

1. Agenda

Documents: [AGENDA JULY 16.PDF](#)

2. Packet

Documents: [PACKET JULY 16.PDF](#)



NOTICE OF THE REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION

**July 16, 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, July 16, 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 18, 2013**
- 5. STAFF REPORT**
- 6. PUBLIC HEARING**
 - 6A.** For consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from Commercial Light (CL) to Commercial Heavy (CH). The location of the proposed zone change is 694 N. State Route 89, Chino Valley, Arizona 86323, and further described as Assessor's Parcel Number's 306-23-021X. Owner/Applicants: Resource Holdings II, LP/Timothy J. Coury, Kottke Law Firm.
 - 6B.** For consideration, discussion and possible recommendation to the Town Council regarding a requested zone change of Assessor's Parcel Number's 306-23-041W, 306-23-041X, and 306-23-041Z from Agricultural Residential 4 Acre Minimum (AR-4) to Single Family Residential 1 Acre Minimum (SR-1) for a total of approximately 15 acres. Said property is located at 851 W. Road 1 North. Owner/Applicant: MD Builders/Martin Messenger.
 - 6C.** 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

(This item was forwarded from the June 18, 2013 meeting)

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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1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF MINUTES**
 - 4A. **May 21, 2013 and June 18, 2013**
5. **STAFF REPORT**
6. **PUBLIC HEARING**
 - 6A. For consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from Commercial Light (CL) to Commercial Heavy (CH). The location of the proposed zone change is 694 N. State Route 89, Chino Valley, Arizona 86323, and further described as Assessor's Parcel Number's 306-23-021X. Owner/Applicants: Resource Holdings II, LP/Timothy J. Coury, Kottke Law Firm.
 - 6B. For consideration, discussion and possible recommendation to the Town Council regarding a requested zone change of Assessor's Parcel Number's 306-23-041W, 306-23-041X, and 306-23-041Z from Agricultural Residential 4 Acre Minimum (AR-4) to Single Family Residential 1 Acre Minimum (SR-1) for a total of approximately 15 acres. Said property is located at 851 W. Road 1 North. Owner/Applicant: MD Builders/Martin Messenger.
 - 6C. 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

(This item was forwarded from the June 18, 2013 meeting)

7. PUBLIC COMMENTS

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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 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

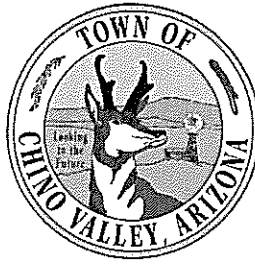
7. **PUBLIC COMMENTS:** None
8. **ADJOURN:** 8:30 p.m.

Chairperson Date:

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
July 16, 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, July 16, 2013. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding a requested zone change from Commercial Light (CL) to Commercial Heavy (CH). The location of the proposed zone change is 694 N. State Route 89, Chino Valley, Arizona 86323, and further described as Assessor's Parcel Number's 306-23-021X. Owner/Applicants: Resource Holdings II, LP / Timothy J. Coury / Kottke Law Firm.

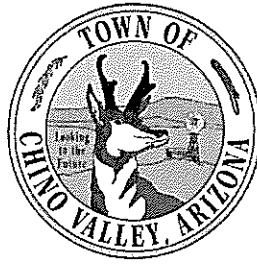
A. LOCATION: Please see Exhibit "B" Zoning Map.
The subject parcel is located on the west side of SR 89 approximately 850 feet north of West Road 1 North.

B. FACTS:

1. Owner:Resource Holdings II L.P.
2. Applicant:Timothy J. Coury / Kottke Law Firm
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 – Automotive Repair
 - West.....CL - Vacant
 - South..... CL - Vacant
 - East.....CL/AR-5 – Mobile Home Park
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. CITIZEN PARTICIPATION:

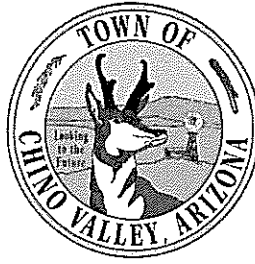
The Citizen Participation protocol as required by the Town Code resulted in a mailing of 9 letters to property owners within a 300-foot buffer of the subject property. To date, the Town has not received any responses to the mailing for the Neighborhood Meeting. The Neighborhood Meeting was held at 4:00 p.m. on June 26, 2013, in the Town’s Council Chambers. Applicants, Timothy Coury and Christopher Kottke of the Kottke Law Firm were present as was Town staff member, Dennis Price. Only one person from the neighborhood mailing list, Herman Federwisch, attended. Mr. Federwisch is also affiliated with the Chino Valley Irrigation District (CVID) and indicated that a culvert should have been installed under the driveway which connects to SR 89.

D. ANALYSIS:

This relatively flat one-acre property is situated on State Route 89 approximately 850 feet north of the intersection of West Road 1 North. Unrestricted access to and from the property is via a driveway onto SR 89, a five-lane roadway, wherein the center lane is used for right and left-hand turns. The property is enclosed on the south, west and north by chain-link fencing and includes one 1,800 square-foot wood-framed office building and 1,200 square-foot metal building used for storage. At the present time, the owner/applicant uses the office building for corporate administration. The owner/applicant would like to locate an affiliated business on the site which offers towing and vehicle storage which necessitates the request for a zone change from Commercial Light (CL) to Commercial Heavy (CH). (Exhibit “D”). If the zone change is approved, some vehicles would be temporarily stored on-site within a screened-fenced area. Each stored



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vehicle would remain only until a determination is made as to where it will be repaired or otherwise disposed of. The predominant zoning district in the surrounding vicinity is Commercial Light (CL) however the general commercial character of the area is automotive and service trade related. Historically, towing services have operated in the vicinity as evidenced by a sign for ACT Towing and Recovery on SR 89 across from the subject site.

In the past, the site has been used for motor vehicle sales and it is likely to be used for that purpose in the future.

Access and On-Site Circulation

An existing driveway on the frontage of SR 89 provides for ingress / egress. The Site Plan indicates that there is a defined parking lot and a screened storage area. There is asphalt-concrete paving over approximately the east half of the property and compacted gravel on the west side of the screened fencing which bisects the property.

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 zone change 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 "C"). Therefore the requested zone change does merit a positive consideration, and endorsement to the Town Council from the Planning and Zoning Commission.

E. RECOMMENDATION FOR THE CHANGE OF ZONE:

1. Move to recommend to the Town Council the approval of the requested zone change for APN: 306-23-021X from "CL" Commercial Light to "CH" Commercial Heavy. Applicant desires this one acre parcel be zoned CH with the following findings and stipulations;

FINDINGS FOR THE REZONING REQUEST:

1. That the requested zone change is consistent with and conforms to the "Town of Chino Valley 2003 General Plan." The property is designated "Commercial" by the General Plan.
2. That approval of the requested zone change 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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STIPULATIONS FOR THE CHANGE OF ZONE:

1. 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 with the CH zoning district.
2. Applicant shall comply with all federal, state, and local regulations.
3. Pursuant to the Chino Valley Unified Development Ordinance (UDO) the applicant shall:
 - a. UDO Section 3.16.4.I Outdoor Storage: Provide a 6-foot high screened fence at the perimeter of the area to be used for vehicle storage. UDO Section 6.8 indicates that inoperable vehicles shall not be visible from outside of the property upon which they are stored.
 - b. UDO Section 4.22 Off-Street Parking: Maintain a dust free surface to include the areas where the maneuvering, parking and unloading of tow trucks will occur.

Attachments:

- Exhibit "A" Application
- Exhibit "B" Zoning Map
- Exhibit "C" General Plan Future Land Use Map
- Exhibit "D" Site Plan





REZONING APPLICATION

1.	PROPERTY OWNER NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	RESOURCE HOLDINGS II, LP, an AZ ltd PA 1006 Commerce Drive, Prescott, AZ 86305 (928) 277-0804 (928) 445-6965
2.	APPLICANT NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	Timothy J. Coury same as above " " " " " " " "
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)	4694 N. State Route 89, Chino Valley, AZ
6.	ASSESSORS PARCEL NUMBER(S)	306-23-021X
7.	SITE DIMENSIONS	43,798.35 square feet
8.	SITE AREA (GROSS)	1139 feet
9.	EXISTING STRUCTURES	Office building/Commercial yard
10.	DESCRIBE ACCESS TO THE SITE (STREET FRONTAGE OR EASEMENT)	Direct access to Hwy. 89
11.	UTILITIES PROVIDED BY	ELECTRIC: APS GAS: WATER: Town of Chino Valley SEWER: Town of Chino Valley
12.	FLOOD ZONE DESIGNATION	Unshaded Zone X
13.	EXISTING ZONING	CL
14.	REQUESTED ZONING	CH - Commercial Heavy
15.	ADJACENT ZONING NORTH: CL SOUTH: CL EAST: CL/AR-5 (across Hwy 89) WEST: CL	ADJACENT LAND USE NORTH: commercial automotive SOUTH: vacant EAST: commercial business/mobile home park WEST: commercial business
16.	TOPOGRAPHY	



17. INTENT OF THE REZONE REQUEST:

This is a request to change the zoning from Light Commercial to Heavy Commercial so the owner may locate an affiliated tow truck company on the premises.

OWNER'S SIGNATURE: T = ~ DATE: 4/9/13

APPLICANT'S SIGNATURE: T H DATE: 4/9/13

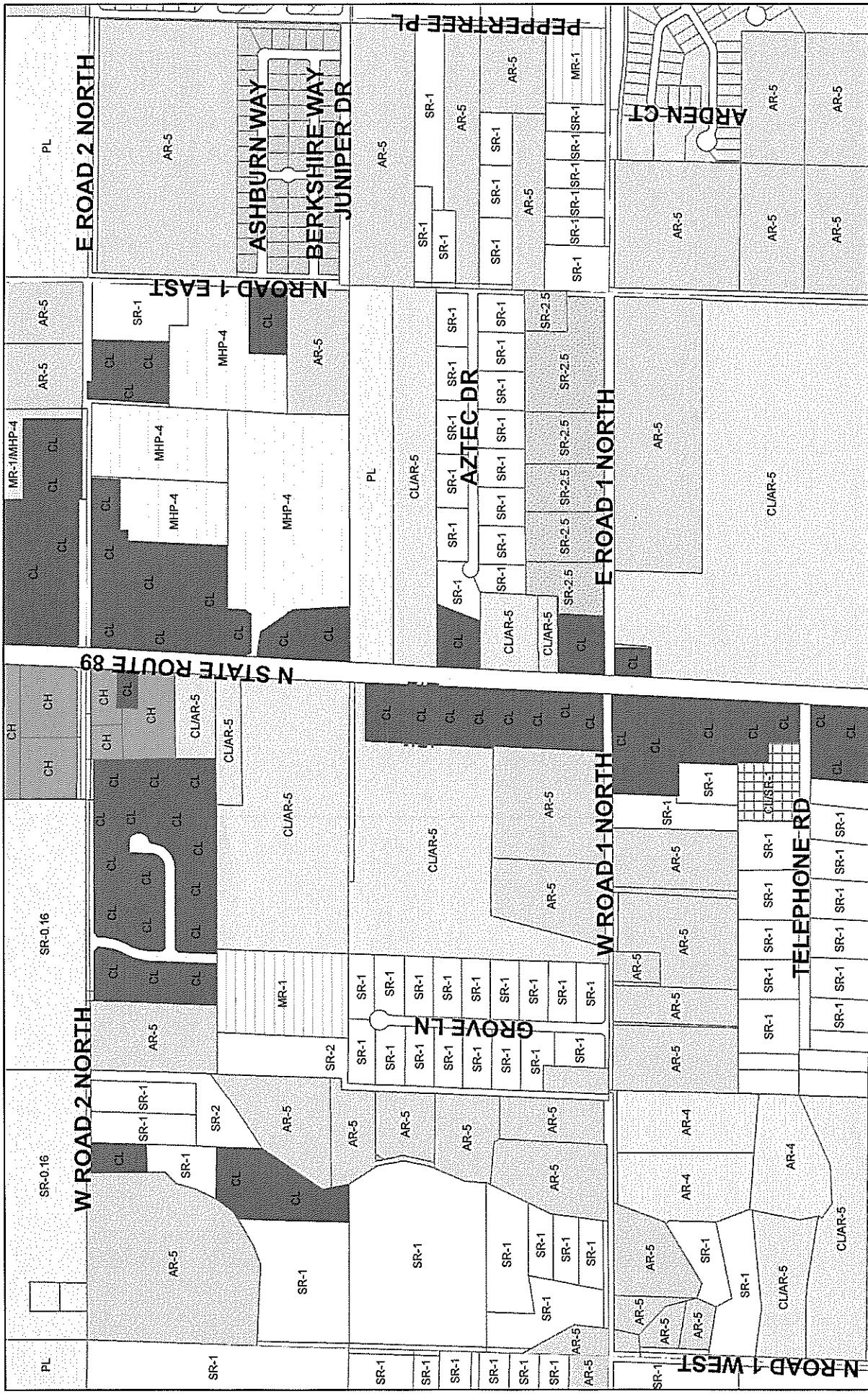
(Office Use Only):

Date of Meeting: _____ Time of Meeting: _____

Agency's Notified: _____

Log #: _____

RESOURCE HOLDING II, LP APN 306-23-021X
Rezone From CL to CH
ZC 13-004



1 inch = 700 feet

EXHIBIT "B"

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

RESOURCE HOLDING II, LP APN 306-23-021X
REZONE From CL to CH
ZC 13-004

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

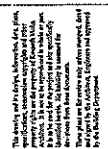


1 inch = 700 feet

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

EXHIBIT "C"





KMA

Kenneth Mohn Architect
3915 West Roadrunner Drive
Chino Valley, Arizona 86323
kmharch@cablenet.net
928-710-5530
Office

Tim's Towing Rezone
Chino Valley

State Route Highway 89

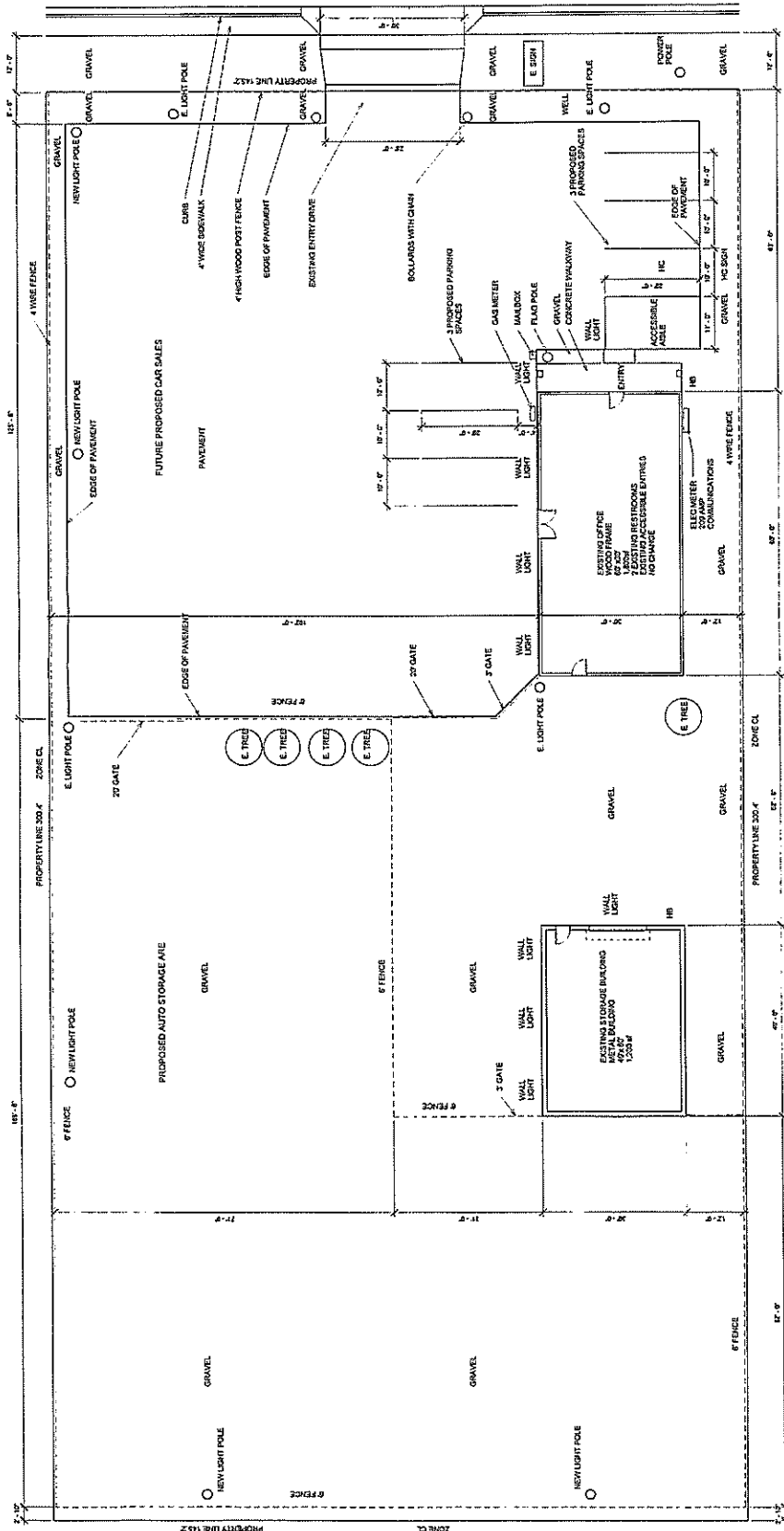
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First Floor

Project number	2013-07
Date	05/20/13
Drawn by	KMA
Checked by	KMA

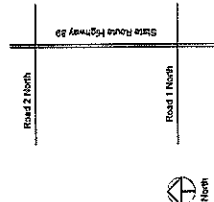
A1

Scale: 1/4" = 1'-0"



1. Time Towing Site Plan

Vicinity Map



PROJECT INFORMATION

684 North Highway 89 305-21-021X 43,618 sq. ft. Approx. One Acre Lot Area:	12,213 sq 25,400 sq CL: Commercial Light Proposed Storage: Proposed Auto Sales: Current Zoning:	Kenneth Mohr Architects 3915 West Ranssener Drive Phoenix, AZ 85023 602-957-1030 mohrarchitects@cox.net
---	--	---

LIGHTING INFORMATION

100,000 PER ACRE			
LUMENS ALLOWED:			
1 ACRE LOT:			
	LIGHTS	NO.	LUMENS
	PARKING LOT LIGHTS		
	EXISTING	4 x	8000 LUMENS = 32000
	NEW (Optional)	5 x	8500 LUMENS = 42500
	WALL LIGHTS	6 x	1200 LUMENS = 9600
	TOTAL LUMENS		85100

The intent is to change the zoning from Commercial Light to Commercial Heavy. There will be no change to grading, paving, landscaping, access to 82' structure or occupancy. The Auto Storage area will remain gravel.

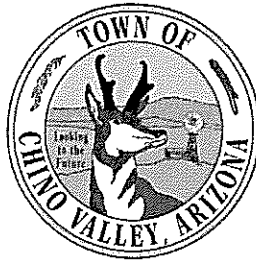
There are two existing red barns in the office building. The entry is an accessible exit. New light poles to match existing. 15' pole on 2' concrete base.

Parking
(Retail/Commercial)

ITEM

6B

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PLANNING COMMISSION
STAFF REPORT

TOWN OF CHINO VALLEY, ARIZONA
July 16, 2013

LEGAL AD

ZC-13-005: NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the Planning and Zoning Commission at the Town of Chino Valley South Campus, located at 202 North State Route 89, at 6:00 p.m. on Tuesday, July 16, 2013. This hearing will be conducted for consideration, discussion and possible recommendation to the Town Council regarding the following zone change for the property located on the south side of W. Road 1 North, or 851 West Road One North, approximately 830 feet east of Road 1 West, and consists of approximately 14 +/- acres and includes Assessors Parcel Number's 306-23-041W, 306-23-041X and 306-23-041Z:

1. Zone change from "AR-4" to "SR-1."

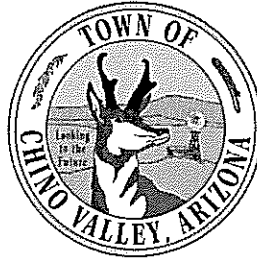
Applicant: Martin D. Messenger; Owner: M.D. Builders Inc.

- A. LOCATION: Please see Exhibit "B" Location Maps. (On the south side of West Road 1 North approximately 830 feet east of Road West)
- B. FACTS:

1. Owner:M.D. Builders Inc.
2. Applicant:Martin D. Messenger
3. Engineer:.....N/A
4. Site Dimensions and Area:.....Approximately 568' X 1000'/ 14.92 acres
5. Existing Zoning:....."AR-4"
6. Requested Zoning:....."SR-1"
7. Adjacent Zoning and Use:
North..... (Across W. Rd. 1 N.) "AR-5"; Single Family Residence



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South..... "CL/AR-5," Single Family Residence
East..... "SR-1," Single Family Residence
West..... "AR-5 and SR-1," Single Family Residences

8. Water Source:.....City of Prescott
9. Waste Water:.....Septic
10. Topography:.....Downward slope from South to North
- II. General Plan Conformance:.....General Plan Designation is "Medium Density Residential 2 acres or less". If the property is rezoned to SR-1, the property will remain consistent with and conform to the land use designation in the General Plan Land Use Element. (Exhibit "C")

C. NOTIFICATION LETTERS: The Citizen Participation protocol as required by the Unified Development Ordinance (UDO) resulted in seventeen (17) letters noticing the request being mailed out. To date, the Town has received a total of three (3) returned responses to the applicant's notification letters. Two of the letters approved of the zone change while one letter was in opposition. (Exhibit "D")

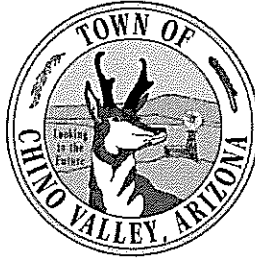
D. NEIGHBORHOOD MEETING: On Wednesday July 3, 2013, a neighborhood meeting was held by the applicant, Martin Messenger, to discuss the proposed request with residents surrounding the property. The meeting was held at the Town of Chino Valley's Town Hall and allowed adjacent landowners or other affected citizens, an opportunity to discuss or express their views concerning the application. Neighboring property owners, Mr. and Mrs. Sam Piccalo, Herman Federwisch, potential purchaser, Mark Henry, as well as Town staff member, Dennis Price was in attendance. Mr. Messenger gave a short presentation in which he indicated he wanted to change the zoning to SR-1 to make the three parcels more marketable.

E. ANALYSIS: The three Assessor's parcels included in this application now total approximately 14.92 acres. Overall the properties are relatively level, with slight slopes. There is no significant topography and there are no existing structures on any of the parcels. The applicant has been working with the Town to develop the site since early 2006. The following is a brief chronology of the past 7 years.

In March of 2006, Mr. Messenger successfully rezoned the property from Agricultural Residential 5 acre minimum "AR-5" to Single Family Residential 1 acre minimum "SR-1." At that time the applicant intended to formally divide the 15 acres into 10 lots via the minor subdivision process.



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On September 12, 2008, Mr. Messenger submitted a zone change application with two options: his first choice is to remove a stipulation requiring him to complete the subdivision process and retain the "SR-1" zoning designation. His second choice would be to request the "SR-1.6" zoning. The applicant was granted "SR-1.6" zoning.

On January 7, 2009, the Town accepted a 40-foot dedication of frontage along West Road 1 North for public roadway. A Quitclaim Deed that included a Record of Survey was recorded on August 21, 2009, which created three, 5-acre lots. Two of the lots have frontage on West Road 1 North. The remaining southerly 4.80-acre lot is to be accessed by a 50-foot wide easement for ingress, egress and utilities which is situated between the two parcels having roadway frontage.

On May 24, 2011, Mr. Messenger was granted yet another zone change for the property from SR-1.6 to AR-4 in order to reduce his tax burden. At that time, the applicant stated that he felt unable to develop or sell the property due to economic conditions.

At this time, the applicant now wants to secure "SR-1" zoning to increase the marketability of his existing lots. If approved, the "SR-1" zoning for the 3 lots could ultimately result in the future development of 14 to 15 lots. Since Mr. Messenger has created the existing 3 lots, by law, he cannot divide those properties any further. However, each of Messenger's 3 lots may be split to yield up to three lots by each successive owner or to the extent allowed by the approved zoning district.

Mr. Messenger has indicated that City of Prescott water is available for the future development of the existing parcels.

General Plan Conformance

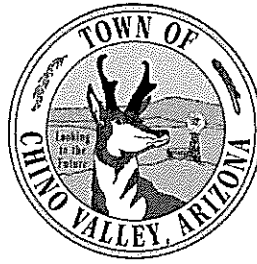
The request for a zone change to SR-1, Single Family Residential 1 acre minimum, is consistent with the "Town of Chino Valley 2003 General Plan." The Future Land Use Designation for the area of the zone change is "Medium Density Residential- 2 Acres or Less."

Access and On-Site Circulation: The applicant has recorded a Record of Survey indicating three parcels with a 50-foot wide ingress/egress easement extending south from West Road One North between Parcel 1 and Parcel 2 terminating at Parcel 3.

Past reviews by the Town's planning and engineering staff does favor the location of the proposed access point as indicated above but is requesting a perpetual offer to dedicate.



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E. STAFF RECOMMENDATIONS:

With the Findings and Stipulations indicated below staff endorses the zone change and recommends the Commission forward the items to the Town Council with a recommendation for approval.

FINDINGS:

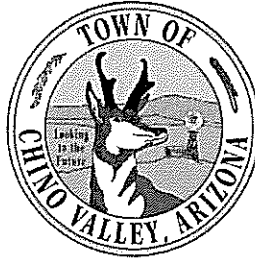
1. That the proposed zone change will not impact the status of the Future Land Use Designation and the property will remain consistent with and conforms to the land use designation of Medium Density Residential 2 acres or less and the goals of the "Town of Chino Valley 2003 General Plan".
2. That a recommendation to Town Council for approval of this zone change will not be adverse to the health, safety, convenience, and general welfare of the residents of the Town of Chino Valley, Arizona.

ZONING STIPULATIONS:

1. That the property owner agrees that the approval of this zone change confers no additional entitlements or rights to the owner or applicant other than those that are vested with the "SR-1" zoning district.
2. That the Property Owner/Applicant agrees to comply with the codified procedures set forth in the Town of Chino Valley's Unified Development Ordinance.
3. That prior to any future division of the properties the owner(s) shall submit a Land Split Application to the Town's Planning Division for review and approval.
4. That a 50' wide perpetual offer of dedication easement (public way) for egress, ingress and public utilities, shall be established by deed perpendicular to W. Road 1 North and between APNs 306-23-041W and 306-23-041X traversing south to APN 306-23-041Z.
5. That the Town Engineer shall review the proposed access to the property in the context of safety issues that may be relative to the vertical curve on Road 1 West at the west end of the property.
6. That the public road improvement, including provisions for utilities shall be designed and constructed over the 50-foot wide easement. The terminus of the roadway shall include a surface area capable of accommodating the turning radius necessary for local fire protection apparatus so that it will not be necessary to exit in reverse.
7. That through the Land Split or building permit process a one foot (1') vehicular non access easement shall be placed along the properties with W. Road 1 North street frontage.



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ENGINEERING STIPULATIONS:

1. That before the issuance of any building permit, a stamped engineered drawing providing the Minimum Finished Floor Elevation shall be submitted to the Town's engineering division for review and approval.
2. If access to the parcels is not traversable by emergency vehicles, the town and emergency service providers may not be held liable for any damages resulting from the inability to access the parcels.

Attachments:

- Exhibit "A" Application
- Exhibit "B" Zoning Map
- Exhibit "C" General Plan Future Land Use Map
- Exhibit "D" Notification Letters
- Exhibit "E" Site Plan



RECEIVED
JUN 05 2013



BY: zc 13-005

ZONE CHANGE APPLICATION

1.	PROPERTY OWNER NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	M O Builders Inc. 3475 W. Renegade Rd. 928-899-4812 E-Mail - Mdpm@CommSpeed.net
2.	APPLICANT NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	MARTIN D. Messenger 3475 W. Renegade Rd. Prescott 86305 928-899-4812 E-Mail mdpm@CommSpeed.net
3.	ENGINEER NAME MAILING ADDRESS TELEPHONE NUMBER FAX NUMBER	Foster Surveying Inc. P.O. Box 4393 Chino Valley, AZ 928 636 9184
4.	ARCHITECT/DESIGNER ADDRESS TELEPHONE NUMBER FAX NUMBER	N/A N/A N/A N/A
5.	SITE LOCATION (Major Cross Streets)	851 W. Rd 1 NORTH
6.	ASSESSORS PARCEL NUMBER(S)	306-23-041 W 306-23-041 X 306-23-041 Z
7.	SITE DIMENSIONS	568' X 1000' APPROXIMATE
8.	SITE AREA (GROSS)	14.92 ACRES
9.	EXISTING STRUCTURES	PUMP House for well
10.	DESCRIBE ACCESS TO THE SITE (STREET FRONTAGE OR EASEMENT)	851 W. Road 1 NORTH
11.	UTILITIES PROVIDED BY	ELECTRIC: A.P.S. GAS: UNISOURCE WATER: City of Prescott and wells SEWER: none yet / SEPTIC
12.	FLOOD ZONE DESIGNATION	
13.	EXISTING ZONING	AR-4
14.	REQUESTED ZONING	SR-1
15.	ADJACENT ZONING NORTH: AR-5 SOUTH: CL-1 AR-5 EAST: SR-1 AR-5 WEST: SR-1 AR-5 / CL	ADJACENT LAND USE NORTH: RESIDENTIAL SOUTH: VACANT EAST: RESIDENTIAL WEST: RESIDENTIAL
16.	TOPOGRAPHY	Little vegetation / Flat Land

EXHIBIT "A"

17. INTENT OF THE ZONE CHANGE REQUEST:

It is my intention to build
single family dwellings on the property.
The property is and has been for
sale.

It is my hope that homes will
help sell the property.

Thank-you
MARTIN Messenger

OWNER'S SIGNATURE: M. J. Meyer DATE: 5-28-13

APPLICANT'S SIGNATURE: M. J. Meyer DATE: 5-28-13

(Office Use Only):

Date of Meeting: _____ Time of Meeting: _____

Agency's Notified: _____

Log #: _____

The map displays a residential development with the following features:

- Streets:** POCO LN, GROVE LN, N STATE ROUTE 89, TELEPHONE RD, GRANDADA DR, REYES RD, N ROAD 1 WEST, W ROAD 1 NORTH, HOMESTEAD MESA DR, LAUREN LN, and MCKAY WAY.
- Land Use Designations:**
 - SR-1 (Single Residential)
 - SR-2 (Single Residential)
 - SR-2.5 (Single Residential)
 - AR-5 (Agricultural Residential)
 - CUAR-5 (Community Agricultural Residential)
 - PL (Public Use)
 - CL (Community Center)
 - MR-1/MHP-4 (Medium Density Residential / Medium Density Housing Plan)
- Map Details:** The map shows a grid of lots, with some areas designated for agricultural use (AR-5) and others for residential use (SR-1, SR-2, SR-2.5). A dashed line indicates a boundary or a specific type of land use area.

EXHIBIT "B"

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

**MD BUILDERS 306-23-041W, 041X, 041Z
REZONE AR-4 to SR-1
ZC 13-005**

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



1 inch = 700 feet

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

EXHIBIT "C"

Legend

	Public Land		General Development Area
	Reserve Tract		Stock Land
	Beltway Marker		Highway 89
	Regional Overlay		Local Overlay
	Community Overlay		Special Use Overlay
	Future Land Use		Future Land Use

Town of Chino Valley
Planning & Development Department
Chino Valley, AZ 85115
910-111-1111 FAX 910-111-1111

Please Check One:

Applicant Name: Martin Messenger
Applicant APN 's: 306-23-041Z, 306-23-041X and 306-23-041W

☐ I approve of this rezoning.

☒ I oppose this rezoning.

Comments: I oppose till I see what housing is going in these (mobiles, houses only, PAD Development, wells, city water? ETC. Having a meeting on July 3rd is unrealistic and dumbfounded, being so close to the 4th of July Holiday.

Name:

Signature:

Address:

PLEASE RESPOND BY: July 8, 2013

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

RECEIVED
JUN 27 2013

BY:

Detach Here

Please Check One:

Applicant Name: Martin Messenger
Applicant APN 's: 306-23-041Z, 306-23-041X and 306-23-041W

☒ I approve of this rezoning.

☐ I oppose this rezoning.

Comments: I have ~~no~~ no problem with changing these properties to Single Family / Large

Name:

Signature:

Address:

PLEASE RESPOND BY: July 8, 2013

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

RECEIVED
JUN 24 2013

BY:

EXHIBIT "D"

RECEIVED
JUN 20 2013

BY: _____

From:
Martin Messenger
3475 Renegade Rd.
Prescott, AZ 86305

Date: June 5, 2013

To: Neighboring Property Owner

RE: Assessor's Parcel Numbers: 306-23-041Z, 306-23-041X and 306-23-041W
Property Address: 851 W. Road 1 North, Chino Valley, AZ 86323

Type of Application: **Change of Zone (Rezone)**

Dear Property Owner:

It is the intent of Martin Messenger who reside(s) at the above address to rezone Assessor's Parcel Numbers: 306-23-041Z, 306-23-041X and 306-23-041W from the current zoning of *AR-1* to *SR-1*. These parcels are located at 851 W. Road 1 North, Chino Valley, AZ 86323. The reason for the request is to facilitate future divisions of the three parcels.

A public hearing will be held before the Planning and Zoning Commission on July 16, 2013, at the Chino Valley Council Chambers-South Campus, located at 202 N. State Route 89, Chino Valley, Arizona at 6:00 p.m. All interested parties are invited to attend.

Please return the lower portion of this letter with your comments to: Town of Chino Valley, Development Services Department, 1982 Voss Dr. # 203, Chino Valley, AZ, 86323 or you can express any concerns by contacting the Town of Chino Valley Development Services Department at 928-636-4427.

Thank you for your consideration in this matter.

Detach Here

Please Check One:

Applicant Name: Martin Messenger
Applicant APN 's: 306-23-041Z, 306-23-041X and 306-23-041W

☒ I approve of this rezoning.

☐ I oppose this rezoning.

Comments: Just hoping the property is maintained and looks nice. Other locations are not enforced. I hope this will be.

Name: Marta Wells
Signature: Marta Wells
Address: 299 N Rd 1 W

PLEASE RESPOND BY: July 8, 2013

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



PARCEL 1
±5.06 ACRES

All that portion of Section 22, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the West-quarter corner of said Section 22;

Thence North 89°44'25" East, along the mid-section line, a distance of 787.51 feet;

Thence South 20°29'55" West, a distance of 42.78 feet to **THE POINT OF BEGINNING**;

Thence North 89°44'2" East, a distance of 258.12 feet;

Thence South 00°15'35" East, a distance of 694.83 feet;

Thence North 85°11'42" West, a distance of 287.17 feet;

Thence North 20°45'45" West, a distance of 180.36 feet;

Thence North 01°33'28" East, a distance of 239.60 feet;

Thence North 46°42'08" West, a distance of 25.01 feet;

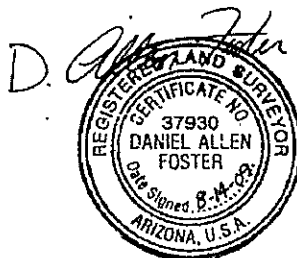
Thence North 58°47'21" East, a distance of 13.89 feet;

Thence North 20°29'55" East, a distance of 253.12 feet to **THE POINT OF BEGINNING**;

Containing 5.06 acres, more or less.

RESERVING, SUBJECT TO, AND TOGETHER WITH a 50.00 foot easement for ingress-egress and public utilities laying 25.00 feet on each side of, running parallel with, and adjoins the East line of the above described parcel.

RESERVING, SUBJECT TO, AND TOGETHER WITH all easements of record.



EXPIRES 9/30/11



PARCEL 2
±5.06 ACRES

All that portion of Section 22, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the West-quarter corner of said Section 22;

Thence North 89°44'25" East, along the mid-section line, a distance of 1355.91 feet;

Thence South 01°49'21" West, a distance of 40.03 feet to **THE POINT OF BEGINNING**;

Thence continuing South 01°49'21" West, a distance of 721.70 feet;

Thence North 85°11'42" West, a distance of 298.94 feet;

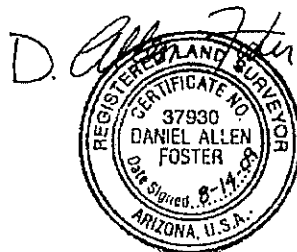
Thence North 00°15'35" West, a distance of 694.83 feet;

Thence North 89°44'25" East, a distance of 323.99 feet to **THE POINT OF BEGINNING**;

Containing 5.06 acres, more or less.

RESERVING, SUBJECT TO, AND TOGETHER WITH a 50.00 foot easement for ingress-egress and public utilities laying 25.00 feet on each side of, running parallel with, and adjoins the West line of the above described parcel.

RESERVING, SUBJECT TO, AND TOGETHER WITH all easements of record.



EXPIRES 9/30/11



PARCEL 3
±4.80 ACRES

All that portion of Section 22, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the West-quarter corner of said Section 22;

Thence North 89°44'25" East, along the mid-section line, a distance of 1355.91 feet;

Thence South 01°49'21" West, a distance of 761.73 feet to **THE POINT OF BEGINNING**;

Thence continuing South 01°49'21" West, a distance of 209.51 feet;

Thence South 66°35'09" West, a distance of 385.74 feet;

Thence South 85°58'08" West, a distance of 180.38 feet;

Thence North 53°47'52" West, a distance of 91.26 feet;

Thence North 07°20'32" East, a distance of 12.26 feet;

Thence North 12°19'15" West, a distance of 94.91 feet;

Thence North 10°25'08" East, a distance of 270.14 feet;

Thence South 85°11'42" East, a distance of 287.17 feet to a point hereafter referred to as "point A";

Thence continuing South 85°11'42" East, a distance of 298.94 feet to **THE POINT OF BEGINNING**;

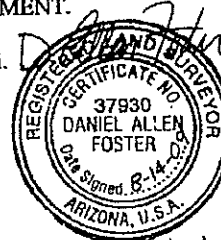
Containing 4.80 acres, more or less.

RESERVING, SUBJECT TO, AND TOGETHER WITH a 50.00 foot easement for ingress-egress and public utilities laying 25.00 feet on each side of, running parallel with, and adjoins the following described line:

BEGINNING at said "Point A";

Thence North 00°15'35" West, a distance of 694.83 feet to THE END OF EASEMENT.

RESERVING, SUBJECT TO, AND TOGETHER WITH all easements of record.



EXPIRES 9/30/11

40' ROADWAY DEDICATION
±0.528 ACRES

All that portion of Section 22, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the West-quarter corner of said Section 22;

Thence North 89°44'25" East, along the mid-section line, a distance of 787.51 feet to **THE POINT OF BEGINNING;**

Thence continuing North 89°44'25" East, along said mid-section line, a distance of 568.40 feet;

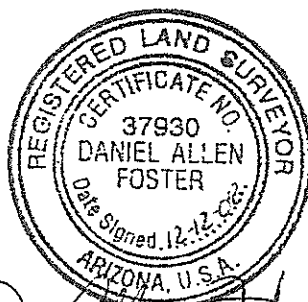
Thence South 01°49'21" West, a distance of 40.03 feet;

Thence South 89°44'25" West, a distance of 582.11 feet;

Thence North 20°29'55" East, a distance of 42.78 feet to **THE POINT OF BEGINNING;**

Containing 0.528 acres, more or less.

RESERVING, SUBJECT TO, AND TOGETHER WITH all easements of record.



D. Allen Foster
EXPIRES 9/30/11

ITEM

6C



TOWN OF CHINO VALLEY, ARIZONA

PLANNING COMMISSION PUBLIC HEARING JULY 16, 2013

STAFF REPORT:

Dava Hoffman, Planning Consultant

July 9, 2013

DEVELOPMENT SERVICES DEPARTMENT

1982 N Voss Drive #203 Chino Valley, AZ 86323

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

ZC-13-003: a Continued Public Hearing 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, July 16, 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 Joe Cordovana

OWNER: La Vacara Trust

ENGINEER: Keogh Engineering

RECENT HISTORY & CURRENT SITE PLAN ANALYSIS

June 18, 2013 Public Hearing of the Planning Commission: the Commission heard public input, discussed the proposed rezoning and aspects of the JC Ranch MH 55+ Community Site Plan presented by the Applicant/Owner's representative, Mike Cordovana. (See attached Staff Report dated June 11, 2013 for details on Location/Site Description, Notification/Neighborhood Meeting, Background/Analysis with the Site Plan presented by the Applicant for the rezoning request). The Commission approved a motion to postpone action on the rezoning request until their regular Public Hearing on July 16, 2013. The motion was approved by a 6-0 vote (Commissioner Minor was absent).

The primary areas of discussion at the June 18, 2013 Public Hearing focused on incompatibility issues with existing adjacent residential properties and potential mitigation of impacts to neighbors on the west of the project boundary. Other concerns included site access and on-site roadways, visitor parking spaces and potential street congestion caused by on-street parking of boats and other recreational vehicles.

The Commission acknowledged that the proposed rezoning complies with the Medium Density Residential designation of the General Plan and meets the density calculations of the UDO, but stated that compatibility with existing neighborhoods had to be considered. Suggestions for impact mitigation included relocating the four MH pads near the entry and using more Open Space area for buffering the west perimeter.

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 had been voiced. The Applicant's Representative stated that they had not designed substandard streets or a bad project, but agreed to go back and add the things that are missing, and to get with the Town again to go over some of the other issues. The Applicant agreed to a postponement of Commission action for this purpose.

June 24, 2013: a newly revised Site Plan was submitted by Joe Cordovana, the current representative for the LaVacara Trust for the rezoning application. (See June 24, 2013 Site Plan)

June 25, 2013: Town Planning Consultant, Public Works Department Director and Deputy Development Services Department Director met with Joe Cordovana to discuss the revisions in

the new June 24, 2013 Site Plan. Town staff and consultant suggested alternative revisions to provide buffering and more compatibility with neighboring residents; Mr. Cordovana stated that he did not wish to make further changes.

The revisions shown on the June 24th Site Plan for the requested MHP-4 Rezone include:

1. An additional private roadway from the entry gate area of Parcel B at Rd 4N, running adjacent to the existing roadway to the Windmill House in Parcel A
2. Four visitor parking areas (approximately 40 spaces total) throughout the MH pad areas
3. An additional area for 62 parking spaces for boats and recreational vehicle storage to the north of the MH pad area
4. The deletion of the large Open Space tract along the west perimeter, south of Bumblebee Dr
5. The relocation of the proposed water storage tank to a track along the west perimeter south of Bumblebee Dr from its former location north of Bumblebee;
6. The resizing of pads # 1- 4 located along the west perimeter to 90'wide by 80'deep (7200sq ft) from 60'wide by 90' deep (5400sq ft)
7. Three additional MH pads (#24-26) added along the west boundary
8. The deletion of the Open Space tract formerly located at the northeast corner of the MH pad area; the relocation of MH pads # 71-74 into the interior from the outer east edge

July 2, 2013: Town staff was introduced to Clayton Homes, General Manager David Roe by Joe Cordovana. Mr. Roe had planned to present visuals of the Manufactured Home products for the JC Ranch MH 55+ Community at the July 16, 2013 Public Hearing, but is not able to attend.

FINDINGS:

1. The project location and request for MHP-4 zoning district comply with the Medium Density Residential designation of Future Land Use Map of the adopted 2003 General Plan, 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."
2. While the rezoning request complies with the General Plan Future Land Use designation, there is a question of compatibility of intensities of land uses. The General Plan addresses the qualities of intensity of land use in the Land Use Element, as follows:

*"**Intensity** is defined as the degree or amount of some characteristic quality or condition. Intensity is the measure of activities and/or effect of physical conditions including: Traffic Generation, Noise Levels, Compatibility of Use, Density, Access, Size, Bulk, and Scale of Buildings and Structures, Parking Requirements, Outdoor Lighting, Time of Use"*

3. The adopted 2003 General Plan contains Goals and Policies specific to Land Uses; pertinent to the rezoning request is the following:

GOAL LU-1: *Preserve the stability and diversity of the town's existing neighborhoods while allowing for increased density for infill purposes.*

POLICIES:

LU-1.3 *Assure that new densities requested are in conformance with the Future Land Use map designations.*

LU-1.4 *Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood.*

RECOMMENDATIONS

Over the past several months, Town staff met with representatives of La Vacara Trust regarding the proposed site plan and requested rezoning. It was felt that the Applicant was attempting to modify the site plan design to better mitigate impacts on neighboring residential properties. This was evident in the changes to the site plan made after the Neighborhood Meeting conducted on June 5, 2013. The Applicant submitted a modified Site Plan (June 7, 2013) for the Planning Commission's June 18, 2013 Public Hearing, depicting the addition of a large Open Space tract adjacent to the west boundary south of Bumblebee Dr, the relocation of the water storage tank to a tract north of Bumblebee and the reduction of the number of MH pads along the west boundary.

After receiving much input from the neighborhood at the June 18, 2013 Public Hearing, the Planning Commission provided suggestions for further redesign of the site plan to achieve more compatibility with the existing neighborhood. The Applicant agreed with the Commission's postponement to the July 16th Public Hearing to provide time to consider the suggestions.

The Applicant's latest Site Plan submitted on June 24, 2013, however, does not appear to comply with the Commission's suggestions for achieving more compatibility since it reflects less Open Space and more MH pads along the western boundary than that of the Site Plan presented at the June 18th Public Hearing:

- There is no additional Open Space landscape area running along the west boundary
- The large Open Space tract south of Bumblebee Dr has been deleted; in its place is a smaller tract reserved for the location of a water storage tank
- The area between the entry and Bumblebee Dr still contains four MH pads that are located 15 ft from the west boundary
- MH pads #1, 2, 3, and 4 have been enlarged from 5400 sq ft to 7200 sq ft, but the pad depths from east to west have been reduced from 90' to 80'
- There are three additional MH pads along the west boundary

At the June 25th meeting with Staff, the Applicant asserted that the neighboring properties have residential land uses and that this proposed land use is also residential. While the proposed MHP-4 zone is residential and is in compliance with the General Plan Goal Policy LU-1.3, Staff finds that it is not in compliance with the General Plan Goal Policy LU-1.4 because its intensity is not "consistent with that of the immediate neighborhood".

The MHP site plan is much more intense than the surrounding neighborhood based on the MH pads being closely clustered into approximately 15-20% of the site, primarily located in the western portion. If the MH pads were spread over more of the site and further from the west boundary, it would lessen the intensity and buffer the adjacent residential neighborhood.

Based on the above discussion and finding that the intensity of land use in the latest submitted MHP-4 Site Plan (June 24, 2013) is not consistent with that of the immediate neighborhood and that the land use plan has not been designed for compatibility with the existing neighborhood, Staff cannot recommend approval of this rezoning request.

Attachments:

June 18, 2013 Public Hearing Staff Report (with June 7, 2013 Site Plan)
June 24, 2013 Revised Site Plan for July 16, 2013 Public Hearing

EXHIBIT “A”

STAFF REPORT DATED JUNE 18, 2013

SITE PLAN DATED JUNE 7, 2013



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)

EXHIBIT “B”

**REVISED SITE PLAN DATED JUNE 24,
2013**

