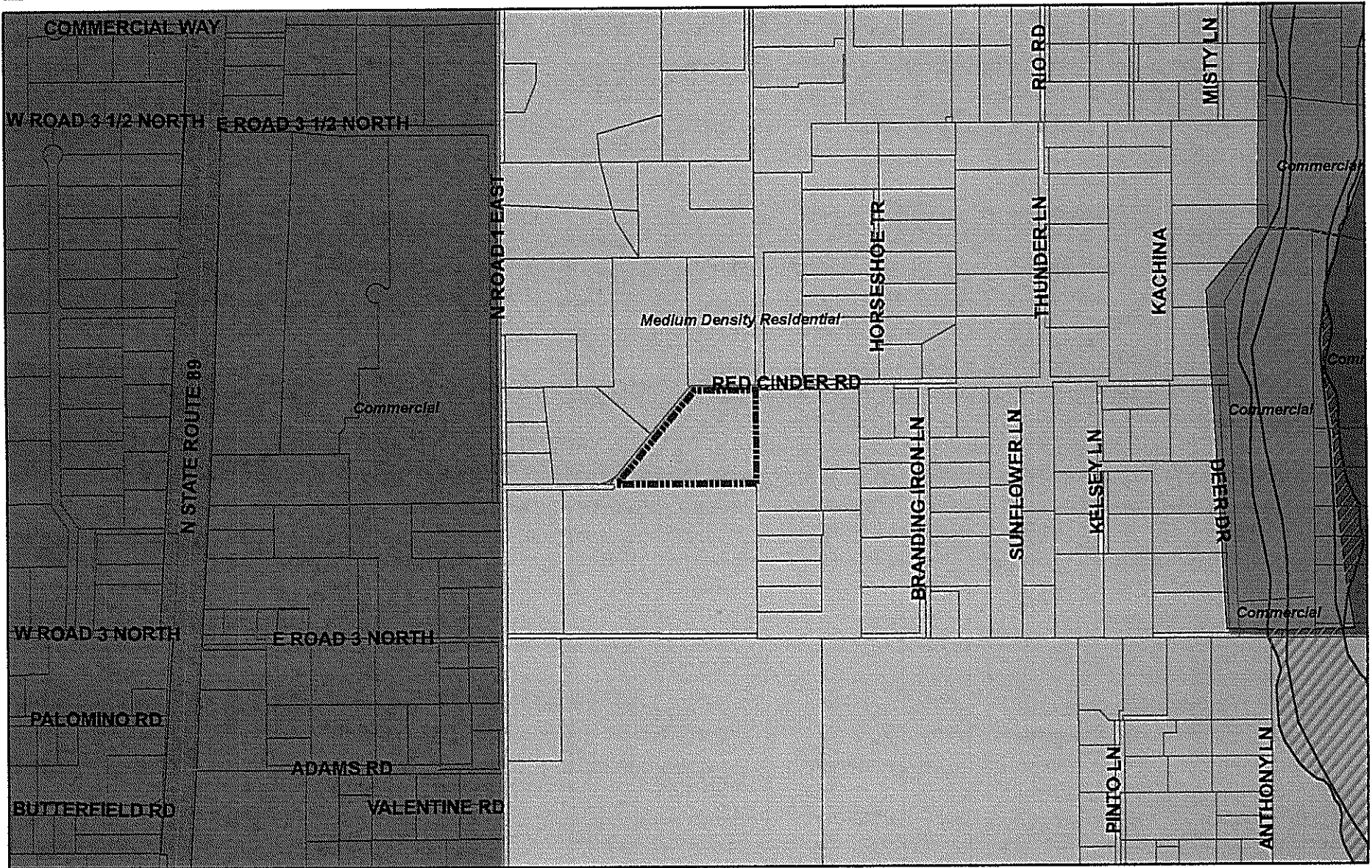
Grantor desires to grant to Grantee a right of way for such purposes and to dedicate the same forever for use of the public as a roadway and Grantor hereby approves the location of such roadway and consents to the establishment thereof upon the land hereinafter described. Further, Grantor does hereby release the TOWN OF CHINO VALLEY from all claims for damage or compensation for and on account of the establishment and construction of such roadway, except as to the conditions set forth herein.

COVENANTS AND CONVEYANCE

In consideration of the premises, covenants and conditions to be kept and performed by Grantee, and the further consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable considerations, receipt whereof is hereby acknowledged, Grantor does hereby grant, convey and dedicate to Grantee forever for use as a public roadway, and all incidents thereto, including the rights described in the Recitals, that certain real property situated in Yavapai County, Arizona, and more particularly described on Exhibit "A" attached hereto and make a part hereof.

**JONES APN 306-18-009P
REZONE AR-5 to SR-1
ZC 13-001**

**GENERAL PLAN - AMENDED
FUTURE LAND USE MAP**



1 inch = 700 feet

EXHIBIT "C"

The Town of Chino Valley assumes no responsibility for errors, omissions, and/or inaccuracies in this mapping product.



JOB NO: 04-111	DRAWN: GMH
CREW: CALC'D	DATE: 8-6-10
CLIENT: D. JONES	CHECKED: GMH
SCALE: 1" = 60'	DATE: 8-10-10

TOWN OF CHINO VALLEY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
Chino Valley South Campus
202 N. State Route 89
May 21, 2013
6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

Meeting was called to order at 6:00 p.m.

Members Present: Gwen Rowitsch, Chairperson
Garland Miner, Vice Chairperson
Charles Merritt, Commissioner
Robert McCaullay, Commissioner

Staff Absent: Florence Sloan, Commissioner
Michael Edmonds, Commissioner
Jack Owen, Commissioner

Staff Present: Dennis Price, Associate Planner
Mary Brasher, Administrative Technician

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4A. For consideration, discussion, and possible action regarding the regular meeting minutes of February 19, 2013.

Chairperson Rowitsch forwarded the minutes to the next regular meeting due to lack of quorum of those present at the February 19, 2013 meeting.

5. STAFF REPORT: Dennis Price, Associate Planner confirmed Commission members received the "Planning Workbook" that was sent to them via email. He informed the Commission that if they prefer they can receive a hard copy of the workbook from the Development Services Department.

6. PUBLIC HEARING: Chairperson Rowitsch opened the public hearing.

6A: For consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from AR-5 Agricultural Residential 5 Acre Minimum to SR-1 Single Family Residential 1 Acre Minimum. The property is located 1159 Red Cinder Rd. in Chino Valley, Arizona and consists of approximately 5.74 acres, and is further described as APN: 306-18-009P. Applicant/Owner; Donna Jones

Dennis Price, Associate Planner briefly described that the applicant wishes to rezone the property in order to create three separate parcels. The applicant has complied with the neighborhood notification process, with the mailing of letters to residence informing them of the request. A neighborhood meeting was held and there were 5 citizens in attendance with no opposition voiced. The request conforms to the Future Land Use Designation and will not be detrimentally adverse to the Town or its citizens.

Chairperson Rowitsch opened the public portion of the meeting.

With no comments heard Chairperson Rowitsch closed the public portion of the meeting.

Vice Chairman Miner MOVED, seconded by Commissioner Merritt to recommend to the Town Council approval of the request to rezone the property from AR-5 Agricultural Residential 5 Acre Minimum to SR-1 Single Family Residential 1 Acre Minimum with the findings and stipulations as noted in the staff report.

MOTION CARRIED: 4-0

7. **PUBLIC COMMENTS:** Chairperson Rowitsch opened for public comments.
No comments heard.
8. **ADJOURN:** 6:15 p.m.

Rowitsch Chairperson Date: