

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. Theses 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. Grittmann 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. Grittmann 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. Grittmann 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: 7-16-13