

1. Agenda

Documents: [AGENDA JUNE 18.PDF](#)

2. Packet

Documents: [PACKET JUNE 18.PDF](#)

3. Action Taken

Documents: [ACTION TAKEN JUNE 18.PDF](#)



NOTICE OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

**June 18, 2013
6:00 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, June 18, 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. May 21, 2013 and June 4, 2013**
- 5. STAFF REPORT**
- 6. PUBLIC HEARING**
 - 6A.** For consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from "CL" Commercial Light to "CH" Commercial Heavy. The location of the proposed zone change is 3440 N. State Route 89, Chino Valley, Arizona 86323, and further described as Assessor's Parcel Number's 306-04-028C and consists of approximately 1 Acre. Applicant/Owner: Mary Dewitt, Trustee for the Dewitt Family Revocable Trust.
 - 6B.** For consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from "AR-5" Agricultural/Residential (5 Acre Minimum) to "MHP- 4" Mobile/Manufactured Home Park (4 Acre Minimum). The location of the proposed zone change is northwest of Road 4 North/Road 1 West, with a physical address at 1429 Road 4 ½ North, Assessor's Parcel Number's 306-05-030X (Approximately 60.2 Acres). Applicant/Owner: La Vacara Trust
- 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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6. **PUBLIC HEARING**
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7. **PUBLIC COMMENTS**

DEVELOPMENT SERVICES DEPARTMENT
1982 VOSS DRIVE #203
CHINO VALLEY, AZ 86323



TOWN HALL (928) 636-2646
DEVELOPMENT SERVICES (928) 636-4427
FAX (928) 636-6937

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.

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:

TOWN OF CHINO VALLEY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
Chino Valley South Campus
202 N. State Route 89
June 4, 2013
6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

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

Members Present: Garland Miner, Vice Chairperson
 Charles Merritt, Commissioner
 Robert McCaullay, Commissioner
 Michael Edmonds, Commissioner
 Jack Owen, Commissioner

Staff Absent: Florence Sloan, Commissioner
 Gwen Rowitsch, Chairperson

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.

Commissioner Merritt MOVED, seconded by Commissioner Owen to approve the regular meeting minutes of February 19, 2013.

MOTION CARRIED: 4-0

For consideration, discussion, and possible action regarding the regular meeting minutes of May 21, 2013.

Chairperson Miner forwarded the minutes to the next regular meeting due to lack of quorum of those present at the May 21, 2013 meeting.

5. **STAFF REPORT:** Dennis Price, Associate Planner mentioned that the article that was emailed to the Commissioners regarding Land Use Regulations as it pertains to Proposition 207 could be obtained in hard copy from the Development Services Department upon their request.

6. **PUBLIC HEARING:** Acting Chairperson Miner opened the public hearing.

6A: For consideration, discussion and possible recommendation to the Town Council regarding a requested issuance of a Conditional Use Permit (CUP) to allow a Light Emitting Diode (LED) Message Reader Board. The proposed Message Reader Board is located 2062 N. State Route 89. Chino Valley, Arizona and further described as APN: 306-14-007E. Applicant/Owner; Signs Plus/St. Catherine Laboure

Dennis Price, Associate Planner briefly described that the applicant wishes to replace the current monument sign with a double sided LED Message Reader Board that will display three lines of amber letters. The applicant complied with the public notification process, including a neighborhood meeting in which no citizens from the community attended. The requested LED Message Reader Board sign complies with the Town's Unified Development Ordinance (UDO) and is compatible with other signs that have been permitted in the area.

Commissioner Edmonds asked about the intensity of the display and if it would be downward facing.

Bill Mayo, representative for Signs Plus stated this sign would be the same as the one at the Baptist church at the south end of Town. This sign would not be any brighter than other signs in the Town. He commented that this sign would not be as bright as the one located at Walgreens, and that they are aware the message would need to be displayed for thirty seconds.

Commissioner Edmonds asked if the sign would be lit twenty four hours per day.

Mr. Mayo stated he did not know that would be up to the church, but didn't think it would.

Commissioner Edmonds commented he was concerned with light pollution.

Mr. Mayo stated the lighting on this sign would not be aggressive.

Commissioner McCaullay asked if it would be a fixed or trailing message.

Mr. Mayo indicated it would be a standard fixed message.

Commissioner Merritt asked if the sign would be as bright and/or active as the one at the High School.

Mr. Mayo stated the brightness would be less than what is at the High School and more in line with the sign located at the Baptist Church.

Acting Chairperson Miner opened the public portion of the meeting.

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

Commissioner Merritt MOVED, seconded by Commissioner Owen to recommend to the Town Council approval of the requested CUP to allow a Light Emitting Diode (LED) Message Reader Board with the findings and stipulations as noted in the staff report.
MOTION CARRIED: 4-0

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

Acting Chairperson Miner Date: June 4, 2013

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
June 18, 2013

LEGAL AD

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, June 18, 2013. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from "CL" Commercial Light to "CH" Commercial Heavy. The location of the proposed zone change is 3440 N. State Route 89, Chino Valley, Arizona 86323, and further described as Assessor's Parcel Number: 306-04-028C and consists of approximately 1 acre. Applicant / Owner: Mary DeWitt, Trustee for the DeWitt Family Revocable Trust.

A. LOCATION: Please see Exhibit "C" Zoning Map.
The subject parcel is located on the northwest corner of the intersection of Choctaw Lane and State Route 89.

B. FACTS:

1. Owner:DeWitt Family Revocable Trust
2. Applicant:Mary DeWitt
3. Subdivision Name.....N/A
4. Engineer:.....N/A
5. Site Area:.....Approximately one acre
6. Number of Proposed Lots.....1 lot - No division is proposed
7. Current Zoning.....Commercial Light, (CL)



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8. Requested Zoning:.....Commercial Heavy (CH)
9. Adjacent Zoning and Use:
 - NorthCL - Vacant 1-acre parcel
 - West.....CL - Vacant 1.33-acre parcel
 - South..... CH - Mini Storage Facility on 1.28-acre parcel
 - East.....CL/AR-5 - Small Retail / Vacant on 4.85-acre parcel
on the east side of SR 89.
10. Water Source:.....Private Water Well
11. Waste Water.....Private On-site Septic System
12. Topography:..... Relatively flat
13. General Plan Conformance:.....General Plan Designation is "Commercial." The subject property will continue to be in conformance with the General Plan Land Use Element if zoning change to Commercial Heavy (CH) is approved.

C. The Citizen Participation protocol as required by the Town Code resulted in a mailing of 9 letters to property owners within a 300-foot buffer of the subject property. 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 29, 2013, in the Town's Council Chambers. Applicant, Mary DeWitt was present as was staff member, Dennis Price. No one from the neighborhood mailing list or general public attended.

D. ANALYSIS:

This relatively flat one-acre property is situated on the northwest corner of State Route 89 and Choctaw Lane. Access to the property is from Choctaw Lane, a graded but unimproved roadway. The entire property is enclosed by chain-link fencing and includes one 3,200 square-foot metal building which was constructed in 2001. The present zoning district is Commercial Light (CL). The applicant's commercial tenant/purchaser desires to offer an expanded range of services such as welding, auto body repairs and painting which necessitates the request to rezone to Commercial Heavy (CH). There is a mixture of zoning districts in the vicinity of the subject site such as Commercial Light (CL), Commercial Heavy (CH), Commercial Light / Agricultural-Residential 5, (CL/AR-5) and Agricultural Residential 5-acre minimum (AR-5). The predominant zoning district is Commercial Heavy (CH).



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A visit to view the property revealed that the tenant/purchaser is in the process of installing screening battens on the existing chain-link fencing.

Access and On-Site Circulation

An existing gated driveway on the Choctaw Lane frontage provides for ingress / egress. The Site Plan indicates that there is a defined parking lot and a screened storage area but these improvements do not yet exist. There is no asphalt-concrete paving on the site and screening to obscure existing storage of auto parts has not been completed.

Water and Sewer Provider

The existing building is served by an individual on-site sanitary (septic) system and a private well.

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 ZONE CHANGE:

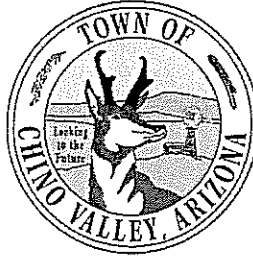
1. Move to recommend to the Town Council the approval of the request to rezone APN: 306-04-028C from "CL" Commercial Light to "CH" Commercial Heavy per the following findings and stipulations.

FINDINGS FOR THE ZONE CHANGE 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.



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CHINO VALLEY, AZ 86323



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STIPULATIONS FOR THE ZONE CHANGE:

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 CH zoning district.
2. Applicant shall comply with all federal, state, and local regulations.
3. Pursuant to ARS 9-462-1.E, the applicant shall submit to Town staff improvement plans for compliance with the following UDO Sections within 60 days of Council approval for this zone change:
 - a. UDO Section 4.9 Outdoor Storage
 - b. UDO Section 4.22 Off-Street Parking and Loading
 - c. UDO Section 4.26 Landscaping
4. Applicant will construct, install and maintain said improvements, as approved by Town staff, within 365 days of Council approval for this zone change or cause the property to revert to its former zoning classification.

Attachments:

- Exhibit "A" Application
- Exhibit "B" Map of Assessor's Parcel 306-04-028C
- Exhibit "C" Zoning Map
- Exhibit "D" General Plan Future Land Use Map
- Exhibit "E" Site Plan



REQUESTED LAND USE ACTION

Applicant proposes to change the zoning from Commercial Light to Commercial Heavy. Property is located at 3440 N SR 89, but access is from Choctaw Lane. This is in the north area of Chino Valley, between Roads 4 and 5 North, where heavy industrial businesses are located. The auto business that operates out of the building at the premises is expanding into more areas of auto related activities that are not listed in the CL zoning. The additional business activities include but are not limited to; auto body repairs, engine repairs, auto painting and welding.



REZONING APPLICATION

1.	PROPERTY OWNER NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	DeWitt Family Revocable Trust 784 Grapevine Lane, Prescott, AZ 86305 928-710-2242 928-445-9357
2.	APPLICANT NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	Mary DeWitt, Trustee same same same
3.	ENGINEER NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	-N/A-
4.	ARCHITECT/DESIGNER ADDRESS TELEPHONE NUMBER FAX NUMBER	-N/A-
5.	SITE LOCATION (Major Cross Streets)	N S.R. 89 & Choctaw Lane
6.	ASSESSORS PARCEL NUMBER(S)	306-04-028C
7.	SITE DIMENSIONS	115.69x25.90x67.86x658.86x55x53.76x9.26x43.33x303.10x123.67
8.	SITE AREA (GROSS)	1 acre
9.	EXISTING STRUCTURES	3200 s.f. metal building
10.	DESCRIBE ACCESS TO THE SITE (STREET FRONTAGE OR EASEMENT)	street frontage on Choctaw Lane
11.	UTILITIES PROVIDED BY	ELECTRIC: APS GAS: Propane WATER: private well SEWER: commercial septic
12.	FLOOD ZONE DESIGNATION	unshaded X
13.	EXISTING ZONING	CL
14.	REQUESTED ZONING	CH
15.	<u>ADJACENT ZONING</u> NORTH: CL SOUTH: CH EAST: CL/AR5 WEST: CL	<u>ADJACENT LAND USE</u> NORTH: vacant land SOUTH: Choctaw Lane/Mini Storage EAST: Hwy 89/commercial retail WEST: Commercial
16.	TOPOGRAPHY	<i>Flat</i>

17. INTENT OF THE ZONE CHANGE REQUEST:

To allow additional auto related business activities for the existing business occupying the premises.

Including:

Auto & Vehicle Body Repair, Engine Repair,
Auto & Vehicle Painting and Welding

The auto business was previously located on the south end of Chino Valley in commercial heavy (CH) zoning. It has now moved to the north side of Chino Valley to be in the commercial heavy and industrial area of town and would like to continue to offer to its customers the same services it had at its previous location. It currently offers sandblasting, and will add a paint booth.

The lot consists of one (1) acre and does not abut any single family residential zoning. There will be no expansion or remodel with this request. The auto repairs will be conducted inside of the shop, unless size or other circumstances prevent bringing the vehicle inside.

Outside storage will consist of customers vehicles; waiting on parts, in the que to be repaired, or customer pick up. There will be outside storage of supplies and materials behind the building in the back portion of the lot, see site plan, and that area is screened.

There will be no additional signage at this time other than what has just been permitted. The lot has been graded and crushed pea gravel laid down. Over the years the material has compacted with continued use of the entrance way, making dust minimal, and customer parking is located in the front of the building's double roll up doors.

OWNER'S SIGNATURE: _____

Mary Duck

DATE: _____

4/18/13

APPLICANT'S SIGNATURE: _____

DATE: _____

(Office Use Only):

Date of Meeting: _____ Time of Meeting: _____

Agency's Notified: _____

Log #: _____



File No.: 283-4780384 (brk)
A.P.N.: 306-04-028C

Warranty Deed - continued

LEGAL DESCRIPTION

ALL THAT PORTION OF SECTION 3, TOWNSHIP 16 NORTH, RANGE 2 WEST, GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT RECOVERED IN THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 89 FROM WHENCE THE SOUTHEAST CORNER OF SECTION 3 BEARS EAST 1134.81 FEET AND SOUTH 1144.15 FEET;

THENCE NORTH 05 DEGREES, 58 MINUTES, 17 SECONDS EAST, 1173.67 FEET ALONG SAID RIGHT-OF-WAY TO A ONE-HALF INCH REBAR AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 58 DEGREES, 36 MINUTES, 10 SECONDS WEST, 115.09 FEET;

THENCE ALONG A CURVE CONCAVE TO THE RIGHT WITH A RADIUS OF 42.32 FEET, A CENTRAL ANGLE OF 35 DEGREES, 04 MINUTES, 05 SECONDS AND LENGTH OF 25.90 FEET;

THENCE NORTH 86 DEGREES, 19 MINUTES, 45 SECONDS WEST, 67.86 FEET;

THENCE ALONG A CURVE CONCAVE TO THE RIGHT WITH A RADIUS OF 50.75 FEET, A CENTRAL ANGLE OF 74 DEGREES, 21 MINUTES, 30 SECONDS AND A LENGTH OF 65.86 FEET;

THENCE NORTH 11 DEGREES, 58 MINUTES, 15 SECONDS WEST, 55.00 FEET;

THENCE ALONG A CURVE CONCAVE TO THE LEFT WITH A RADIUS OF 44.17 FEET, A CENTRAL ANGLE OF 69 DEGREES, 43 MINUTES, 40 SECONDS AND A LENGTH OF 53.76 FEET;

THENCE NORTH 81 DEGREES, 41 MINUTES, 55 SECONDS WEST, 9.26 FEET;

THENCE NORTH 05 DEGREES, 58 MINUTES, 17 SECONDS EAST, 43.33 FEET;

THENCE NORTH 87 DEGREES, 45 MINUTES, 54 SECONDS EAST, 303.10 FEET TO A ONE-HALF INCH REBAR ON THE WESTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 89;

THENCE SOUTH 05 DEGREES, 58 MINUTES, 17 SECONDS WEST, 123.67 FEET TO THE TRUE POINT OF BEGINNING.



306-04-028J

LS 183/96

166.79

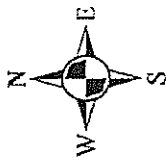
511-106-04-0-00

300.02

PCL C

303.07

1 inch = 60 feet



STATE ROUTE 89

511-106-04-0-00

1.51

CHOCTAW LN

50.00

179.04

S03-T16N-R02W

42.15

511-106-04-0-00

55.0

67.86

115.09

511-106-04-002U

318.39-CL

382.82

511-106-04-0-00

EXHIBIT "B"

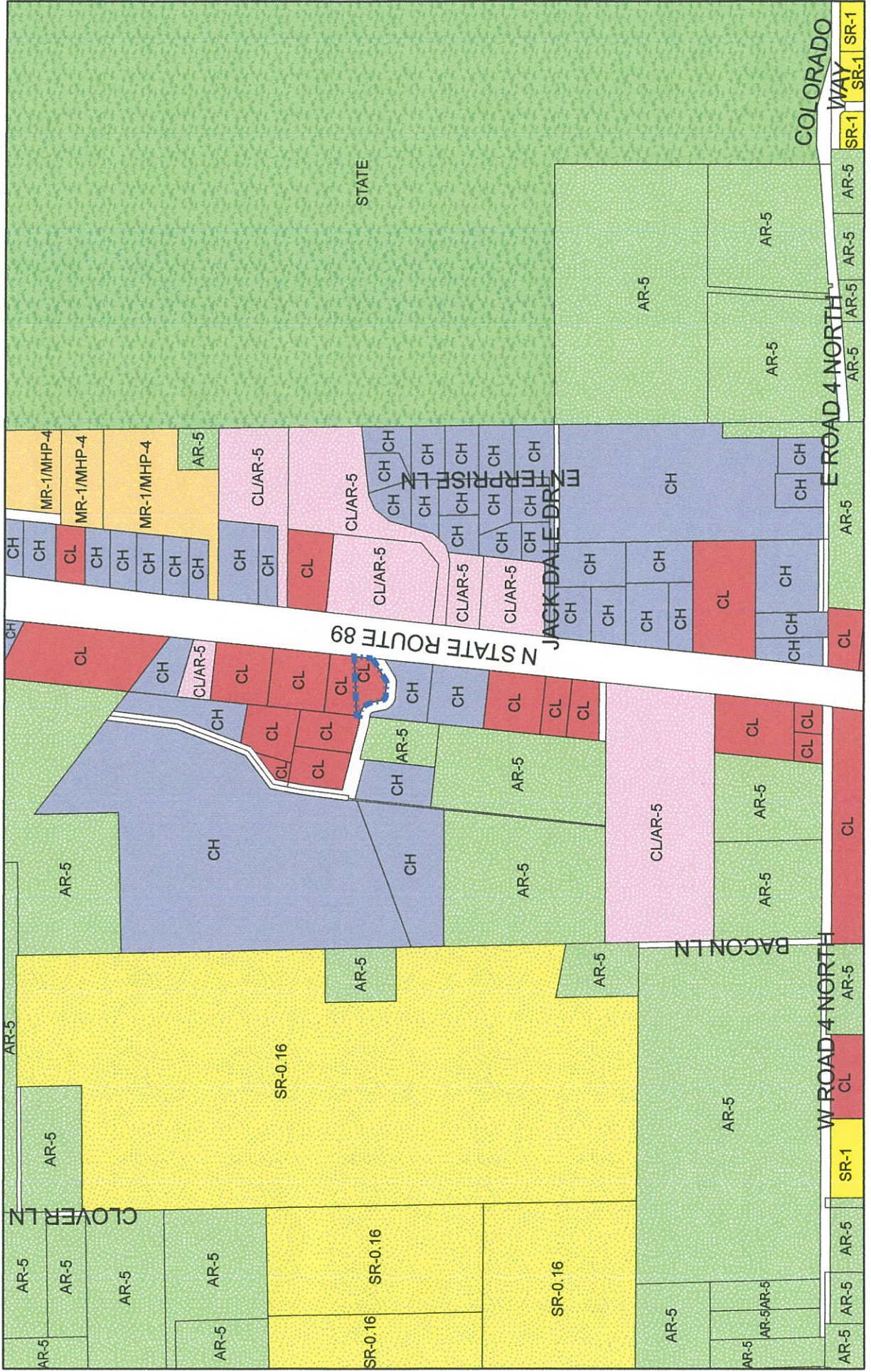
YAMPAI COUNTY ASSUMES NO RESPONSIBILITY FOR ANY ERRORS, OMISSIONS AND/OR INACCURACIES IN THIS MAPPING PRODUCT. THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING OR SURVEYING PURPOSES. USERS OF THIS INFORMATION SHOULD REVIEW OR CONSULT THE PRIMARY DATA AND INFORMATION SOURCES TO ASCERTAIN THE USABILITY OF THE INFORMATION.

Date: 4/11/2013

DEWITT FAMILY REVOCABLE TRUST APN 306-04-028C

Rezone CL to CH

RZ 13-002



Town of Chino Valley
 1030 West Palmdale Road
 Chino Valley, AZ 85121
 (928) 244-2444 FAX (928) 244-2444

Legend

	SR-0.16		OS
	CH/AR-5		MR-1/MHP-4
	AR-5		MR-1
	CL		State
	SR-0.16		SR-1
	CL/AR-5		SR-2
	CH		SR-1.5

Town Boundary 02/2008

Chino, Pinal County 06/01/13

006-04-028C

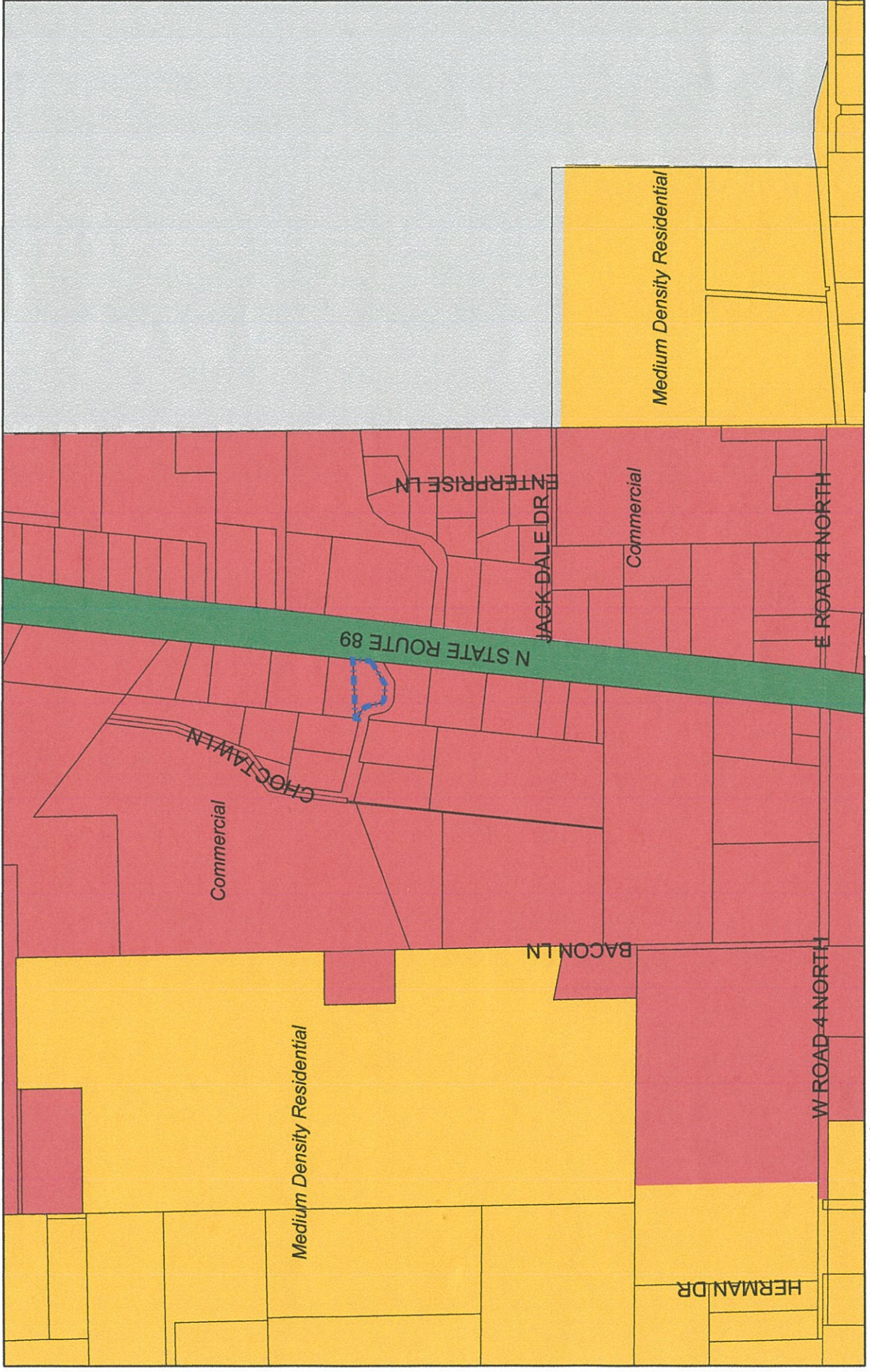
Streets

1 inch = 700 feet

N

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

EXHIBIT "C"





Town of Chino Valley
1030 West Palmdale Road
P.O. Box 204044 • Palmdale, CA 93524-0444

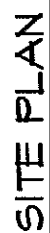
Legend

1 inch = 700 feet

EXHIBIT "D"

N

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



SCALE: 1" = 40'-0"

EXHIBIT "E"

ITEM

6B



TOWN OF CHINO VALLEY, ARIZONA

PLANNING COMMISSION PUBLIC HEARING JUNE 18, 2013

STAFF REPORT:

June 11, 2013

Dava Hoffman, Planning Consultant
DEVELOPMENT SERVICES DEPARTMENT
1982 N Voss Drive #203 Chino Valley, AZ 86323

(928) 636-2646 fax (928) 636-2144

ZC-13-003: NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Planning and Zoning Commission of the Town of Chino Valley, Arizona, at the Town's South Campus Building located at 202 N. State Route 89, at 6:00 p.m. on Tuesday, June 18, 2013. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding the application for a requested Zoning Map Change from AR-5 (Agricultural/Residential 5-Acre Minimum) to MHP-4 (Manufactured Home Park 4-Acre Minimum) at 1429 W. Road 4 ½ North, APN 306-05-030X.

APPLICANT: La Vacara Trust, represented by Mike Cordovana

OWNER: La Vacara Trust

ENGINEER: Keogh Engineering

LOCATION AND SITE DESCRIPTION

The site is located between and adjacent to W Rd 4N and W Rd 4 ½ N, and lies approximately ¼ mile west of Rd 1W. The site consists of an irregularly shaped parcel containing 60.2 acres. The site is adjacent to AR-5 zoning to the east and north, SR-2.5 to the west and SR-1 to the south. (See attached Rezone AR-5 to MHP-4 Map) Surrounding properties are mostly undeveloped to the north, east and south; with single family residences to the west.

Parcel B, the 60.2ac site shown on the attached "Preliminary Site Plan" and "Modified Site Plan", is primarily vacant except for existing perimeter landscape, pond and entry features. Utilities to be provided: Electric by APS; Natural Gas by Southwest Gas; Water by Appaloosa Water Company; Sewer by on-site central septic system.

Parcel B is adjacent to Parcel A, containing an existing clubhouse and facilities formerly known as the Windmill House; Parcel A is NOT a part of this rezoning application,

GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL

(See attached 2003 General Plan, Amended Future Land Use Map)

NOTIFICATION & NEIGHBORHOOD MEETING

In compliance with Section 1.9 Review and Approval Processes of the UDO including Citizen Review Process requirements, approximately 76 letters noticing the requested Zone Change were mailed to property owners within a 1000 ft radius by the applicant. In response, the Town staff received inquiries and 6 letters of opposition by the time of preparation of this report. (See attached Citizen Letters)

A Neighborhood Meeting was conducted by Mike Cordovana, La Vacara Trust at the Town Council Chambers on June 5, 2013, with approximately 35 citizens attending. The primary concerns expressed were in regard to the closely clustered layout of the MH pads; water availability; maintaining the senior age restrictions; maintaining Open Space areas as open space and recreational use areas; buffering; and impact on property values for residences to the west. The applicant's representatives attempted to address some of the concerns.

As a result of comments received at the Neighborhood Meeting, the Applicant submitted a Modified Preliminary Site Plan responding to concerns expressed by neighbors adjacent to the west boundary at Bumblebee Drive. The modifications to the Site Plan layout are discussed in the following Analysis section.

BACKGROUND & ANALYSIS

Previously this 60.2 acre site was part of a proposed 170 acre Planned Area Development for JC Ranch 55+ Community. The PAD zone change, including 3 underlying zone changes, was recommended for approval by the Planning Commission and approved by the Town Council with the adoption of Ordinance No. 09-719 at the Public Hearing on June 11, 2009. After not receiving the required Final PAD, attendant Engineering Studies and CC&R's/Deed Restrictions as conditions of zoning approval within the established two-year time frame, the Town Council held a Public Hearing on November 8, 2011. The Council determined non-compliance with the schedule for development and adopted Ordinance No. 11-752 that repealed Ord No. 09-719 reverting the 170-acre PAD, with the underlying zones, back to the former AR-5 zoning district.

Currently, it is the intent of the La Vacara Trust to develop 60.2 acres for a gated adult (55+) Manufactured Home Community consisting of 74 MH pads with private roads and approximately 48 acres of Open Space; i.e. approximately 80% of the site is shown as Open Space. There are six Open Space tracts within the MH pad area and one large Open Space tract to the north and northeast. Existing pond areas near the east property line are also included in the large Open Space tract of the MHP community. A proposed 15ft wide landscape buffer is to be installed with 15gal trees every 25 feet with three 1gal shrubs per tree along the west and north perimeters of the site.

The MH pads are dimensioned typically at 60'x90', each fronting on a 30ft wide roadway with 24ft paved section. The Applicant stated that the MH pads are intended for new 2014 model double-wide Manufactured Homes. The roadways will be paved and contain underground electric, phone, cable, water delivery and sewerage collection lines. Water tanks for storage of 33,000 gallons are to be provided by the MHP developer on-site. Water supply is to be provided by Appaloosa Water Company. Centralized septic system areas will be provided within the large Open Space area in the northeastern portion of the site, with potential future connection to Town sewer system when available.

Primary access is from Rd 4N via a private road with shared access to the Windmill House; an existing gate will contain a lockbox override. A secondary exit-only access is to be provided to the west at Bumblebee Drive also containing a lockbox override. Also near the west boundary and north of Bumblebee Drive is a tract reserved for water storage tanks to be serviced by Appaloosa Water Company. Three fire hydrants and eight trash enclosures are planned within the MH pads area.

A Modified Preliminary Site Plan (see attached) was submitted after the Neighborhood Meeting reflecting the Applicant's intent to mitigate impacts on residents of adjacent properties to the West. The most significant modification to the Site Plan is the reservation for Open Space of the former water storage tract by the relocation of the water storage tanks to a smaller tract north of Bumblebee Drive, with a proposed landscaped Open Space strip provided for buffering. Another significant modification is the enlargement of the Open Space tract at the entry road/gate area accomplished by reducing the number of MH pads from 5 to 4 in this area. Additionally an Open Space area has been enlarged at the northeast corner of the MH pads just north of MH pad #63.

FINDINGS AND RECOMMENDATIONS

1. The Staff Recommendations are based on compliance with the Town of Chino Valley UDO, Section 1.9.2 Amendment:

A. Intent. Regulations set forth in this Ordinance and boundaries of Zoning Districts established by the Town may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the Town.

2. The Staff Recommendations are based on compliance with Arizona Revised Statutes, 9-462.01F:

All zoning and rezoning ordinances or regulations adopted....shall be consistent with and conform to the adopted general plan of the municipality.... In the case of uncertainty in construing or applying the conformity of any part of a proposed rezoning ordinance to the adopted general plan of the municipality, the ordinance shall be construed in a manner that will further the implementation of, and not be contrary to, the goals, policies and applicable elements of the general plan. A rezoning ordinance conforms with the land use element of the general plan if it proposes land uses, densities or intensities within the range of identified uses, densities and intensities of the land use element of the general plan.

FINDINGS:

1. Staff Recommendations for the zone change from AR-5 to MHP-4 are based on finding that the proposed land use is in compliance with the Medium Density Residential designation of the Future Land Use Amended Map of the adopted 2003 General Plan; and,

2. Staff Recommendations are based on finding compliance with the goals and policies of the adopted 2003 General Plan Land Use Element, Future Land Uses, Residential Land Use Guidelines:

"Medium Density Residential. The density range for medium density residential is for lots two acres or less in size. This designation is intended to promote both single-family and multi-family residential along with Mobile Home Parks. This designation also includes Planned Area Developments whereby density bonuses may be granted in order to maximize economy of infrastructure, open space and affordability."

3. Staff recommendations are based on finding reasonable compatibility of the proposed rezoning and land uses with the existing residential zones that permit both site-built and manufactured homes in the surrounding area; and,

4. That the Zone Change will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare.

RECOMMENDATION:

Based on the above Findings, Staff recommends that the Planning Commission forward a Recommendation for Approval to the Town Council for the requested zone change from AR-5 to MHP-4 subject to the following Zoning and Engineering Conditions of Approval:

Zoning Conditions of Approval:

1. That the Property Owner/Applicant agrees that the approval of this Zone Change confers no entitlements or rights to the owner or applicant other than those that are vested in the MHP-4 Zoning District;
2. That the Property Owner/Applicant agrees to comply with the codified procedures and requirements set forth in the Town of Chino Valley's UDO and with the Zoning and Engineering Conditions of Approval as set forth;
3. That the Property Owner/Applicant voluntarily agrees to senior age restrictions and a maximum number of MH pads of 74 or less dependent upon the central septic system approvals by Yavapai County and State officials;
4. That the comments and requirements of the Technical Review Committee shall be addressed and resolved by the Applicant prior to obtaining a building permit;

5. That all areas shown as Open Space on the Modified Preliminary Site Plan be reserved and dedicated for Open Space and recreational uses for the occupants of the MHP;
6. That a landscape plan, including a complete planting schedule and irrigation plans, shall be submitted for review and approval by the Development Services Department;
 - a. and that landscape materials shall comply with the "Low Water Use, Drought Tolerant Plant List" as prepared by the Arizona Department of Water Resources, Prescott Active Management Area, as well as the retention of existing native plants and vegetation;
 - b. and that prior to obtaining any Occupancy permit, all approved landscape and irrigation materials shall be installed;
 - c. and the Town encourages the Property Owner to engineer a development-wide storm water collection system to fill ponds and water features for both aesthetics and for the sole source of water for all exterior landscape watering requirements; the methods and engineering plans for such storm water retention and exterior landscape watering shall be submitted and reviewed by the Town Engineering Department and if required, the Property Owner shall obtain the necessary local or State permits or approvals;
7. That comprehensive sign and outdoor lighting plans shall be submitted for review and approval by the Development Services Department and that sign and lighting permits shall be obtained prior to installation;
8. That the refuse enclosures, fire hydrants and gate lock boxes shown on the Modified Preliminary Site Plan shall be installed prior to any Occupancy permits being issued;
9. That the Property Owner shall coordinate with requests of the Chino Valley Post Office for cluster box unit areas for mail delivery to occupants of the MHP;
10. That all zoning, building, ADA access, licensing and registration requirements of Town and State codes are met;
11. That development and building plans will be submitted in a timely fashion and that substantial development will be commenced within one year of Council's approval of the requested zone change, or zoning may revert to AR-5 in accordance with procedures of the UDO.

Engineering Conditions of Approval:

1. That the Property Owner shall submit paving, grading and drainage plans and receive approval prior to obtaining any grading, building or other permits;
2. That an additional right-of-way sufficient enough to establish a 50 foot half street right-of-way measured from the section line along Parcel B property's W. Road 4 North frontage shall be dedicated to the Town of Chino Valley prior to the filing or granting of any building permits;
3. That an additional right-of-way sufficient enough to establish a 40 foot half street right-of-way along Parcel B property's W. Road 4 ½ North frontage shall be dedicated to the Town of Chino Valley prior to the filing or granting of any building permits;
4. That a one foot (1 ') vehicular non-access easement shall be established and recorded along the property's west boundary and along W. Road 4 North and W. Road 4 ½ North frontages, except for designated entry/access points on W. Rd 4 North and Bumblebee Drive;
5. That all MH pads proposed will be served by water from the Appaloosa Meadows Water Company and shall be provided with on-site central septic systems; and plans shall be approved by the Town Engineer and the Arizona Department of Environmental Quality before issuance of building permits;
6. That additional water storage of 33,000 gallons to supply 1000 gal per minute, or as determined by the Chino Valley Fire District, shall be installed prior to issuance of building permits;

7. That the owner is notified that the Town of Chino Valley will not support any expansion of the CC&N, if the Arizona Corporation Commission determines that servicing of water for the MH pads from Appaloosa Meadows Water Company requires an expansion of the Certificate of Convenience and Necessity (CC&N),

Attachments:

- Exhibit "A" Application with Legal Description
- Exhibit "B" Existing Zoning Map
- Exhibit "C" Adopted General Plan Amended Future Land Use Map
- Exhibit "D" Citizens Letters
- Exhibit "E" Original Application Preliminary Site Plan (11x17)
- Exhibit "F" Modified Preliminary Site Plan (11x17)



RECEIVED
APR 23 2013

BY: 2C 13-003
maps ordered 4/23/13

ZONE CHANGE APPLICATION

1.	PROPERTY OWNER NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	La Vacara Trust Po Box 3150 - Chino Valley 86323 928-237-6128 N/A
2.	APPLICANT NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	La Vacara Trust Po Box 3150 - Chino Valley 86323 928-237-6128 N/A
3.	ENGINEER NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	KEOGH ENGINEERING 14150 W. Mc Dowell Rd - Good Year 85395 623-535-7260 623-535-7262
4.	ARCHITECT/DESIGNER ADDRESS TELEPHONE NUMBER FAX NUMBER	MIKE CORDOVANA Po Box 73157 Phoenix, AZ 85050 602-525-1237 602-404-0692
5.	SITE LOCATION (Major Cross Streets)	4 NORTH 1 WEST
6.	ASSESSORS PARCEL NUMBER(S)	306-05-030-X
7.	SITE DIMENSIONS	
8.	SITE AREA (GROSS)	60.2 AC.
9.	EXISTING STRUCTURES	NO
10.	DESCRIBE ACCESS TO THE SITE (STREET FRONTAGE OR EASEMENT)	4 NORTH
11.	UTILITIES PROVIDED BY	ELECTRIC: APS GAS: SOUTHWEST GAS WATER: APPALACHIA WATER SEWER: N/A
12.	FLOOD ZONE DESIGNATION	
13.	EXISTING ZONING	AR-5
14.	REQUESTED ZONING	MHP-4
15.	ADJACENT ZONING NORTH: AR-5 SOUTH: AR-5 EAST: SR 2-5 WEST: AR-5	ADJACENT LAND USE NORTH: VACANT LAND SOUTH: VACANT LAND EAST: Single family vacant land WEST: Single family
16.	TOPOGRAPHY	Typ Flat

17. INTENT OF THE ZONE CHANGE REQUEST:

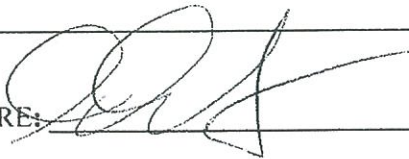
Parcel 306-05-030X with a physical property address of 1429 W Road 4 ½ North, Chino Valley, AZ is currently a vacant parcel of land. Ownership is requesting a zoning change from AR-5 to MHP-4. If successful the property will be a gated adult community (55+) consisting of 74 manufactured homes. Based on the design and layout, the proposed community is directly adjacent to 6 existing property owners to the west. Ownership has designed a 15' landscape setback to buffer these property owners from the proposed development. The main entrance is located off of Road 4 North, however an additional exit only has been designed onto Bubble Bee to the west. The property will be serviced by:

Electric: Arizona Public Service

Natural Gas: Southwest Gas

Water: Appaloosa Water Company CC&N approved 3/23/98

Sewer: Septic

OWNER'S SIGNATURE: 

DATE: 4-22-13

APPLICANT'S SIGNATURE: _____

DATE: _____

(Office Use Only):

Date of Meeting: _____ Time of Meeting: _____

Agency's Notified: _____

Log #: _____

PRACEL B
REVISED
November 15, 2012

All that portion of Section 4, Township 16 North, Range 2 West, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows:

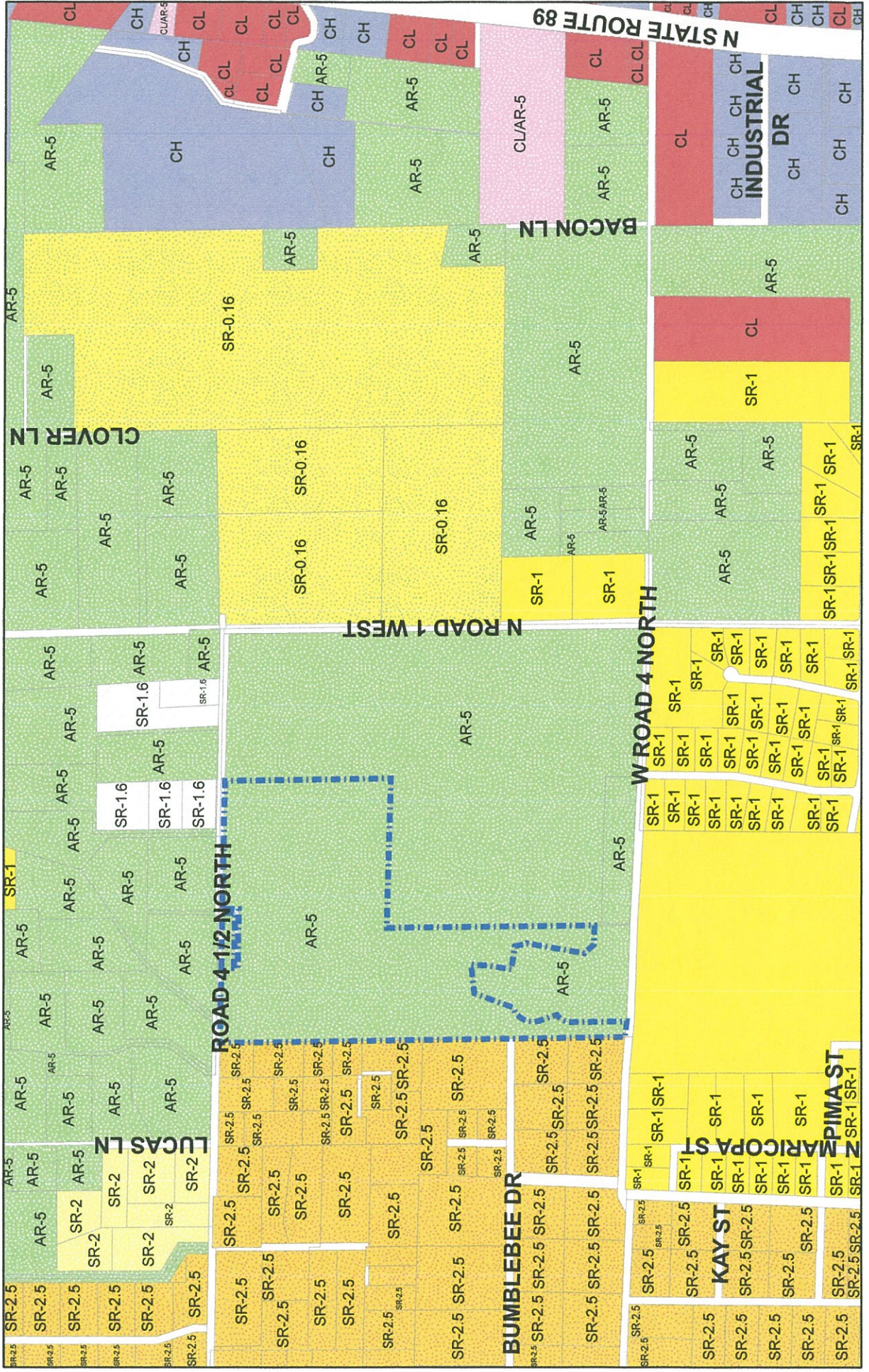
Beginning at the South One Quarter corner of said Sec. 4;
Thence N00°50'25"W 25.03 feet along the N-S mid-sec. line to the TRUE POINT OF BEGINNING;
Thence N00°50'25"W 2687.44 feet along said N-S Mid-Sec. line;
Thence S89°04'58"E 1717.27 feet;
Thence S01°32'31"E 1099.68 feet;
Thence N89°05'16"W 984.76 feet;
Thence S01°24'26"E 1369.27 feet;
Thence N87°49'47"W 124.30 feet;
Thence N40°53'02"W 85.86 feet;
Thence N09°42'26"E 383.56 feet;
Thence N13°42'00"W 82.02 feet;
Thence N05°30'24"W 127.16 feet;
Thence N71°25'28"W 115.20 feet;
Thence N00°09'04"E 125.24 feet;
Thence S83°24'29"W 191.86 feet;
Thence S19°54'29"W 269.36 feet;
Thence southerly 225.62 feet on a curve to the left, said curve having a delta of 91°02'23" and a radius of 142.00 feet and a cord of S24°45'21"W 202.63 feet;
Thence S18°31'19"E 113.37 feet;
Thence southerly 109.32 feet on a curve to the left, said curve having a delta of 55°55'39" and a radius of 112.00 feet and a cord of S27°09'35"W 105.04 feet;
Thence S00°48'18"E 367.63 feet;
Thence N87°52'55"W 126.22 feet to the true point of beginning, containing 60.20 acres more or less.

Together with and subject to an easement for Ingress and Egress, said easement being 50.00 feet in width lying easterly of, parallel with and adjacent to the following described line:

Beginning at the South One Quarter corner of said Sec. 4;
Thence N00°50'25"W 25.03 feet along the N-S mid-sec. line to the ;
Thence S87°52'55"E 126.22 feet ;
Thence N00°48'18"W 367.63 feet;
Thence northerly 109.32 feet on a curve to the right, said curve having a delta of 55°55'39" and a radius of 112.00 feet and a cord of N27°09'35"E 105.04 feet;
Thence N18°31'19"W 113.67 feet;
Thence northerly 225.62 feet on a curve to the right, said curve having a delta of 91°02'23" and a radius of 142.00 feet and a cord of N24°45'21"E 202.63 feet to the TRUE POINT OF BEGINNING;
Thence N09°12'38"E 264.68 feet THE END OF THIS EASEMENT;



**LAVACARA TRUST APN 306-05-030X
Rezone AR-5 to MHP-4
ZC 13-003**



= 900 feet

EXHIBIT "B"

GENERAL PLAN - AMENDED FUTURE LAND USE MAP



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

EXHIBIT "C"

Legend

- Term Boundary 832208
- Streight Lines
- 8306-05-0232C
- China_Annex01-02-13
- Planned
- Highway 89
- Industrial Overlay
- Insulated Overlay - Automated Area
- Future Schools
- Old Home Minor
- Personal Trail
- Zoning Districts
- Commercial
- Public Land
- Special Development Area
- State Land
- Low Density Residential - Overlay from 2 Acres
- Medium Density Residential - 200' Lot

RECEIVED
MAY 29 2013

BY:.....

May 25, 2013

To: City of Chino Valley Planning & Zoning Commission, Mayor, and City Council Members

Re: La Vacara Trust, Parcel # 306-05-030X Zone Change from AR-5 to MHP-4

Re: Attached letter dated March 27, 2008 from Gary J. Grindstaff to Town of Chino Valley and Planning Commission

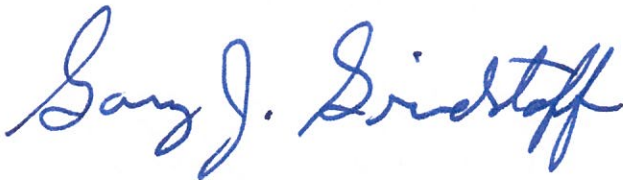
In 2012, I spent \$40,000 to repair and improve my house and property. I hope to finish this year with an additional \$15,000's worth of improvements. When finished, I will have a quality residence equal to or exceeding my neighbor's residences. Chino Valley needs to attract more high quality residences occupied by homeowners. I think all of you would agree Chino Valley has enough trailers, mobiles, shacks, and tents.

If this La Vacara request becomes a reality, I will be staring at 4 to 5 single wide mobile home trailers from my 3 bedroom windows. These mobiles will be 15 feet from my property all lined up in row like army barracks. I am certain they will all be rentals under government assisted housing supplements (Section 8). My property value plus my neighbors' property values will plummet because of this and make future sales very difficult.

If the mobiles/trailers have individual septic systems, which I read in the City letters, my 200 foot deep well will be contaminated with E-Coli bacteria and used medications. Contamination may become a moot point since 74 or more of these mobile/trailers will likely cause a sublimation zone around my 200 foot well as the 1,700 foot deeper agricultural well supplying these mobile/trailers draws down the water table. This will force a \$30,000 to \$40,000 expenditure for a new and much deeper well to be dug in an area contamination free.

No one can say for certain what exact damages this La Vacara proposal will cause me and my neighbors. I can say for certain, as I did in my March 27, 2008 letter (attached), I will hold Town of Chino Valley responsible for any financial loss I incur resulting from deviating from current AR-5 zoning.

Sincerely,



Gary J. Grindstaff

1498 W. Road 4 N.

Chino Valley, Arizona 86323

928-636-4515

EXHIBIT "D"

March 27, 2008

COPY

To: Town of Chino Valley and Planning Commission

Re: Cordovana Amendment to the General Plan

My property's entire east side borders the Josal 14 acres in question. Unfortunately so do all the bedrooms in my house. I believe I am the most impacted neighbor from this on-going commercial activity in this residential neighborhood. Those irritants aside I am most concerned about two issues: resale value and water.

With this rezone and the current activities plus the future planned commercial additions I will be impacted when I try to sell my property in the future. No one seeking a residential setting would want to be next to this much activity: retail tree nursery; public restaurant and bar open to the public five days a week; catered activity on both weekend days; 100 room hotel; waste water treatment plant. Potential buyers will be few and sale price will have to be low. I am also concerned that the inevitable Josal increased water draw will cause my 200 foot well will go dry.

Drilling and setting up a new well will cost me at least \$15,000. My future real estate sale loss could be as much as \$200,000. I know neither Mr. Cordovana nor the signers of Chino Valley Ordinance No. 561 are bothered about any future impact I may incur trying to live in my residence or to my pocketbook.

I will, however, hold the Town of Chino Valley responsible for any financial loss I incur from their actions in 2003 that have clearly led to this point: the Council's inevitable approval for Josal's zoning change to commercial.

Sincerely,

Gary J. Grindstaff
1498 W. Road 4 N.
Chino Valley, AZ. 86323
928-636-4515

COPY

Big Chino Investors, LLC
4531 N. 16th Street, Suite 103
Phoenix, Arizona 85016-5344
(602) 263-9000 / (602) 263-9100 fax

May 8, 2013

Dennis Price, Associate Planner
Town of Chino Valley
Development Services Department
1982 Voss Drive
Chino Valley, AZ 86323

Re: Zoning Applicant - La Vacara Trust, Yavapai County APN 306-05-030X

Dear Mr. Price:

We are the owners of the 89 acre parcel directly across the street from the applicant. Our parcel number is 306-13-004H.

We are strongly opposed to the Mobile Home/Manufactured Home Park zoning change that has been requested by the Owners of Parcel 306-05-030X. The area around our parcel is either zoned for small residential farms or single family homes. A parcel with MHP-4 zoning would be inconsistent with the neighborhood.

Further, a zoning change to MHP-4 would damage the values of all the undeveloped properties in the area and would lower the future tax base for the Town of Chino Valley.

We respectfully request that the Town of Chino Valley deny this zoning request.

If you have any questions regarding this matter, please feel free to call.

Sincerely,

Big Chino Investors, LLC



Richard J. Jutzi
Manager

enclosures

May 9, 2013

Mr. Dennis Price, Associate Planner
Town of Chino Valley
Development Services Department
1982 Voss Drive
Chino Valley, AZ 86323

Re: Rezoning Applicant: La Vacara Trust
 Property: 60.20 ac. located W. of Road 1 West and Road 4 North
 Tax Parcel Number: 306-05-03X
 Requested Zoning Change: AG-5 Single Family Residential (5 ac. min) to
 MHP-4 Mobile /Manufactured Home Park

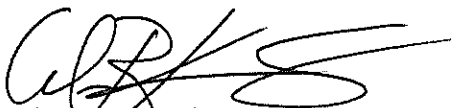
Dear Mr. Price:

I am a Member of Big Chino, LLC which is the owner of an 80ac parcel of vacant land located directly across the street of the Applicant's property. Although I have not yet seen the proposed development, I have strenuous opposition to this application for the following reasons:

- a. It appears this zoning request is not in conformance with the Town's General Plan
Would this not then require an application to revise the General Plan in addition to the proposed zoning change?
- b. The proposed zone change is totally out of character with the developed single family subdivisions surrounding the property and general area.

Since we are not residents of the Town it might be difficult for one of your Members to attend the neighborhood meeting currently scheduled for June 5, 2013. There is no contact information for Mike Cordovana, La Vacara Trust representative, contained in his letter of April 22, 2013 (a copy of which reached me only yesterday). Please forward this letter to Mr. Cordovana and request him to contact either me (602.793.9488) at his earliest possible convenience. If he prefers to contact me by mail only, my address is 3217 East Shea Blvd., Suite 609, Phoenix, AZ 85028.

Regards,



Alan R. Kennedy
President

Please Check One:

La Vacara Trush
APN # 306-05-030-X

☐ I approve of this rezoning/conditional use permit.

☒ I oppose this rezoning/conditional use permit.

Comments: IF I wanted to live next to a trailer park I would have bought a house next to one. Not fair to the

Name: Robert C. Fiorentino

Signature: RCF

Address: 3558 Lucas Ln. Chino Valley

People who are already here!

PLEASE RESPOND BY: June 17, 2013

PLEASE NOTE: Comment letters may be submitted to the Development Services Department 24 hours prior to the scheduled Public Hearing.

Please Check One:

La Vacara Trush
APN # 306-05-030-X

☐ I approve of this rezoning/conditional use permit.

☒ I oppose this rezoning/conditional use permit.

Comments: Absolutely NOT! WHEN DOES THE REZONING STOP! LET them find property already zoned for TRAILERS. THAT WOULD BE 74-118 MORE CARS UP & DOWN THE ROAD & NOISE. IT'S 74 TRAILERS NOW, UNTIL they WANT IT REZONED FOR MORE.

Name: SUZANNE FIORENTINO

Signature: Suzanne F.

Address: 3558 LUCAS LANE, CV, AZ.

PLEASE RESPOND BY: June 17, 2013

PLEASE NOTE: Comment letters may be submitted to the Development Services Department 24 hours prior to the scheduled Public Hearing.

TRAILER PARKS ONLY DETERIORATE PROPERTY VALUES & QUALITY OF LIFE FOR THOSE AROUND THEM. THIS IS NOT WHAT WE WERE LOOKING FOR WHEN WE MOVED HERE.

June 11, 2013
For the Planning and Zoning Commissioners
Regarding the request for a zoning change from AR-5 to MHP-4 for LaVacara Trust
Joe Cordovana TTE

Let me begin by saying that we, “we” being the neighbors of the Windmill, have long hoped that Cordovana would come forth with a proposal that would be appropriate for this residential area. I personally had hoped it would be strictly for permanent residences but properly done a 55+ Manufactured Home Park seems acceptable to most folks at this point.

I came to that conclusion while reading the minutes of the Technical Review for the project and just about everybody involved stated that they hoped the project would “fly”.

During the Neighborhood Meeting most of the participants were trying to get answers about the particulars of the project and there was very little out and out rejection of the project. A good sign. The notable exception is Big Chino LLC’s owner and manager being in opposition. They are the 80 acres across the road from the Windmill House (and was at one time supposed to be Phase of Appaloosa Meadows). Their assertion is that the Park isn’t compatible with the surrounding residential area.

That being said there are many questions and problems associated with Joe Cordovana and his past history with his property.

The very first proposal made nearly ten years ago by Cordovana was unanimously accepted. It was for a five acre estates, gated community that everyone thought would be an asset to the area. The Windmill House was supposed to be a Club House Facility for that development.

The Town allowed the Windmill House to be built but Cordovana didn’t turn one shovel of dirt to construct the estates.

Subsequent proposals have all been contentious and none have come to fruition.

Over the years Cordovana has been less than honest in his projects and dealings with the Town. The list is lengthy but consider: The Green Houses are illegal and sit empty as a result. The Western Town buildings (the Corral) constructed for the Hog Days of Summer were illegal. The ponds, I am told, a illegal because of using ground water to fill them and not to mention a safety hazard with no fence around them. ADEQ should be contacted to resolve that issue. He used a smaller than required pipe line to bring water from the Appaloosa Water Company to the Windmill and was required to tear it up and put in the correct line. While talking with the Town Prosecutor when the noise from Hog Days was so annoying he stated that Cordovana had been sited for many infractions over the years. And there were many infractions of the CUP during the operation of the Windmill House especially just before it shut down.

This is not meant to be a character assassination but to point out that being aware of this history makes one very cautious in dealing with Cordovana.

Joe Cordovana never speaks for himself and in several cases his son Mike has done that. For example Mike conducted the Neighborhood Meeting and refused to answer many questions

that were asked. They do not instill trust but they want our cooperation. It's a difficult situation for many of us.

The preliminary site plan has generated numerous questions on just about every aspect of the project. Most notable are the layout of the Park, the water situation and the septic system.

Questions about the water include the revolve around the Appaloosa Water Company. Will the CC&N allow for expansion of their service to the Park? The water company is a Public Utility, is it legal for it to sell water to a private business? If it is not possible for the water company to supply the water for the Park where will it come from? Where does the water pipe line run to go to the Park? There are other outstanding issues for the water company with the residents of Appaloosa Meadows that need to be addressed.

Another water issue is run off water during monsoon season. It drains off to the north from the area under consideration for the Park. One resident across the road on 4 ½ N. has had to make a small dike to divert water that floods their driveway. There should be a catch basin like the one on the corner of 1 W. and 4 N.

Likewise questions about the Park layout are numerous. Of primary concern is for the neighbors bordering the west side of the Parcel B. Why are they putting sites 1 thru 26 right up against the fence when you have sixty acres to work with? It was stated that the Park would be a "first class" project but it has no amenities and being all jammed into about nine acres which doesn't look first class to me?

Other considerations about the layout are ingress/egress issues. Parcel B's address is 4 ½ N but there is no entrance there? The proposal to have an exit only (except for emergency) onto Bumblebee is intrusive of the neighborhood and nobody would go out there anyway. It is an example of jamming everything into too small a space.

Shifting from individual septic systems to a central system is a good idea but concerns remain about what will happen to the aquifer? I think an Alternative System should be considered like the one proposed for the PAD that was never done. Such a system would assure that the aquifer would never be compromised.

Other concerns and questions in no particular order are:

What is the status of Parcel A? It is my understanding that when the CUP lapsed a new one was denied because Cordovana refuses to dedicate the required Right of Way on 4N in front of the Windmill House. If that is the case the Parcel can't legally be used. On the site plan it shows the Windmill entrance road being utilized to get to the Park and I suspect the water line runs through that Parcel as well?

In the Technical Review minutes the possibility of Commercial Light zoning for Parcel A is mentioned several times. We are also aware that Cordovana has retained counsel for the purpose of dealing with the Town regarding Parcel A (the Windmill House). There are no

details disclosed. The Town Manager and Ron Gritman have conferred with Cordovana several times over the Commercial issue and he has been told that the only thing he can do is go through the Public process to seek Commercial Light zoning. We successfully campaigned against it the last time it was requested with both Planning and Zoning and the Town Council unanimously voting no. The neighborhood is even more united now than back then so I believe Cordovana would be wasting everybody's time and money to try again. I bring this up because every time we ask about plans for the Windmill we are stonewalled by, in this case Mike Cordovana, saying it has nothing to do with the MHP-4 request. I guess he has a legal right to do that but then once again it is the trust thing. It doesn't do their cause any good to not be forth coming. Personally I'd like the Windmill issue to be settled before the MHP-4 Park goes ahead. I'm sure that won't happen but it would resolve a lot of unanswered questions.

There were questions about ensuring that the Park would always remain 55+. I spoke with a Park manager who said that the 55+ can be easily changed to allow the general population to come in. He said that it is happening down in the Valley because when folks leave a Park because they die, or go to a nursing or just move, those who wish to come in can't in this economy because they can't sell their homes and make the move. The Park's become desperate and change to allowing the general population come in and it is a whole different demographic that is not what one wants in a 55+ Park. Therefore it would be important to make the stipulation that the Park remain 55+ in perpetuity.

A thorough traffic study needs to be done an independent agency and not by the engineering firm that drew up the preliminary site plan as was suggested in correspondence that I read.

It would be desirable to have a time limit on starting and completing the Park.

To Mike Cordovana's credit toward the end of the Neighborhood Meeting he became more conciliatory about making changes and took notes on the concerns and questions from those in attendance. If he follows through and makes the plan Neighbor and environmentally friendly the Park might "fly"

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TOWN OF CHINO VALLEY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
Chino Valley South Campus
202 N. State Route 89
June 18, 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
Florence Sloan, Commissioner
Jack Owen, Commissioner
Charles Merritt, Commissioner
Michael Edmonds, Commissioner
Robert McCaullay, Commissioner (Teleconference)

Staff Absent: Garland Miner, Vice Chairperson

Staff Present: Dennis Price, Associate Planner
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 May 21, 2013.

Chairperson Rowitsch forwarded the minutes from the May 21, 2013 meeting to the next regular meeting due to lack of quorum of those present for that meeting.

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

Commissioner Merritt MOVED, seconded by Commissioner Owen to approve the regular meeting minutes of June 4, 2013.
MOTION CARRIED 6-0

5. **STAFF REPORT:** None

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 “CL” Commercial Light to “CH” Commercial Heavy. The location of the proposed zone change is 3440 N. State Route 89, Chino Valley, Arizona 86323, and further described as Assessor’s Parcel Number’s 306-04-028C and consists of approximately 1 Acre. Applicant/Owner: Mary Dewitt, Trustee for the Dewitt Family Revocable Trust.

Mr. Price informed the Commission that the applicant wishes to change the zoning on the property from CL to CH so the current tenant and purchaser can expand his range of service to his customers. This service would include welding, auto body repairs, and painting. Notification letters were mailed to nine adjacent property owners, a neighborhood meeting was held May 29, 2013, no members of the community attended, no letters in favor or opposition to the request have been received. The request is consistent with the Town’s General Plan, and staff supports the recommendation of approval for this zone change with the findings and stipulations as noted in the staff report.

Mary Dewitt stated she has reviewed the stipulations and ask the Commission for a recommendation to the Town Council for a waiver from the paving and landscaping requirements in front of State Route 89. She also commented that the property borders Choctaw Ln and currently has a chain link fence which they are in the process of screening. She felt the screening along Choctaw Ln would be sufficient and would be no need for the additional landscaping. The Town Code requires 10 feet from the property line for landscaping and felt the screened fencing was sufficient, considering there are no residential or multifamily properties adjacent to this property. The tenant is thinking of purchasing this property and has been a long time resident and originally had his business located at the South end of Town, but moved to the North end of Town to be among other industrial properties.

Chairperson Rowitsch asked the applicant if she was requesting to have the landscaping along Choctaw Ln waived.

Ms. Dewitt indicated that was correct, because she was in the processes of installing screening, and the landscaping along State Route 89 would require 20 feet of landscaping from the property line which would take up about 2500 sq. ft. of the property, and request that requirement be waived. She also asked to have the entranceway paving requirement waived as well because they are not constructing any additions or remodeling. Since they are not asking for improvements to be made to the property, she didn’t feel those requirements were necessary until such time that improvements were done.

Chairperson Rowitsch asked Mr. Price if the landscaping was required in front of or behind the fence.

Mr. Price indicated it was required from the property line and he assumed the fence was on the property line.

Ms. Dewitt indicated the fence was on the property line.

Chairperson Rowitsch asked about State Route 89.

Ms. Dewitt stated the livelihood of this business depends on visibility from State Route 89, and they don't want to block that view, but she would be willing to screen the front if necessary.

Chairperson Rowitsch asked Mr. Price what triggers the paving requirement.

Mr. Price stated this was a discretionary approval process which allows the Town to ask for these improvements. The minimum paving requirement is chip seal, so the applicant was asked to come back with a plan for these improvements in order to determine if the applicant is willing to meet these requirements.

Chairperson Rowitsch asked if discussions had taken place, and commented that she was surprised the request to waive these requirements was not noted in the staff report. It's difficult to make a recommendation when the Commission doesn't know specifically what the applicant wants to do.

Mr. Price stated the applicant is asking for some forbearance from these requirements, maybe not in perpetuity, but a waiver of time.

Ms. Dewitt stated at least until such time another building is constructed, because they are not making any changes to the building at this time, they are only asking for a change of use.

Commissioner Owen stated he drove by the property and could see that gravel was brought in at one time, but it has dissipated and may need more. He thought making them pave the entire property was over kill, and was not fond of putting in more landscaping. He felt that the property needed to be screened on all sides except the front, and would like to see some dust control.

Commissioner Merritt commented that improvements to a property are expected to comply with Town standards, but didn't feel a zone change would necessarily be considered improvements.

Commissioner Edmonds felt this property was consistent with the surrounding properties and because of the minimal traffic, that gravel and dust mitigation would be acceptable.

Commissioner Merritt thought it would be appropriate to stipulate that the applicant apply gravel to the area.

Commissioner Merritt MOVED, seconded by Commissioner Sloan to recommend to the Town Council approval of the zone change from Commercial Light (CL) to Commercial Heavy (CH) for Assessor Parcel 306-04-047C with the stipulation that gravel be applied to the parking area's to a standard set by the Town Engineer. Recommend approval to the Town Council to waive stipulation number three regarding the UDO Section 4.22 of the Off-Street Parking and Loading, and UDO Section 4.26 Landscaping.
MOTION CARRIED: 6-0

Chairperson Rowitsch called for a five minute recess at 5:25 P.M.
Chairperson Rowitsch called the meeting to order at 5:35 P.M.

6B. For consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from "AR-5" Agricultural/Residential (5 Acre Minimum) to "MHP- 4" Mobile/Manufactured Home Park (4 Acre Minimum). The location of the proposed zone change is northwest of Road 4 North/Road 1 West, with a physical address at 1429 Road 4 ½ North, Assessor's Parcel Number's 306-05-030X (Approximately 60.2 Acres). Applicant/Owner: La Vacara Trust

Dava Hoffman gave a brief overview of the history of the property and the proposed request. She stated the applicant would like to change the zoning from AR-5 to MHP-4 to allow the applicant to develop a gated 55+ manufactured home community on 60.2 acres and consist of 74 manufactured home pads. These pads would be approximately 60 by 90 feet, and the community would contain 30 foot wide private roads, and about 48 acres of the site would be open space. There would be a 15 foot wide landscape buffer located along the west and north perimeters with 15 gallon trees and three one-gallon shrubs per tree. There will be underground utilities, trash enclosures, fire hydrants, as well as a 33,000 gallon water tank in accordance with the Chino Valley Fire District, water will be supplied by the Appaloosa Water Company, and there will be a centralized septic system located in the northeastern area of the open space. The primary access will be from Road 4 North and there will be an exit only on Bumblebee Dr.

Ms. Hoffman commented that the property containing the Windmill House is not a part of this application. Ms. Hoffman commented that the applicant complied with the public notification process and a neighborhood meeting was held. There were about 35 citizens in attendance and the main concerns were the closely clustered layout of the home pads, the available water, how the age restriction would be maintained, would the open space areas be maintained as such, and how the property would be buffered from the properties to the west. The applicant submitted an modified site plan after the neighborhood meeting in an attempt to mitigate some of the impact to the neighbors along the western property line. The applicant relocated the water tanks, added additional landscape buffering, and

enlarged the open space at the entrance as well as at the northeast area adjacent to the home pads, and reduced the number of pads from 5 to 4 at the entry area.

Ms. Hoffman informed the Commission that 6 letters of opposition were received prior to the writing of the staff report, and another 7 letters of opposition after the meeting packet was distributed. She indicated that when a zone change is requested, staff looks at the request from a land use stand point and what is written in the UDO, as well as State Statutes regarding zoning. The UDO section 1.9.2 deals with amendments of the Town's zoning map. The intent is that the regulations of the ordinance and boundaries of the zoning districts are established by the Town and may be amended, supplemented, modified, changed or appealed when deemed necessary when best served for the public interest, health, comfort, convenience, safety, and general welfare of the citizens of the Town. AZ Revised Statutes state that rezoning ordinances and regulations must be consistent with and conform to the adopted General Plan of the municipality.

Ms. Hoffman stated that after reviewing the Town's General Plan, she determined this property is in the Future Land Use designation of medium density residential which is defined as lots that are 2 acres or less in size. This designation promotes single family residential, multifamily residential, along with mobile home parks. Based on those findings staff finds this request to be in compliance with the General Plan and recommends approval of the zone change with the findings and stipulations as outlined in the staff report. (Ms. Hoffman read each Zoning Condition and Engineering Condition of Approval word for word aloud.)

Mike Cordovana representing the LaVacara Trust commented that at the neighborhood meeting citizens were concerned that the water company proposed to serve the area was not in compliance. Mr. Cordovana stated that the water company is in compliance and was only out of compliance during the 3rd quarter of 2011. The CCN was extended in March of 2008 and that ADWR stated there is no signs of insufficient water, and that the system was in compliance. Mr. Cordovana indicated the plan is to install a centralized septic system with hopes of eventually hooking into the Town's sewer system when it becomes available. He indicated that landscaping would be installed so that the development would seem to disappear, similar to the way the Windmill House is set up, and they added an additional 15 feet of landscaping to the west to minimize the impact to the neighbors. There is one neighbor who commented that the water tank would be located close to their home, so they increased the setback to allow for more landscaping to help with buffering, and moved the tank to another tract north of Bumblebee Rd.

Mr. Cordovana indicated he heard concern over there not being another exit or entrance out to 4 ½ North. He stated that most people will use the arterial routes and that Rd 4N and sometimes Bumblebee were more reasonable routes.

Commissioner Merritt asked how the age restriction would be governed.

Mr. Cordovana indicated that the restrictions would be governed with CCR's, but is okay with the Town placing a stipulation as well.

There was some discussion between the Commissioners and Mr. Cordovana on the particulars for the centralized septic system.

Commissioner Edmonds asked about the density. According to the UDO they are allowed 6 sites per acre and he asked how many sites per acre are proposed.

Mr. Cordovana indicated there are 60.2 acres and it calculated at 1.23 units per acre.

Commissioner McCaullay commented that the UDO states the minimum of 7260 sq. ft. and these pads only appear to be 5400 sq. ft. and are crammed into a 9 acre area, so that would not be 1.23 units per acre.

Mr. Cordovana stated that if the site plan is not designed sufficiently then they will make modifications to comply with all standards including roadways. The pads are designed to be equal too or greater than the current market to allow for landscaping.

Commissioner McCaullay commented he thought the 5400 sq. ft. did not comply with the minimum lot size.

Ms. Hoffman stated that the code actually reads a "Minimum Gross Site Area per mobile or manufactured home" is 7260 sq. ft. That number is used to determine the density which comes out to 6 MH pads per acre.

Mr. Edmonds commented that the units are compressed into a 9 acre area, which would exceed the area acreage capacity and thought the 9 acre area that is being used should be what the calculation is based on and not the entire parcel.

Chairperson Rowitsch stated she respectfully disagreed, this is not a subdivision and each individual parcel would not have to meet the density because the overall project and the overall density of the entire site has to be taken into consideration for the overall density which is no more than 1 unit per 7200 sq. ft. of the entire site.

The Commissioners were concerned that the designated open spaces would remain open space in the future.

Ms. Hoffman stated that zoning stipulation number 5 covers that, but if the Commissioners would like to add the wording "in perpetuity" they can.

Chairperson Rowitsch reiterated that the designated open space could not be used for anything else without going through another public hearing process. Ms. Hoffman stated that was correct.

Commissioner Owen commented such a situation occurred not long ago, and the Commission denied the request to use the open space for something else. He asked for clarification on how the density is calculated.

Ms. Hoffman stated the code does not require that each mobile home pad be 7200 sq. ft. The UDO states that the minimum gross site area for manufactured homes is 7260 sq. ft. You then divide an acre by 7260 sq. ft. to find out how many sites are allowed per acre. The project consists of one parcel with a gross site area of 60.2 acres and that is used to determine how many units are permitted on the entire site.

Commissioner McCaullay had some concerns with the pond and grandchildren visiting and wondered if it would be fenced off, and was concerned with the mobiles being crammed into a 9 acre area.

Commissioner Edmonds was concerned that this plan did not show 2 direct accesses to a public street.

Ms. Hoffman stated there was direct access to Road 4 North, and one to Bumblebee Dr.

Commissioner Edmonds didn't feel that Bumblebee Dr. was direct access.

Mr. Cordovana indicated it is designed for public emergency vehicles access and for exit only by residents.

The Commissioners and Mr. Cordovana discussed the access, the legality and configuration onto a private and public roadway.

Mr. Cordovana stated he would have to refer to the Town in regards to the access as it was designed in accordance with conversations with them.

Ron Gritman, Public Works Director stated that the ingress and egress meet the requirements for public access in and out of the development. The development will have private streets that allow access to the public as well as the residents. There is a standard cross access easement that is recorded which gives access and is permanent to the property. Country West Mobile Home Park is set up similar to this proposal. They have private streets but everyone can drive on those streets which are maintained by the Home Owners Association.

Commissioner Merritt asked if there was a way to tighten the wording up for the open space to ensure that it did remain as open space, such as adding “in perpetuity”.

Mr. Cordovana agreed that was acceptable.

Chairperson Rowitsch opened the public portion of the meeting.

Several citizens spoke and one citizen spoke for a group of people in an effort to save time. Their concerns had to do with: water issues, and whether or not there would be enough water to serve current customers and this development; the density with the clustering of these mobile homes on 9 acres when the entire property is 60 acres; the trustworthiness of the applicant due to prior experience; future maintenance of the development so that it doesn't become like other deteriorated developments of this type. Citizens were also concerned that the applicant would be applying for Commercial zoning next because they showed interest at a Technical Review meeting to have smaller seasonal rental cottages, or for corporate and team events. Citizens questioned whether these units would be owner occupied, or rentals, and felt this type of development would bring down property values. They had questions about additional lighting, and how that would affect the dark skies, worries over fire and if there was adequate water to fight such a fire, parking for residents and visitors, is the developer bringing in all the same units, are they single or doublewide, and who absorbs the cost of impact fees, what about potential flooding, and would there be an architectural review of units.

It was suggested that this development plan was pre-mature and there should be a study session in which citizens, the developer, and Town staff could get together in order to get questions answered and allow citizens more input into this development in an effort to preserve the community.

Chairperson Rowitsch closed the public portion of the meeting.

Chairperson Rowitsch commented that it may not be appropriate in this setting to talk about the CCN, but comments are welcome from the applicant.

Mr. Cordovana stated that the CCN does cover the 60 acre parcel.

Chairperson Rowitsch asked about the perimeter fencing.

Mr. Cordovana stated the existing chain link fence will remain and there would be an additional 15 foot landscape buffer.

Chairperson Rowitsch asked if they had any intention of putting commercial uses on this parcel.

Mr. Cordovana stated they do not.

Chairperson Rowitsch stated any future request that comes before the Commission will be addressed on its own merit just as this item is being addressed. She asked if the CCR's restrict owner occupied or will they allow rentals.

Mr. Cordovana stated the intent is for owner occupied with the pad being rented.

Chairperson Rowitsch asked if there would be a restriction to prevent owners from renting out their home.

Mr. Cordovana stated he could not answer that at this time.

Chairperson Rowitsch asked about the type of lighting they plan.

Mr. Cordovana stated it would be minimal, but would be following the Town's requirements.

Chairperson Rowitsch asked if there would be a clubhouse.

Mr. Cordovana indicated no there will not be a clubhouse.

Chairperson Rowitsch asked if there would be a restriction on single or doublewide units.

Mr. Cordovana indicated they discussed double wide only, but have not committed to that yet. If so that would be indicated in the CC&R's, and there would be architectural review with specific models to choose from.

Chairperson Rowitsch asked if the homes would be on foundations.

Mr. Cordovana stated they have not made a decision on that yet.

Chairperson Rowitsch asked who would be responsible for impact fees.

Dan Trout, Building Official stated that impact fees would be charged to each individual unit.

Chairperson Rowitsch asked about the flooding concerns on Road 4 ½ North.

Mr. Cordovana stated that a grading and drainage study is required and would address those issues, and that they plan to retain on site.

Chairperson Rowitsch asked if any grading had been taking place lately.

Mr. Cordovana indicated he didn't know as he does not live up here.

Chairperson Rowitsch asked if there would be storage areas available for residents.

Mr. Cordovana stated they are not proposing additional storage area except for what is allowed by Town code for each lot; however, he thought they would be restricting the parking of boats in driveways.

Chairperson Rowitsch asked if an area is planned for visitor parking.

Mr. Cordovana stated they did have additional parking planned and he didn't know why that was not reflected on this site plan. He believed there was an extra 42 parking spots scattered through the open spaces.

Chairperson Rowitsch asked if the egress onto Bumblebee Rd. is a residential street.

Mr. Gritman stated that it is a public street and any property owner who wishes to use it cannot be denied.

Chairperson Rowitsch commented that it is classified as a residential street.

Mr. Gritman stated that was correct, everything that is not classified in the UDO is a residential street. The UDO classifies the major arterial streets and minor arterial streets and everything else not listed is a residential street.

Chairperson Rowitsch asked for an explanation for retention or detention of water on the site.

Mr. Gritman stated that engineers do an analysis of pre and post development flow and that will determine what the increase of water is that the developer will need to detain.

Mr. Cordovana clarified that the arsenic levels at the Appaloosa Water Company at different times have been out of compliance. In regards to what was discussed at the Technical Review Meeting the application originally submitted was different, it included Parcel A and cottages for rent, RVP and boat storage on Parcel B, but after learning of the requirements to do those things they removed those uses. It is not their intent to do commercial on Parcel B.

Commissioner Edmonds asked about the parking for each lot, and what are the dimensions.

Mr. Cordovana stated there would be 2 parking spaces per lot and he couldn't say what the dimensions would be as it would depend on the units and whether or not there are garages or carports.

Commissioner Merritt asked why the homes are contained on such a small area when there is enough property to spread them out.

Mr. Cordovana stated it has to do mainly with monetary concerns, if this is stretched out it becomes economically not feasible. In working with the manufacturer of these homes, this was the typical layout with these being on the higher end in size, and if they are not able to get the homes in there then the final area would be larger. This would also apply to turn around areas for emergency vehicles. He stated that the plan was designed based on the comments from the Town and developers.

Commissioner Merritt asked why there were no provisions made for ingress and egress at 4 ½ North.

Mr. Cordovana stated they looked at that and the pros and cons and the reasons for using either 4 ½ North or Bumblebee and it was determined that Bumblebee would be more feasible in accessing Reed Rd. and the other arterial roads.

Commissioner Owen commented that he was concerned with parking, emergency vehicles and enough room to maneuver, and sufficient water to fight a fire.

Mr. Cordovana stated it was not their intent to create substandard streets, if the streets are not adequate to meet the needs for emergency personnel then they will be made larger, but according to the engineers, what is planned is adequate. They are following the requirements given to them by the fire department and the Town.

Chairperson Rowitsch commented that this does comply with the General Plan, but the biggest issue she had with it was she didn't feel the applicant was mitigating the impact this development would have on the neighbors.

Mr. Cordovana stated that there are only 4 pads that hit right up to the neighboring properties.

Chairperson Rowitsch stated those 4 pads directly affect those neighbors and reiterated that the applicant agreed to make adjustments, this site does not show onsite parking and she felt there were several things that needed to be clarified before the Commission could make a decision on this site plan. She felt they were on the right path and the request is consistent with the General Plan, but that their job was to make sure that it is compatible with the neighborhood and doesn't impact the current residents. She stated it wasn't the Commission's job to design the project for them, but thought moving pads 1 through 4 in order to mitigate the impact to the neighbors should be considered, and that they needed

to bring another site plan back that addresses these concerns. She felt there were several things that have not been addressed with access being the biggest concern. She stated they met the density requirements; however, using the open space as a way to mitigate the impact to the neighbors would be an efficient use of that open space.

The Commissioners agreed that with minimal effort to mitigate the impact to the neighbors on the west, they felt this project could be successful, but the plan needed some revisions in order to address the concerns that have been voiced. They suggested the applicant may want to get with Town staff and the neighbors again to work out some of the details discussed.

Mr. Cordovana stated he didn't feel they have designed substandard streets or a bad project, but agreed to go back and add the things that are missing, and getting with the Town again to go over some of the other issues.

Commissioner Merritt MOVED, seconded by Commissioner Sloan to postpone this item until the July 16, 2013 Commission Meeting.
MOTION CARRIED: 6-0

7. **PUBLIC COMMENTS:** None

8. **ADJOURN:** 8:30 p.m.

Chairperson Date: