

TOWN OF CHINO VALLEY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
Chino Valley South Campus
202 N. State Route 89
July 16, 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
Michael Edmonds, Commissioner
Robert McCaullay, Commissioner

Staff Absent: Florence Sloan, Commissioner
Jack Owen, Commissioner

Staff Present: Dennis Price, 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.

Vice Chair Miner MOVED, seconded by Commissioner Merritt to approve the regular meeting minutes of May 21, 2013.
MOTION CARRIED 5-0

For consideration, discussion, and possible action regarding the regular meeting minutes of June 18, 2013.

Commissioner Merritt MOVED, seconded by Vice Chair Miner to approve the regular meeting minutes of June 18, 2013.
MOTION CARRIED 4-0 Vice Chair Miner Abstained

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 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.

Dennis Price gave a brief overview of the request to change the zoning for this property from CL to CH for the purpose of offering vehicle towing and storage in addition to the current business. A neighborhood meeting was held on June 26, 2013 with the applicant, owner, staff member, and one property owner in attendance. The request is consistent with the General Plan and the land designation of commercial and will not be detrimental to the health, safety, and general welfare to the residents of the Town of Chino Valley, therefore staff recommends approval of this request with the findings and stipulations as noted in the staff report.

Chris Kottke, representative asked the Commission to recommend approval for this request so that the owner can provide a quality towing service to the current business.

Commissioner McCaullay asked staff why there was no request for landscaping.

Mr. Price responded that landscaping is not a requirement for a request to change the zoning. Because there are no improvements proposed to the building, which is what triggers the landscaping requirement, landscaping is not required.

Commissioner McCaullay asked if landscaping is required for commercial.

Mr. Price stated that landscaping is required for new commercial construction.

Vice Chair Miner commented that he noticed there was screening in the front, but not around the property. One of the stipulations has screening as a requirement and wanted to know if that would be in place prior to vehicles being brought in for storage because he noticed there was a vehicle already there.

Mr. Price indicated that the screening will need to be in place because the code states that the vehicles shall not be seen from adjoining properties. If the requirements of the zone change are not met than the Town Code Enforcement will look into the matter.

Mr. Kottke stated they would comply with the screening requirement.
Commissioner Merritt asked about the requirement for a dust free driving surface.

Mr. Price stated that the UDO requires a dust free surface and that compacted gravel is currently in place on the property, and that is all that is required.

Chairperson Rowitsch opened and closed the public portion of the meeting with no comments heard.

Vice Chair Miner MOVED, seconded by Commissioner Merritt, to recommend to the Town Council approval of the zone change of Assessor Parcel Number 306-23-021X from Commercial Light (CL) to Commercial Heavy (CH) with the findings and stipulations as noted in the staff report. MOTION CARRIED: 5-0

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.

Dennis Price gave a brief overview of the request to change the zoning on this property from AR-4 to SR-1 for the purpose of increasing the marketability of the parcels. Each parcel will offer potential buyers the opportunity to split the property; however Mr. Messenger must sell the property before any new lots can be created. A neighborhood meeting was held July 13, 2013 with 3 neighbors; a potential purchaser, property owner, and a staff member were present. The request is consistent with the General Plan and the land designation of Medium Density Residential 2 Acres or less, will not be detrimental to the health, safety, and general welfare to the residents of the Town of Chino Valley, therefore staff recommends approval of this request with the findings and stipulations as noted in the staff report.

Mr. Messenger stated that he did not have anything to add and felt that staff covered the request appropriately.

Commissioner McCaullay asked Mr. Messenger if he planned to build homes on the property.

Mr. Messenger stated he was not planning to build homes.

Chairperson Rowitsch opened and closed the public portion of the meeting with no comments heard.

Vice Chair Miner MOVED, seconded by Commissioner Merritt to recommend to the Town Council approval of the zone change of Assessor's Parcel Number 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) with the findings and stipulations as noted in the staff report. MOTION CARRIED: 5-0

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)

Dava Hoffman gave a brief overview of the location of the property and the history of the prior public hearing that was held on June 18, 2013. She stated that at the last meeting the Commissioners found that the zone change was in compliance with the General Plan Medium Density Residential, but also noted that compatibility with the neighbors had to be considered. The site plan showed 4 manufactured home pads near the entry and Commission felt those needed to be relocated, as well as the addition of open space along the western perimeter as ways to buffer the MHP from the existing neighborhood. Commission and the Applicant agreed to postpone the hearing to give the Applicant time to meet with staff to address these issues. Mike Cordovana, Owner/Applicant's representative agreed to this request.

Mr. Joe Cordovana, current Owner/Applicant representative, submitted a new site plan and met with staff who suggested alternative revisions to provide more buffering and compatibility with neighboring residents. Mr. Cordovana stated he did not wish to make further changes.

Ms. Hoffman showed the three different site plans that have been submitted and the differences between them, re: water tanks, open spaces, MH pad areas, RV and boat storage parking, guest parking and access road. In comparing the original Site Plan presented at the Neighborhood meeting with the second Site Plan, it appeared as if the Applicant was working with the neighborhood to provide some buffering techniques along the west line with a large open space tract and a reduction in the number of MH pads at the west perimeter. Commission had reviewed the second site plan last month and felt there was still a need for more buffering along the west property line. Commission had suggested relocating the 4 pads that are near the entry on the west property line. In contrast, the current, third site plan shows the water storage tanks are relocated just south of the Bumblebee area replacing the large open space tract. There is a larger, elongated tract near the entrance gate; the 4 pads along the west property line remain within 15 feet of the property line and have been enlarged to 7200 sq. ft. from 5400 sq. ft. with the

remaining lots still at 5400 sq. ft. and there have been 3 more of the MH pads added to the west boundary line. Other additions include visitor parking, RV and boat storage, and an additional roadway from the entrance providing direct access into the MHP instead of using the road for the Windmill House on Parcel A.

Ms. Hoffman commented that this property is in the Medium Density Designation and this request does meet that criteria, but the General Plan also talks about the intensity of uses which can include traffic generation, noise levels, and compatibility of uses, density, access, size, bulk and scale of buildings, parking, outdoor lighting, and time of use. The General Plan also has goals and policies and the first goal of the Land Use Element is to preserve the stability and diversity of the Town's existing neighborhoods while allowing for increased density for in-fill purposes. Policy 1.3 states that to ensure that densities that are requested are in conformance with the Future Land Use Map Designations. Policy 1.4 is to ensure that the type and intensity of land use shall be consistent with that of the immediate neighborhood.

Ms. Hoffman stated that when a request is submitted staff looks to the General Plan for comparison and guidance in analysis of the site plan that has been submitted. This current (third) site plan has less open space and more MH pads along the western perimeter than the site plan previously reviewed by the Commission. There is no additional open space on the western side, the large open space tract has been deleted with a smaller track to take its place containing water storage tank, and the area between the entry and Bumblebee still contains 4 MH pads that are located 15 feet from the west boundary. These same pads have been enlarged but have been reduced in depth from 90 to 80 feet, and 3 additional pads have been located along the west boundary. Based on this, staff cannot recommend approval of this zone change request because the intensity of the land use is not consistent with that of the immediate neighborhood, and is not designed with compatibility of the existing neighborhood.

Chairperson Rowitsch commented that the issue of access has not been addressed and asked if the applicant has submitted any type of traffic analysis to determine the impacts to Bumblebee. Ms. Hoffman stated they have not.

Commissioner Edmonds stated this is not a land locked parcel with access to 4 ½ North and wondered why the encroachment on private property on Bumblebee. Ms. Hoffman stated that Bumblebee is a public road and access is permitted. Commissioner Edmonds asked if they have to go over private property to access it. Ms. Hoffman stated that it abuts the property.

Commissioner McCaullay stated that roads need maneuverability and didn't think that would be possible with large manufactured homes. Ms. Hoffman stated the zoning code stipulates the size and width of roadway and this does meet code.

Chairperson Rowitsch opened the public portion of the meeting.

Joe Cordovana, Owner/Applicant's representative, stated that Dava and the staff have done a wonderful job and thanked everyone but does not look at the plan. He stated he wanted to comply with state and local laws, whatever he needs to do.

Chairperson Rowitsch commented that staff is recommending denial of this zone change because at the last meeting it was discussed the need to lessen the effects of your development on the adjoining properties, specifically those to the west, and more specifically the first 4 or 5 lots when coming into the site. Because these lots are still shown of the site plan Commission has concerns that those lots are too close to the large lot developments next to them. Commission thought the impact to those large lots was too great so the Commission requested that you consider moving those lots somewhere else within the project, yet that is not seen to have been done on the current site plan and asked Mr. Cordovana why those lots are still there and how he intends to mitigate the impact that the Commission believes this will have on the adjoining lots, which the Commission feels is in conflict with the General Plan.

Mr. Cordovana stated he didn't see a problem with leaving them the way they are because it is residential housing next door and he is doing residential housing. He will comply with the Town's requirement of a 15 foot setback on the west side and whatever is needed on the south side. He could not see leaving 5 acres of land empty to accommodate just a couple of people when he has to pay taxes on every inch of it.

Chairperson Rowitsch commented there was a considerable amount of open space on this project and believed that what is being said is that when there are 4 manufactured houses next to one neighboring home, then it is 4 times the intensity to that of the neighbor. This is why staff is stating that this is not consistent to the General Plan.

Mr. Cordovana stated he cannot leave 5 acres empty; it is not feasible because it is too much to maintain.

Commissioner Edmonds asked about the right of way and giving himself an easement.

Mr. Cordovana indicated that they had changed the roadway and it is now on parcel B.

Chairperson Rowitsch opened the public portion of the meeting again.

Several residents spoke and had the following concerns:

- Pad sizes, minimum requirements for each Mobile Home
- Minimum Park Frontage of 100 feet
- Mobile Homes not meeting setbacks

- Two story Mobile Homes
- Minimum landscaping requirements
- Increased flooding
- Encroachment to the properties along the west boundary
- Noise, lighting, traffic
- Decrease in property value
- Decrease to neighboring wells
- Property address is on 4 ½ North and why that isn't the main entrance
- Fire concerns due to high density
- Will Open Space remain Open Space forever?
- Why MHP-4 Zoning instead of SR-1 or similar
- Not enough of a buffer from neighboring residents
- Intensity of use

Residents didn't feel there is a market for more 55+ Mobile Housing due to the fact that Country West MH Park has vacant lots that cannot be filled. There are no amenities for the residents of this community. They are concerned that this is just phase one of a bigger project in the future. Concerns that a development such as this will not be successful because of the property owner's track record of not being able to sustain businesses. There was a feeling that the demographics in the area have changed and that mobile homes are in low demand.

Chairperson Rowitsch closed the public portion of the meeting.

Commissioner Merritt commented that it didn't appear to him that any progress had been made to make this project more compatible with the neighborhood. He felt that access was still an issue.

Commissioner Edmonds concurred with Commissioner Merritt's statement and felt that the project was overly crowded, needed additional buffering, the pads should be a minimum of 7200 sq. ft, and agreed with the recommendation given by staff.

Vice Chair Miner stated that after listening to all the comments, this Commission is tasked with considering a lot of things, but some of the things that have been mentioned do not go into the Commissions decisions. The main issue is that the applicant did not take the Commission's suggestions from the last meeting into consideration, instead have done a reversal and felt that more work needed to be done.

Commissioner McCaullay agreed that he felt the plan has gone backwards and thought the development should utilize the entire 60 acres. This would provide more flexibility and maneuverability. He was also concerned with the dangers the pond may pose, and agreed with the staff's recommendation.

Chairperson Rowitsch stated she would explain the rationale behind what her vote will be so that everyone understands. The Commission is charged with enforcing the land development code and General Plan, which was adopted by the citizens. When looking at these types of request she consults the General Plan and looks to see if a request is compatible. In some ways this request is compatible with the General Plan, re: Medium Density Residential Zoning is compatible for this area. However the things that staff has brought forward in tonight's discussion and the site plan; the way the project is laid out is not compatible with the immediate surrounding neighborhood. She felt the applicant has an opportunity to modify the site plan to make it consistent with the General Plan, but she didn't believe he addressed the issue Commission brought up at the last meeting regarding the affects this high density would have on the immediate adjacent neighbors. She felt staff was absolutely on track, and the latest site plan presented is not consistent with the General Plan. The impact to the neighbors would be things such as four times the traffic level, excessive light and noise. This project would be much closer to the neighbors, than the neighbors are to each other. These neighbors are on 2 to 5 acre parcels leaving a considerable distance from each other, so their impacts to each other are considerable less than what this plan would be to them. For this reason she didn't feel the applicant had met the requirement to have a compatible intensity of use on this particular project due to the way it is laid out. She thought that some of the comments that were made had more to do with subdivision rules rather than mobile home parks. Subdivision lots have to be a specific size and other types of rules than that of a mobile home park. Mobile Home Parks generally have homes very close together, open space that can be a common area for everyone, and just because it is left open and natural does not mean that isn't something that would be desirable by the people who live in that park. The way that this project is laid out results in impacts that are too great to the neighbors to the west, and if the applicant would consider changing the site plan so that those impacts were less she might go for the project because she felt it could be a good project. She stated her vote would not be in favor at this time.

Commissioner Merritt thought that Mr. Cordovana might consider all these comments if he has a desire to move forward with this project.

Mr. Cordovana stated that these are different from a regular house with 3-4 car garages, these will be for 1-2 people at 55+ and he didn't understand some of the comments when this project is just like Country West MH Park. These homes would not be two story but single homes.

Vice Chair Miner MOVED, seconded by Commissioner Merritt to recommend to the Town Council denial of the zone change of Assessor's Parcel Number 306-05-030X from AR-5 Agricultural Residential 5 Acre Minimum (AR-5) to (MHP- 4) Mobile/Manufactured Home Park (4 Acre Minimum) for the reasons stated above.

MOTION CARRIED: 5-0

7. PUBLIC COMMENTS:

Ronald Maines asked about communications with Commission members. He stated that Council members have email address that the public can use to communicate with them. Currently if a citizen wishes to communicate with Commission members it must be submitted to Development Services and forwarded to them. He asked if it was possible for the Commission to have email available to citizens.

Chairperson Rowitsch stated that Commission would pass that on to staff and let them determine what is permitted.

8. ADJOURN: 7:15 p.m.

Chairperson

Date: