

TOWN OF CHINO VALLEY
PLANNING AND ZONING COMMISSION
Regular Meeting Minutes
Chino Valley South Campus
202 N. State Route 89
September 4, 2012
6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL

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

Members Present: Phil Rice, Chairperson
Charles Merritt, Commissioner
Gwen Rowitsch, Commissioner
Michael Edmonds, Commissioner

Members Absent: Florence Sloan, Commissioner
Garland Miner, Vice Chairperson
Jack Owen, Commissioner

Staff Present: David Nicolella, Associate Planner
Robert Smith, Town Manager,
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 August 7, 2012.

Commissioner Merritt MOVED, seconded by Commissioner Edmonds to approve the regular meeting minutes of August 7, 2012.

MOTION CARRIED 4-0

5. STAFF REPORT: None

6. DISCUSSION ITEM:

6A: SPR Case No. 12-003, request: the property owner is requesting relief from section 4.22.4 parking design standards in the Unified Development Ordinance (UDO). The Town Engineer is requiring a chip seal surface for the primary traffic lanes and parking areas. The property owner is requesting the Commission forward a recommendation to Council suggesting that the existing surface is adequate. The existing surface consists of crushed block and is the same material as the Town's Durham Drive right of way. Durham Drive is adjacent to the subject site.

David Nicolella, Associate Planner gave a brief overview of the request for this site plan showing the location of the property, access, and the history associated with this property including the zone change that took place recently which will be going to Council on September 11, 2012. If approved the owner will have the authority to use the property as a Contractors Yard. The applicant is requesting that the paving requirement be waived due to the condition of Durham Drive and because they do not plan to construct a building at this time.

The Unified Development Ordinance (UDO) states that when a site is to be developed for commercial purposes that does not include a building the primary traffic lanes and required parking shall be surfaced in a manner that is approved by the Town Engineer. The Town Engineer has a baseline standard of chip seal; however in this particular situation staff is in support of waiving the chip seal requirement. One of the primary reasons for the recommendation is due to the condition of Durham Drive, if mud is picked up off of Durham Drive and taken onto a chip seal site that could damage the chip seal, also this requirement waiver would expire when the owner proposed to construct a building on the site.

Chairman Rice asked if there was a provision for the applicant to contribute to chip seal along the roadway.

Mr. Nicolella indicated there was no enforcement mechanism for offsite improvements.

Chairman Rice asked if chip seal or paving would be required at a later date if the owner begins to develop the property.

Mr. Nicolella stated that when the owner proposes to develop the property, they will then be required to follow paving requirements.

Commissioner Rowitsch commented that the property next door has a paved entrance.

Mr. Nicolella stated that it appeared they did this because their parking is lower and they may have done that to help with water flow. He was confident that the paving was not a Town requirement.

Commission Rowitsch asked that when a building is built then the owner will be required to pave the entrance and parking.

Mr. Nicolella stated that was correct, if the property owner wants, they could come to the Commission with another request to waive that requirement.

Commissioner Edmonds commented he thought that concrete apron on the property next door might just be there to accommodate the electric gate.

Commissioner Rowitsch asked for clarification as to whether or not the Town Engineer is comfortable with waiving this requirement.

Mr. Nicolella stated that the Town Engineer is holding that chip seal is the minimum requirement; however in this circumstance, he agreed to this waiver because of the poor condition of Durham Drive.

Commissioner Merritt commented he did a site visit and could not see any difference between the property and the Town's right of way and didn't feel it would be right to request the applicant to do something that the Town hasn't done themselves.

Chairman Rice asked if the property owner had any comments. No comments heard.

Commissioner Rowitsch MOVED, seconded by Commissioner Merritt to recommend to the Town Council approval of the request to waive the paving requirement for Case No SPR 12-003.

MOTION CARRIED: 4-0

7. PUBLIC HEARING: Chairman Rice opened the public hearing.

7A: For consideration, discussion, and possible recommendation to the Town Council regarding the violation, sanctions, and enforcement of the Conditional Use Permit (CUP) for the Windmill House. The Planning and Zoning Commission ("Commission") Public Hearing is requested because the Zoning Administrator (ZA) determined that an event that occurred at the Windmill House on May 19, 2012, the "Springfest" event, was in violation of the CUP approved with Ordinance No. 11-754. The Windmill House is located at 1460 W. Road 4 North and the CUP was approved on November 8, 2011, with Ordinance No. 11-754, and is described as APN: 306-05-030W and a portion of 306-05-030X.

Mr. Nicolella gave a brief presentation of the history of the property and the reason for this hearing. He also mentioned that the property was split and staff has asked the owner to supply our office with a legal description or site plan to clarify where the property lines are and the setbacks for the current building, and the location of the septic tank. However this split did not affect the standing CUP approved through Ordinance No. 11-754. The Commission requested staff to obtain more information and work with the property owner, potential tenants and neighbors to develop new criteria for the CUP approved, but that did not occur. The reason for this is because the Commission also asked for the paperwork for the right of way (ROW) dedication, because the requirement for ROW has not been completed as part of the CUP requirements. Staff has been in contact with Mr. Cordovana and Mr. Cordovana stated he is willing to dedicate right of way when the Town processes a new

rezone application and ensure that he receives approval of the new rezone. Mr. Cordovana was informed that staff could not do that, and the obligation for the right of way was from the prior approval of the CUP, and in order for him to move forward he needed to get that paperwork to us. Mr. Cordovana stated he was not willing to do that. Staff sent a certified letter to Mr. Cordovana for him to sign which reiterated that the Town understands that he was not going to conform to that right of way requirement. Mr. Cordovana stated he threw that letter away. Staff has determined that Mr. Cordovana has no intention of complying with the ordinance governing his CUP and for that reason staff is recommending that the Commission forward a recommendation to Council to revoke the CUP. When the CUP is revoked it will also take away the dedication requirement and if the owner wishes to proceed with a new rezone the Town would then follow normal protocols which would most likely contain the same right of way requirement. The Commission's recommendation can go to the Council as early as September 25, 2012 and staff would notify Mr. Cordovana by certified mail of that hearing. Final determination of this CUP will be at the discretion of the Town Council.

This decision to recommend the CUP be revoked has come after Town Staff has exhausted all of their efforts in working with Mr. Cordovana.

Commissioner Merritt asked if other property owners along that roadway would have to comply with right of way requirements also.

Mr. Nicolella indicated that the Town can ask for a right of way dedication when a property owner requests a zone change or a CUP process. He also commented that a traffic study was done in 2007 and the results were that the Town's right of way was inadequate and the Town needed to step up its requirements.

Commissioner Rowitsch asked if the right of way was the only stipulation that the owner did not comply with.

Mr. Nicolella indicated that was correct; however there were other requirements of the CUP that are managed with code enforcement mechanisms. The prior manager of the business at the Windmill House is no longer operational so a new business would need to acquire a business license to operate. Staff has notified Mr. Cordovana that a new business license could not be approved until the right of way requirement of the condition of the CUP is complied with.

Commissioner Rowitsch asked if there have been other activities at the property since the Springfest event.

Mr. Nicolella indicated there has not been any other business operating from the Windmill House, and Mr. Cordovana has signs on the property indicating that the Windmill House is closed.

Chairman Rice opened for public comments.

Marti Klein, resident asked if there was a requirement for a site plan in addition to the right of way requirement.

Gary Grindstaff commented that Mr. Cordovana's block wall is right up to the right of way and the rest of the residence put their fences back 25 feet. He thought Joe had plans for a trailer court type development.

Chairman Rice closed the public portion.

Mr. Nicolella stated that in the August 7, 2012 staff report there was a requirement for a new Site Plan that would reflect the new parcel that was created; however the right of way dedication is the Ordinance 11-754 and that is what is in violation, not the Site Plan. If Mr. Cordovana had supplied the right of way but not the site plan, staff would not have moved forward with a recommendation to revoke the CUP. The site plan is important but the right of way violation supersedes that. Mr. Nicolella indicated that if the CUP is revoked the property would only allow what is available in the AR-5 zoning districts, which could be homes on 5 acre lots. If he wants more than that he would need to apply for different zoning or a PAD.

Commissioner Rowitsch asked if Commission recommends revoking the CUP and the Council upholds that recommendation, does that mean the only uses permitted on this parcel is what is permitted in the AR-5 zoning? Effectively the Windmill House would be closed until such time that the owner applied for a new CUP and or successful rezone.

Mr. Nicolella indicated that was correct.

Commissioner Merritt commented that the property would be starting over with a clean slate, and any new development there would need to come back to the Commission.

Mr. Nicolella indicated that was correct.

Commissioner Rowitsch MOVED, seconded by Commissioner Merritt to recommend to the Town Council that the CUP under Ordinance 11-754 be revoked as noted in the staff report.
MOTION CARRIED: 4-0

8. PUBLIC COMMENTS: None

9. ADJOURN: 6:50 p.m.

Phil Rice Chairperson

Date: