

1. Planning And Zonning - Agenda

Documents: [11_3_15 PZ_RG_AG.PDF](#)

1.1. Planning And Zoning Agenda Packet 11/3/15

Documents: [AGENDAPACKET__11-03-15.PDF](#)

2. November 3, 2015 - Planning & Zoning Commission - Action Taken

Documents: [2015_11_3_PZ_RG_AT.PDF](#)



Town of Chino Valley
MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
November 3, 2015
6:00 P.M.

Council Chambers
202 N. State Route 89
Chino Valley, Arizona

AGENDA

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES**
 - a. Consideration and possible action to approve the September 15, 2015 special meeting minutes.
- 5. STAFF REPORTS**
- 6. PUBLIC HEARING**
 - a. Consideration and possible action to amend Chapter 3, Zoning Districts and Chapter 4, General Regulations as they relate to agribusinesses.
 - b. Consideration and possible action to hold a public hearing and make a recommendation to Town Council regarding the rezoning of Yavapai County Assessor's parcel 306-17-001H, consisting of approximately 2.5 acres, located at approximately 2879 Arizona Trail, Section 11, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona from Industrial (I) to Commercial Light (CL) zoning district. (Applicant: Gary and Amanda Denny) (James Gardner, Planner).
 - c. Consideration and possible action to:
 1. Hold a Citizen Review Meeting on proposed amendments to the text of the Unified Development Ordinance ("UDO") regarding adopting additional limitations on Medical Marijuana land uses in the Town of Chino Valley, including medical marijuana dispensaries, off-site cultivation facilities, and infusion facilities; and
 2. Hold a public hearing on the proposed amendments; and
 3. Continue the item to a Special Meeting on November 17, 2015 to hold an additional public hearing to provide citizens with another opportunity to provide comments regarding the proposed amendments.

- d. Consideration and possible action to rezone approximately 16.25 acres generally located at 1460 West Road 4 North/APN 306-05-031N from AR-5 (Agricultural/Residential 5 acre minimum) to MR-PAD (Multifamily Residential Planned Area Development) and CL-PAD (Commercial Light Planned Area Development).

7. NON-PUBLIC HEARING ACTION ITEMS

8. DISCUSSION ITEMS

9. PUBLIC COMMENTS

10. ADJOURN

Dated this 29th day of October, 2015.

By: Ruth Mayday, Development Services Director

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) or use 711 (Telecommunications Arizona Relay Service) to request an accommodation to participate in this meeting.

In accordance with Chapter 3, Title 38, Section 38-431.02 Arizona Revised Statutes, public notice is hereby given that four (4) or more members of the Mayor and Town Council may be present at this meeting.



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P&Z Commission Regular

4. a.

Meeting Date: 11/03/2015

Consideration and possible action to approve 9-15-15 special meeting minutes.

CASE DESCRIPTION:

Consideration and possible action to approve the September 15, 2015 special meeting minutes.

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number:.....
4. Site Area:.....
5. Existing zoning:.....
6. Intended Use:.....

ANALYSIS:

RECOMMENDATION

Attachments

September 15, 2015 Special Meeting Minutes

DRAFT

MINUTES OF THE SPECIAL PLANNING AND ZONING MEETING OF THE TOWN OF CHINO VALLEY

September 15, 2015
6:00 P.M.

The Planning and Zoning Commission of the Town of Chino Valley, Arizona, met for a Special Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona.

1) CALL TO ORDER

Vice-Chair Merritt called the meeting to order at 6:00 p.m.

2) PLEDGE OF ALLEGIANCE

Commissioner Pasciak led the Pledge of Allegiance.

3) ROLL CALL

Present: Commissioner Gary Pasciak; Commissioner Annie Lane; Vice-Chair Chuck Merritt;
Commissioner Florence Sloan; Commissioner Claude Baker

Absent: Chair Gwen Rowitsch

Staff Development Services Director Ruth Mayday; Associate Planner James Gardner;

Present: Town Clerk Assistant Amy Lansa (recorder)

4) MINUTES

- a) Consideration and possible action to approve the June 2, 2015 regular meeting minutes.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner Florence Sloan approve the June 2, 2015 minutes.

Vote: 5 - 0 PASSED - Unanimously

6) STAFF REPORTS

Director Mayday introduced newly appointed Commissioners Annie Lane and Claude Baker. Commissioner Michael Bacon, was also appointed by Town Council but was unable to attend the meeting.

Director Mayday also introduced new Associate Planner, James Gardner.

7) PUBLIC HEARING

- a) Public hearing on request to rezone parcel 306-04-009J located at 206 W. Road 4 North, Chino Valley, Arizona, consisting of approximately 0.5 acres, from Commercial Light zoning district to Single Family Residential (0.16-acre minimum) zoning district to allow for residential development.

Associate Planner James Gardner presented information regarding the proposed rezoning.

- The subject parcel is currently used as a residence and has been marketed as residence.
- The property has previously been a retail irrigation supply and dance studio.
- Due to the current zoning it has been difficult to obtain funding for a residential loan.
- The current owner would like to list the parcel as a residential property so the buyer would be able to secure funding for a residence.
- The building layout would not change. Nothing on the parcel would change except the zoning.
- The General Plan lists the area as a community core. This area would be a future north mixed-used hub including both residential and commercial uses. The residential use is in compliance with the General Plan. The mixed use hub is slated beyond the 10-year horizon in the current General Plan.
- Staff recommends the commission forward a recommendation of approval to the Town for proposed zone change given its conformity with the General Plan and the fact that it would leave the amount of commercial land in Town the same given that its current use is residential.
- Bruce Day, representing the owner of the property, Gang Management, LLC, stated that he hoped the commission passed the rezoning that has been recommended.
- Commissioner Baker asked if the only reason for the rezone was to ease the financial issues and whether a Conditional Use Permit (CUP) could accomplish the same thing.
- Planner Gardner responded that the property had been listed for three (3) years as a residence but nobody could secure funding to buy the residence.
- It has been difficult to secure funding through a bank given a conditional approval. Many banks do not want to lend on something that is under a CUP if for any reason the Town removes that approval.
- The slated time frame for that area becoming a commercial core is beyond 10 years. In the future it is possible that the area could be rezoned to commercial if appropriate for that area.
- The properties to the west are all residential properties.
- Director Mayday clarified that the closest infrastructure for that end of town for water and sewer is at Road 2 North. Commercial development in that area is still some time away.

Vice-Chair Merritt opened the public hearing at 6:10 pm.

- Christine Taunt, proposed buyer, researched funding and found that other options were not doable. The only thing that made sense was to rezone the property.
- Proposed buyer, Richard Taunt, stated that they presently live in Bouse and wanted to move to milder climate. This place is perfect for what they want. He doubted they will cause any problems for anyone. There is a restaurant next to the property and the rest of the area is residential. The property has been on the open market for 3 years and banks will not finance except for a commercial loan.

Vice-Chair Merritt closed public hearing at 6:14 pm.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner Claude Baker to recommend that a public hearing be held and forward the application to Town Council with the recommendation of approval.

Vote: 5 - 0 PASSED - Unanimously

8) NON-PUBLIC HEARING ACTION ITEMS

There were no non-public hearing action items.

9) DISCUSSION ITEMS

There were no discussion items.

10) PUBLIC COMMENTS

There were no public comments.

11) ADJOURN

MOVED by Commissioner Florence Sloan, seconded by Commissioner Gary Pasciak to adjourn at 6:16 p.m.

Vote: 5 - 0 PASSED - Unanimously

Chair Gwen Rowitsch

Date

P&Z Commission Regular

6. a.

Meeting Date: 11/03/2015

Agribusiness Text Amendments

CASE DESCRIPTION:

Consideration and possible action to amend Chapter 3, Zoning Districts and Chapter 4, General Regulations as they relate to agribusinesses.

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number:.....
4. Site Area:.....
5. Existing zoning:.....
6. Intended Use:.....

ANALYSIS:

Based on feedback received from owners of Agri-businesses and citizens at large, staff considered amending certain portions of Chapter 3, Zoning Districts and Chapter 4, General Regulations. A roundtable meeting was held on October 26, 2015 at 6:00 pm. in the Council Chambers; one (1) member of the public appeared. Rather than proceed with little input from the Agri-business community, staff recommends tabling this item for future consideration.

RECOMMENDATION

Given the limited public participation at this point in time, staff recommends tabling this item for future consideration.

P&Z Commission Regular

6. b.

Meeting Date: 11/03/2015

El Charro Rezone

CASE DESCRIPTION:

Consideration and possible action to hold a public hearing and make a recommendation to Town Council regarding the rezoning of Yavapai County Assessor's parcel 306-17-001H, consisting of approximately 2.5 acres, located at approximately 2879 Arizona Trail, Section 11, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona from Industrial (I) to Commercial Light (CL) zoning district. (Applicant: Gary and Amanda Denny) (James Gardner, Planner).

LOCATION:

2879 Arizona Trail, Chino Valley, Arizona 86323 APN 306-17-001H

FACTS:

1. Applicant:.....Gary Denny
2. Owner:.....Transland LLC
3. Parcel Number.....306-17-001H
4. Site Area.....approx. 2.5 acres
5. Existing zoning:.....Industrial (I)
6. Requested zoning.....Commercial Light (CL)
7. Intended Use.....Restaurant (pre-existing use)

ANALYSIS:

The purpose of this request is to rezone subject parcel 306-17-001H, consisting of approximately 2.5 acres. The property is located at approximately 2879 Arizona Trail. Surrounding uses include residential (SR-1) to the west, and Industrial (I) to the south, east and north.

The property is zoned Industrial (I) and the applicant would like to rezone to Commercial Light (CL). The applicant is interested in rezoning the property to CL so that they can add a 400 square foot expansion to the existing restaurant building. The restaurant and addition will be used as a restaurant building by El Charro. The current zoning classification assigned to the property is Industrial, which is incompatible with the surrounding residential uses, for example, it is possible for an automotive manufacturing plant, a gravel pit, a slaughterhouse, or even an oil refinery, to be built on the property under current zoning. The rezoning of this property will serve to bring the zoning into line with the actual use of the property and will serve as a buffer from the more intensive industrial uses which are currently allowed by-right on the property.

The rezoning request will be in general conformance with the Town of Chino Valley's 2014 General Plan. The future land use map identifies this area as commercial/floodplain/greenway corridors/aggregate areas. This request conforms with the commercial portion of that land use designation. This request also serves to satisfy Land Use Goal "Focus on Development of Community Cores and on Lifestyle Choices in Land Use" Target Strategy 3, which is to avoid proximity of incompatible land uses.

The request to rezone 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. The request to rezone is not in general conformance with the zoning classifications in the immediate area, however, may be a more appropriate zoning classification than the existing Industrial (I) zoning, due to the lack of a zoning buffer between the residential neighborhood to the west and the existing industrial zone. Surrounding uses include: I and SR-1. This zone change will bring the existing use of restaurant into conformance, as it is currently a legal non-conforming use.

TECHNICAL REVIEW:

No technical review was required for this application.

SITE PLAN

See attached.

RECOMMENDATION

This request matches the existing use and is appropriate.

Staff recommends holding the public hearing and forwarding the application on to Town Council with the recommendation of approval.

Attachments

Ordinance 15-804

ORDINANCE NO. 15-804

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 2.5 ACRE(S) OF REAL PROPERTY GENERALLY LOCATED AT 2879 ARIZONA TRAIL, SECTION 11, TOWNSHIP 16N, RANGE 2W, FROM INDUSTRIAL (I) ZONING DISTRICT TO COMMERCIAL LIGHT (CL) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission, by a vote of [ADD VOTE OF MEMBERS PRESENT] recommends approval of the rezoning;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

1. The Change of Zoning and amendment to the Official Zoning Map is hereby approved for property consisting of approximately 2.5 acre(s), described in Exhibit A and as shown on the Zoning Exhibit (map) in Exhibit B, both attached hereto and incorporated herein by this reference, from Industrial (I) Zoning District to Commercial Light (CL) Zoning District.

2. The Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this ____ day of _____, 20__ by the following vote:

AYES:	_____	ABSENT:	_____
NAYS:	_____	ABSTAINED:	_____

APPROVED this ____ day of _____, 201__.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Curtis, Goodwin, Sullivan, Udall &
Schwab, PLC, Town Attorney

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. Zoning Exhibit (map)

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 20__, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 20__.

Jami C. Lewis, Town Clerk

Meeting Date: 11/03/2015

Amendments to UDO regarding Medical Marijuana

CASE DESCRIPTION:

Consideration and possible action to:

1. Hold a Citizen Review Meeting on proposed amendments to the text of the Unified Development Ordinance ("UDO") regarding adopting additional limitations on Medical Marijuana land uses in the Town of Chino Valley, including medical marijuana dispensaries, off-site cultivation facilities, and infusion facilities; and
2. Hold a public hearing on the proposed amendments; and
3. Continue the item to a Special Meeting on November 17, 2015 to hold an additional public hearing to provide citizens with another opportunity to provide comments regarding the proposed amendments.

ANALYSIS:

The purpose of this public hearing is to discuss proposed amendments to the Chino Valley Unified Development Ordinance (UDO) with regard to medical marijuana. The proposed changes within the UDO consist of changes to several sections, creating more restrictions upon the cultivation, infusion, and dispensing of medical marijuana.

The UDO currently allows for medical marijuana off-site cultivation and infusion facilities as a permitted use (a use that can be permitted administratively) in the following zoning districts: Commercial Light (CL), Commercial Heavy (CH), and Industrial (I); and as a conditional use (a use requiring a Conditional Use Permit), in the following zoning districts: Agricultural Residential, 36-acre minimum (AR 36), Agricultural Residential, 5-acre minimum (AR-5), and Agricultural Residential, 4-acre minimum (AR-4).

The UDO also currently allows for medical marijuana dispensaries as a permitted use in Commercial Light (CL), Commercial Heavy (CH), and Industrial (I) zones. Dispensaries, off-site cultivation facilities and infusion facilities are all required to maintain a 500' (five-hundred foot) buffer from any school, public or private; public parks, public buildings, or public community centers; any drug or alcohol rehabilitation facility or correctional transitional housing facility; and from any residential zoning district.

The proposed changes to the UDO are designed to further restrict the cultivation, infusion, and dispensing of medical marijuana, as directed by the Town Council at the October 27, 2015 Town Council meeting.

History

In November of 2010, the voters of the State of Arizona voted to approve Proposition 203, "The Medical Marijuana Act (AMMA) allowing the cultivation, infusion, and dispensing of medical marijuana within the State of Arizona. The AMMA authorizes municipalities to adopt reasonable zoning restrictions that regulate the manner and placement of registered dispensaries as well as associated infusion facilities and off-site cultivation facilities. The Arizona Department of Health Services adopted rules and Arizona Revised Statutes were amended to reflect the regulation of medical marijuana as authorized under the AMMA, and in response, The Town of Chino Valley began the process of adopting appropriate zoning ordinances to regulate medical marijuana within its corporate jurisdiction.

On April 5th, 2011, at the regularly scheduled Planning and Zoning Commission (P&Z) meeting, the Development Services Director, Pat Clingman, explained in a presentation that the Town needed to begin the process of establishing zoning districts for medical marijuana. Planning and Zoning Commission, after discussion voted 4-0 to recommend to the Town Council that amendments to the UDO be made to regulate medical marijuana.

At the May 10, 2011 Town Council meeting, Town Council voted to approve the proposed zoning restrictions and include a 500' buffer from churches. The voted was passed 5-0 with one council member voting in abstention.

At the behest of counsel and with input for the Police Department, the issue of medical marijuana was placed, once again, in front of P&Z Commission for consideration on March 20, 2012. The issue at hand was the required 500' buffer from churches as adopted on May 10, 2011. The Police Department stated that they believed the additional requirement of a buffer from churches would discourage dispensaries from locating with Chino Valley, which would allow for card-carrying users of medical marijuana to grow their own supply. CVPD pointed out that this posed a possibility of increased abuse and theft. The P&Z Commission voted 5-1 to abide by state regulations for dispensaries, and to allow medical marijuana dispensaries to operate in the Town solely under the State Law with no amendments to the UDO. The Town Council, on April 24, 2012, voted unanimously to follow the recommendation of P&Z.

On September 10, 2013, Town Council directed staff to research and draft medical marijuana regulations to further restrict the proliferation of medical marijuana-related facilities. Staff brought proposed regulations forward to a public hearing at P&Z on November 19, 2013, at which time, the current restrictions on medical marijuana (as referenced in the Summary section,

above), were put forth. The P&Z Commission voted to recommend adoption of Ordinance 13-779, attached herein, to the Town Council. At the regular Town Council meeting on December 10, 2013, Town Council voted unanimously to adopt Ordinance 13-779, declaring it an emergency measure, thereby putting it into effect immediately.

This ordinance is still in effect today, and recent developments have brought attention to the issue of medical marijuana, which prompted Town Council to hold a public hearing on October 27, 2015, where members of the public spoke directly to Council about their concerns regarding medical marijuana and the Town's regulations regarding medical marijuana facilities. After hearing public comment, Town Council directed staff to research and develop further restrictions on medical marijuana by amending the UDO. Those proposed amendments are outlined in attached Ordinance 15-806.

RECOMMENDATION

Staff recommends:

1. Holding the Citizen Review meeting; and
2. Holding the public hearing; and
3. Continuing the item to a special meeting on November 17th, 2015 where a second public hearing will be held to provide citizens with an additional opportunity to comment on the proposed amendments.

Attachments

Draft Ordinance

ORDINANCE NO. 15-806

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, AS FOLLOWS: (1) BY AMENDING CHAPTER 3 ZONING DISTRICTS, BY AMENDING SECTIONS 3.5.2 PERMITTED USES ("AR-36" – AGRICULTURAL/RESIDENTIAL (36 ACRE MINIMUM)), 3.5.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) ("AR-36" – AGRICULTURAL /RESIDENTIAL (36 ACRE MINIMUM)), 3.6.3 CONDITIONAL USES (CONDITIONAL USE PERMIT REQUIRED) ("AR-5" – AGRICULTURAL/RESIDENTIAL (5 ACRE MINIMUM)), 3.7.2 PERMITTED USES ("I" – INDUSTRIAL), 3.15.2 PERMITTED USES ("CL", COMMERCIAL LIGHT), 3.16.2 PERMITTED USES ("CH", COMMERCIAL HEAVY), TO DISALLOW MEDICAL MARIJUANA DISPENSARIES, CULTIVATION, AND INFUSION FACILITIES AS A CONDITIONAL OR PERMITTED USE; (2) TO AMEND 3.7.C CONDITIONAL USES ("I" – INDUSTRIAL) (3) AND BY AND AMENDING SECTION 4.31 MEDICAL MARIJUANA DISPENSARIES, OFF-SITE CULTIVATION SITES, AND INFUSION FACILITIES; RELATED TO REGULATING THE LOCATION OF MEDICAL MARIJUANA FACILITIES, INCLUDING SEPARATION REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, on November 2, 2010, the voters of Arizona approved Proposition 203, the "Arizona Medical Marijuana Act" (AMMA), codified in A.R.S §36-2801 *et seq.*; and

WHEREAS, the AMMA authorizes municipalities to adopt reasonable zoning restrictions that regulate the manner and placement of registered dispensaries as well as associated infusion facilities and cultivation sites to specific areas; and

WHEREAS, the Town of Chino Valley has relied upon the regulations promulgated by the State of Arizona, which have proved to be inadequate in regulating the manner and placement of medical marijuana cultivation sites, infusion facilities, and dispensaries; and

WHEREAS, The Town desires to minimize the impact that medical marijuana cultivation, infusion, and dispensing activities and facilities may have on the town, and provide for the orderly regulation thereof, as set forth in A.R.S. §9-462.01; and

WHEREAS, at its September 10, 2013 regular meeting, Town Council directed staff to further research regulation of the cultivation and dispensing of medical marijuana within the corporate boundaries of the Town of Chino Valley; and

WHEREAS, after proper notice in accordance with ARS 9-462.04, the Planning and Zoning Commission held a public hearing on November 19, 2013, during which the Commission took comment from the public and, after consideration and discussion, recommended approval of the ordinance to the Town Council; and

WHEREAS, the Town Council considered the recommendation of the Planning and Zoning Commission during its regular meeting on December 10, 2013 and adopted Ordinance No. 13-779; and

WHEREAS, after proper notice in accordance with ARS 9-462.04, the Planning and Zoning Commission held a public hearing on November 3, 2015, and again on November 17, 2015, during which the Commission took comment from the public and, after consideration and discussion, recommended approval of the ordinance to the Town Council; and

WHEREAS, The Town Council again finds that reasonable regulations related to the location and operation of medical marijuana facilities and commercial greenhouses at which medical marijuana may be grown is in the interest of protecting the public's health, safety, and general welfare and consistent with the principles set forth in Proposition 203 and Arizona state law;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Chapter 3 Zoning District, Sections 3.5.2 Permitted Uses ("AR-36" – Agricultural/Residential (36 Acre Minimum), 3.5.3 Conditional Uses ("AR-36" – Agricultural/Residential (36 Acre Minimum), 3.6.2 Permitted Uses ("AR-5" – Agricultural/Residential (5 Acre Minimum), 3.6.3 Conditional Uses ("AR-5" – Agricultural/Residential (5 Acre Minimum)), 3.7.2 Permitted Uses ("AR-4" – Agricultural/Residential (4 Acre Minimum), 3.7.3 Conditional Uses ("AR-4" – Agricultural/ Residential (4 Acre Minimum), 3.15.2 Permitted Uses ("CL", Commercial Light), 3.16.2 Permitted Uses ("CH", Commercial Heavy), are hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

3.5 "AR-36" – Agricultural/Residential (36 Acre Minimum)

* * *

3.5.2 Permitted Uses

* * *

J. Commercial greenhouses AND ACCESSORY USES. See Subsection 4.30 Commercial Greenhouse Development Standards.

* * *

3.5.3 Conditional Uses (Conditional Use Permit Required)

~~15. MEDICAL MARIJUANA CULTIVATION FACILITIES, WITH OR WITHOUT INFUSION FACILITIES, SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.31.~~

3.6 “AR-5” – Agricultural/Residential (5 Acre Minimum)

* * *

3.6.2 Permitted Uses

* * *

I. Commercial greenhouses with a minimum of 10 contiguous acres. See Subsection 4.30 Commercial Greenhouse Development Standards.

3.6.3 Conditional Uses (Conditional Use Permit Required)

* * *

~~O. MEDICAL MARIJUANA CULTIVATION FACILITIES, WITH OR WITHOUT INFUSION FACILITIES, SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.31.~~

* * *

3.7 “AR-4” – Agricultural/Residential (4 Acre Minimum)

* * *

3.7.2 Permitted Uses

* * *

I. Commercial greenhouses may be permitted with a minimum of 10 contiguous acres. See Subsection 4.30 Commercial Greenhouse Development Standards.

3.7.3 Conditional Uses (Conditional Use Permit Required)

* * *

~~O. MEDICAL MARIJUANA CULTIVATION FACILITIES, WITH OR WITHOUT
INFUSION FACILITIES, SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.31.~~

* * *

3.15 “CL” – Commercial Light

* * *

(C) Conditional Uses (Conditional Use Permit Required)

~~AE. MEDICAL MARIJUANA DISPENSARY, SUBJECT TO THE REGULATIONS SET
FORTH IN SECTION 4.31.~~

~~AF. MEDICAL MARIJUANA OFF-SITE CULTIVATION AND INFUSION FACILITIES,
SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.31.~~

3.16 “CH” – Commercial Heavy

* * *

(C) Conditional Uses (Conditional Use Permit Required)

~~P. Medical Marijuana Dispensary, subject to the regulations set forth in Section
4.31.~~

~~Q. Medical Marijuana off site cultivation and infusion facilities, subject to the
regulations set forth in Section 4.31.~~

* * *

3.17 “I” – Industrial

* * *

3.17.B Permitted Uses

~~I. Medical Marijuana dispensary, subject to the regulations set forth in Section
4.31.~~

~~J. Medical Marijuana off-site cultivation facilities, subject to the regulations set
forth in Section 4.31.~~

3.17. (C) Conditional Uses

I. MEDICAL MARIJUANA DISPENSARY, SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.31.

J. MEDICAL MARIJUANA OFF-SITE CULTIVATION FACILITIES, SUBJECT TO THE REGULATIONS SET FORTH IN SECTION 4.31.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Chapter 4 General Regulations, is hereby amended to add new Section 4.31 Medical Marijuana Dispensaries, Off-Site Cultivation Sites, and Infusion Facilities to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

4.31 Medical marijuana dispensaries, off-site cultivation sites and infusion facilities

D. The following separation requirements shall apply to all Marijuana cultivation, infusion, or dispensary facilities:

1. Five hundred feet (500') from any school, public or private.
2. Five hundred feet (500') from any public park, public building, or public community center.
3. Five hundred feet (500') from any drug or alcohol rehabilitation facility or correctional transitional housing facility.
4. Five hundred feet (500') from any residential zoning district: ~~except that for cultivation and/or infusion facilities in an AR (Agricultural/Residential) zoning district, the separation shall be five hundred (500') feet.~~

I. THE TOTAL SQUARE FOOTAGE OF A MEDICAL MARIJUANA CULTIVATION FACILITY SHALL NOT EXCEED THREE THOUSAND (3,000) SQUARE FEET.

J There shall be no consumption of marijuana on the premises of any medical marijuana facility.

K. Entry into limited access areas within a medical marijuana facility is restricted to medical marijuana dispensary agents or persons accompanied by a medical marijuana dispensary agent.

L. Medical marijuana infusion facilities shall:

1. Be located on the same site as a dispensary or a cultivation facility.
2. On-site infusion facilities, whether attached or free standing, shall not occupy greater than 20% of the gross floor area of the respective dispensary or cultivation facility.
3. There shall be no retail sales, restaurant, food service, or entertainment activities within a medical marijuana infusion facility.

M. All cultivation of medical marijuana shall take place within an enclosed, locked structure comprised of a roof and walls that fully obscure all plants and cultivation activities from public view and in compliance with the provisions of this code and Arizona state law. There shall be no outdoor cultivation of medical marijuana within the corporate boundaries of the Town.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Providing for Penalties

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

Section V. Declaring an Emergency.

The immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health and safety of the Town of Chino Valley, and an emergency is hereby declared to exist. This Ordinance shall be in full force and effect from and after its passage, adoption and approval by the Common Council of the Town of Chino Valley.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this ____ day of _____, 20__ by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 20__.

Chris Marley, Mayor

ATTEST:

Jami Lewis, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By: Phyllis L.N. Smiley

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 201_, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 20__.

Jami Lewis, Town Clerk

P&Z Commission Regular

6. d.

Meeting Date: 11/03/2015

Consideration and possible action to rezone approximately 16.25 acres from AR-5 To CL-PAD and MR-PAD

CASE DESCRIPTION:

Consideration and possible action to rezone approximately 16.25 acres generally located at 1460 West Road 4 North/APN 306-05-031N from AR-5 (Agricultural/Residential 5 acre minimum) to MR-PAD (Multifamily Residential Planned Area Development) and CL-PAD (Commercial Light Planned Area Development).

LOCATION:

1460 West Road 4 North

FACTS:

1. Applicant:.....La Vacara Trust
2. Owner:.....La Vacara Trust
3. Parcel Number.....306-05-031N
4. Site Area.....16.25 acres +/-
5. Existing zoning:.....AR-5
6. Intended Use.....Clubhouse, office and light commercial, multifamily residential

ANALYSIS:

Staff Brief – Windmill House

The applicant is requesting rezoning of approximately seventeen acres (16.25) from Agricultural/Residential 5 Acre Minimum (AR-5) to the following: 9.7 acres to Commercial Light Planned Area Development (CL-PAD), and 6.55 acres to Multifamily Housing, Planned Area Development (MR-PAD). Applicant LaVacara Trust (“the Trust”) also proposes to restrict the number and type of uses that would be allowed by right in the CL-PAD zoning district.

Summary

The Windmill House has been a fixture in the Town of Chino Valley since it first opened for business in 2006. This application represents the second attempt by LaVacara Trust in as many years to change the zoning for an approximately 16 acre parcel of land, where the Windmill House, a single casita, and a “Western Town” are located. The previous attempt in October of 2014 was denied, based on a supermajority vote with five (5) Town Council members in support, one (1) in opposition, and one (1) absent.

The Trust filed a motion for Summary Judgement in November of 2014 in Yavapai County Superior Court based on several perceived issues with the 2014 application; it was subsequently denied in August of 2015. The Town of Chino Valley’s motion for Summary Judgement was granted, effectively dismissing the case against the Town.

Mr. Cordovana states that he has already dedicated Right-of-Way and should not be required to dedicate additional width. While it is true that he did dedicate 25’ of Right of Way along West 4 North, North 1 West, and West 5 North in the 1990’s; that dedication did not contemplate the density and intensity of use now proposed by the Trust. While the Town and the Trust have been in a standoff since 2012, Joe Cordovana, acting as Trustee for the Trust, has recently agreed to dedicate the additional 25’ of Right-of-way that has been the basis for the previous revocation of both PAD zoning and CUP requests.

History

Initial approval for the Windmill House was granted in November of 2003 upon the approval of Ordinance No. 561, which allowed the use as a conditional use as a “privately owned and operated park and recreation facility”; commercial agricultural sales were allowed as an accessory use. The permit was valid for a five (5) year period and set forth a number of conditions related to mitigating any impact on surrounding neighbors. The building permit for the clubhouse (Windmill House) was issued in January of 2005 and finalized in May of 2006.

A Technical Review Meeting was held on September 26, 2006 to review the proposed JC Estates, an adult retirement living community comprised of independent living and assisted living residential units. The project encompassed both the subject property and the adjacent parcel to the east, and covered approximately 80 acres (79.9) near North 1 West and West 4 North.

At the same time, replacement of the existing Zoning Code with the Unified Development Ordinance (UDO) was underway; upon the adoption of Ordinance No. 06-678 and its companion Resolution No. 06-812 on November 6, 2006, the current UDO replaced the previous zoning code. Included in the UDO were requirements for road construction, maintenance, and dedication of rights-of-way.

In October of 2008, the applicant returned with a larger project covering 170 acres and expanded the uses to include apartments, a skilled nursing facility, and offices for doctors. The concept was to provide a senior living community for those 55 years of age and over. Among the many requirements listed in the notes from the meeting was dedication of right-of-way along the frontage on West Road 4 North.

As amended upon the adoption of Ordinance NO. 08-707 on October 23, 2008, the UDO Section 2 Definitions sets forth the following as the definition of arterial street: Means a street with the principal function to serve as a part of a major network for the through traffic flow separate from local traffic, to and from areas of principal traffic generation, of adequate design, capacity and construction to provide for the safe and rapid distribution and collection of through traffic and to provide limited ingress and egress to and from collector and local streets (See section 4.28 for a list of arterial streets).

Statutorily, ARS 9-462.01 A (7) states that a legislative body of any municipality by ordinance may “require as a condition of rezoning public dedication of rights-of-way as streets, alleys, public ways....as are reasonably required by or related to the effect of the rezoning.” As the commercial and residential uses proposed in October 2008 as a part of the JC Ranch Master Planned Retirement Community (“JC Ranch”) would increase the number and frequency vehicle trips per day as well as turning into and out of the subject property, requiring dedication of additional Right-of-Way for future road expansion was made a condition of rezoning in order to mitigate increased traffic flows and turns on West 4 North, Road 1 West, and Road 4 ½ North resulting from the proposed project.

The applicant requested a zoning change from Agricultural/Residential 5 Acre Minimum (AR-5) to Planned Area Development with underlying zoning of Commercial Light (CL), Multifamily Residential (MR-1) Single Family Residential, 1 Acre Minimum (SR-1), and Open Space (OS) to accommodate the uses proposed in the JC Ranch project. A parallel application for a Minor General Plan Amendment (MGPA) was submitted at the same time. Both applications encompassed approximately 170 acres generally located near the northwest corner of West Road 4 North and North Road 1 East, south of Road 4 ½ North.

Included in Ordinance No. 09-719 were numerous stipulations, two of which are critical to the case now before Commission. First, development of the property was conditioned upon review and approval of a Final PAD within two (2) years of approval of the Preliminary PAD. Second, dedication of Right-of-Way was required prior to filing the Final PAD. These stipulations were referenced in Resolution 09-899 which approved the Minor General Plan Amendment. The Resolution also established a two year deadline for compliance with the stipulations set forth in the PAD Ordinance, and authorized Town Council to hold a public hearing to determine compliance with the stipulations, or take further action to revert the Land Use designation from Commercial to Medium Density Residential, 2 acre minimum. Both items were considered by the Planning and Zoning Commission during a public hearing on April 2, 2009. After a presentation by the applicant’s Agent and Town Staff, the Commission took comment from members of the general public. The Planning and Zoning Commission voted to deny the application; that recommendation was advanced to Town Council. During its regular meeting on June 9, 2009, Town Council heard the requests for the Zoning Change and Minor General Plan Amendment, and approving both items, thereby changing the zoning districts and land use designations for the project.

In May of 2011 (prior to the expiration of the previously approved Ordinance No. 09-719 and Resolution No. 09-899), the LaVacara Trust submitted parallel applications for a Minor General Plan Amendment (MGPA11-001), a Zone Change (ZC 11-003), and a Conditional Use Permit (CUP11-002). These applications encompassed approximately 28 acres of the area included in Ordinance No. 09-719 and Resolution No. 09-899, and constituted the area within which The Windmill House, a nursery, and the Western Town were located. The intent was to reduce the size and scope of the project to a more manageable and financially feasible size, given the rapidly declining economy.

After said applications were received by the Town but before the requisite public hearings were held, the property owner was notified by first class mail, return receipt on August 17, 2011 that the two year deadline for compliance with the stipulations in the above referenced ordinance and resolution had passed. Because the stipulations had not been satisfied, Town Council would hold a Public Hearing to take further action to extend, terminate, or determine compliance with Ordinance No. 09-719 and Resolution 09-899.

The Planning and Zoning Commission heard all three applications on September 6, 2011 during its regularly scheduled meeting. The Commission first considered the Minor General Plan Amendment (MGPA11-001); upon closing the public hearing, the Commission discussed their concerns with the application and agreed that they did not think a General Plan Amendment or a Rezone were appropriate. The Commission then voted unanimously to recommend denial of MGPA11-001,

and subsequently declined to hear the Zone Change request. (ZC 11-003 was heard by the Commission on October 18, 2011; a recommendation of denial was forwarded to Town Council.)

Issuance of a Conditional Use Permit (CUP11-002) to allow continued operation of the Windmill House and associated uses was then considered, which included a number of conditions, limiting the hours of operations and the nature of the events to be held, among other things. The sole engineering condition was the dedication of Right-Of-Way as set forth in Sections 4.23 and 4.28 of the Unified Development Ordinance (UDO) along the full frontage of West Road 4 North. The Commission voted unanimously to forward CUP11-002 to the Town Council with a recommendation of approval.

The recommendations made by the Planning and Zoning Commission in regards to MGPA11-001, ZC11-03, and CUP11-002 as well as the previously approved Ordinance No. 09-719 and Resolution No. 09-899 were heard by Town Council on November 8, 2011.

1. Ordinance No. 11-752: This ordinance reversed the rezoning action taken in Ordinance No. 09-719, reverting the zoning district back to Agricultural/Residential, 5 Acre minimum (AR-5). *Approved by Town Council.*
2. Ordinance No. 11-753: This ordinance would have actuated ZC11-003, rezoning approximately 28 acres in the general area of the northwest corner of North Road 1 East and West Road 4 North, south of Road 4 ½ North from AR-5 to CL. *Denied by Town Council*
3. Ordinance No. 11-754: This ordinance approved the issuance of CUP11-002, allowing the applicant to continue operation of the Windmill House and related uses. The Town Attorney provided an alternative to the language recommended for approval by the Commission, which set a 15-year horizon for the CUP, required dust mitigation, set forth a process by which the CUP could be revoked in the event of non-compliance by the applicant, and included the stipulations previously recommended by the Commission. These stipulations limited uses and hours of operation, and required dedication of Right-of-Way along West Road 4 North. *Approved by Town Council.*
4. Resolution 11-968: This resolution caused the reversion of the Minor General Plan Amendment set forth in MGPA09-899, and changed the land use designation from Commercial to Medium Density Residential, 2 acres or less. *Approved by Town Council.*

Resolution 11-969: This resolution would have actuated Minor General Plan Amendment 11-001, allowing a change of land use designation for the Windmill House site, encompassing approximately 28 acres. *Denied by Town Council.*

As a result, the LaVacara Trust had been granted a Conditional Use Permit (CUP11-002) to continue operation of the Windmill House, the nursery, western town, and casita for a period of fifteen years, provided that all stipulations were met, and the applicant abided by all restrictions and conditions governing use of the property and nature of the events held.

The Windmill House and other uses on the approximately 28 acres to which the CUP had been attached continued to operate, until the lessee left the facility and Mr. Cordovana applied for a new business license to operate the Windmill House in mid-2012. Mr. Cordovana, in his capacity as Trustee for the LaVacara Trust, had not yet dedicated the Right-of-Way as required in the most recently approved CUP, and that had been consistently required since 2008. Despite staff's attempts to bring Mr. Cordovana into compliance with the terms of the permit, no Right-Of-Way dedication was received by the Town.

During a meeting on August 16, Mayor Marley and staff met with Mr. Cordovana; he stated that he would not dedicate the Right-of-Way unless the Town agreed to process a new zone change application for CL zoning, waive fees for said application, and ensure the application was approved by Town Council. As staff could not agree to the terms of his request, Mr. Cordovana continued to refuse to dedicate the Right-of-Way.

Staff had no other option than to initiate action to revoke CUP11-002. On September 4, 2012, the Planning and Zoning Commission considered Ordinance 12-762 to revoke CUP11-002 due to the lack of compliance with the stipulations therein. The Commission voted to forward Ordinance No. 12-762 to Town Council with a recommendation of approval, which Town Council granted on September 25, 2012, effectively shutting down all activity at the Windmill House.

On February 6, 2014, Mr. Cordovana, in his capacity as Trustee for the LaVacara Trust, submitted a zone change application requesting Commercial Light, Planned Area Development (CL-PAD). This request was amended in August of 2014 to include a request for Multifamily Residential, Planned Area Development (MR-PAD). After proper notice, a neighborhood meeting was held on August 7, 2014 at the Windmill House. Mark Svejda, attorney for the LaVacara Trust, explained the proposed zoning change to the approximately forty (40) neighbors and interested citizens. Most of those present strenuously objected to the proposed commercial and residential uses.

The proposal was then heard at a Public Hearing before the Planning and Zoning Commission on September 16, 2014, after proper notice in compliance with ARS9-462.04. After presentations by staff and the applicant, Chair Rowitsch opened the hearing to public comment. Again, almost all of those who spoke were in opposition to the proposed rezoning. After

discussion amongst commissioners, the Commission voted 4-0 to forward application to Town Council with a recommendation of denial.

Town Council then heard the proposal on October 14, 2014 during its regularly scheduled meeting. Both staff and the applicant addressed the Council, explaining the proposed project, the rationale for the zoning change, and the potential impact on the community. After a lengthy public comment period, Vice-Mayor Croft called the question; Councilwoman McKee stated that she may have a conflict of interest. Town Attorney Phyllis Smiley advised that conflicts of interest must be declared prior to the initiation of the public hearing and the declarant could not participate in the hearing. Councilwoman McKee then stated that she did not have a conflict of interest. Because 20% or more of the surrounding property owners objected timely, a supermajority vote was required for approval. On a vote of 5-1, the request was denied. Voting in favor were Marley, Croft, Wojcik, Turner, and Best; McKee opposed, and Hatch was absent.

The applicant's attorney filed suit in Superior Court on November 10, 2014 based on perceived issues with Conflict of Interest, protest letters required for supermajority, and separation requirements, among other things. On August 8, 2015, Judge Mackey denied the LaVacara Trust's motion for Summary Judgement and granted the Town's motion for Summary Judgement. Shortly thereafter, the Trust applied for another zoning change similar in nature to the 2014 request, with modifications to the boundary of the subject parcel.

When the initial CUP was issued in 2003, it allowed the construction of this facility with a conditional use permit as a "privately owned and operated park and recreation facility" in the Agricultural/Residential, 5 Acre minimum (AR-5) zoning district. The adopted Zoning Code at that time provided the following definitions:

Park: A public or private parcel of land developed and used for passive or active recreation.

Recreational Facilities: Includes buildings, structures, or areas built or developed for the purposes of entertaining, exercising, or observing various activities participated in either actively or passively by individuals or organized groups other than the immediate families of the owners or proprietors and their personal guests, or any such facility which involves twenty-five (25) or more attendees and participants, more often than twice in any one calendar month. This excludes schools and churches.

Restaurant: an establishment which serves food or beverages. This includes cafes, tea rooms, drive-ins, and similar establishments.

While the proposed use did include some potential park-like or recreational features, the nature of the business was largely the food services made available to the general public by the Windmill House. This facility was also intended to serve as a "clubhouse" of sorts, providing a common area for activities in which residents of the proposed residential component could partake without having to drive an automobile. When became evident to the applicant that the residential component would not materialize in the short term, the use of the facility for food service to the general public increased. Construction of the Western Town further expanded the services offered to the general public.

A Zoning Ordinance, or in the case of Chino Valley, a Unified Development Ordinance, sets forth zones that provide for the grouping of compatible or related land uses, and applies regulations to properties located within each zoning classification or district. It regulates height, density, lot size, and specifies uses (Single Family Residential, Industrial) among other things.

In 2003 when the initial CUP was issued for the subject property, the applicable zoning district was AR-5, while the Land Use Designation was Medium Density Residential, 2 Acres or Less. The CUP was issued predicated on the assumption that the clubhouse use would serve as an accessory use to a larger residential development, and was allowed as a "privately owned and operated park and recreation facility" and was a conditional use in all zoning districts that would have been included in the Land Use Designation of MDR-2 Acres or less. Based on this set of circumstances, the applicant invested a significant amount of money in developing the Windmill House; the subsequent expansion of uses to include a casita and Western Town are in keeping with the recreational uses originally contemplated with the initial CUP and subsequent rezoning and General Plan amendments. The cycle of conditional use permits, failure to abide by conditions of zoning or use permits, and reversion of land use designations and zoning districts that have transpired over the past ten (10) years with the LaVacara Trust need to be resolved with finality, for the welfare of the applicant, the neighbors, and the community at large.

This Application

The current application is similar in nature to previous proposals in that it requests rezoning from AR-5 to CL-PAD and MR-PAD. The configuration of the subject parcel has been changed as its western boundary has been moved approximately nine (9) feet to the east, providing approximately 152' of separation between it and the adjoining parcels to the west, precluding the necessity for a supermajority vote. (*The Arizona Court of Appeals found in Schwartz vs. City of Glendale (190 Ariz. 508, 950 P.2d 167 (App. 1997)) that an applicant can avoid a supermajority vote by creating a buffer zone between the land subject*

to rezoning and adjacent lands owned by others.) No change has been made to the number of proposed multifamily dwelling units, or the proposed uses in the CL-PAD zoning classification.

Recommendation

The Planned Area Development overlay (PAD) is ideal for regulation of the manner and placement of uses and structures in this case for a number of reasons.

First, it allows staff to disallow those uses most objectionable to the surrounding neighborhood. The applicant has limited his request to the following uses for this site:

1. Restaurants, cafes and coffee shops
2. Business and professional offices; banks and similar uses
3. Business, Trade, Dancing, art, music and other educational facilities
4. Indoor and outdoor sales of nursery stock
5. Public utility buildings, structures, or appurtenances thereto for public service use
6. Indoor theaters, assembly halls
7. Commercial greenhouses
8. Catering services for off-site events.
9. Casita for overnight stays
10. Multiple Family Residential (MR-PAD) in accordance with UDO 3.13 Multiple Family Residential and limited to the 6.55 acre parcel identified on the Development Plan (included for illustrative purposes only and confers no approvals for construction or development)
11. Festivals in compliance with UDO Section 3.15 CL: Commercial Light; Section D: Temporary Uses
12. Western Town activities, subject to final inspection and approval of all structures by Building Official (or his/her designee) prior to initiation of public activities.

Section 3.13 “Multiple Family Residential” of the Unified Development Ordinance sets forth the regulations governing the manner and placement of Multiple Family Residential dwelling units in the Town, and defines a Multiple-Family Dwelling thusly: “A building designed exclusively for occupancy by or occupied by three (3) or more families living independently of each other.”

There are three (3) permitted uses in this zoning district: Multiple Family dwellings, customary accessory buildings, and churches or similar places of worship. Conditional uses allowed with a Conditional Use Permit are as follows: Privately owned and operated parks and recreation areas and centers; Group Homes; Nursing and Convalescent homes; Temporary home and land sale offices located within the same subdivision as that land which is offered for sale; Public utility buildings; Schools, and Residential facilities for the developmentally disabled. The development standard for MR requires a fifty foot (50') setback from the property boundary along the front; the required side- and rear yard setback are a minimum of twenty feet (20') and ten feet (10') respectively; maximum lot coverage (under roof) is 40%.

When applied to the subject parcel, the maximum allowed square footage under roof would be 114,127 square feet (6.55 acres x 40%). Because the UDO requires a minimum of 3,000 square feet of raw land area per dwelling unit, a maximum of 95 units can potentially be developed (6.55/3,000). The UDO further requires a minimum of 1.5 parking stalls per one bedroom apartment; assuming a maximum of 95 units, the required number of parking stalls would be 143, which would require approximately 25,700 square feet of area to accommodate the parking required in this zoning district. Further, Section 4.22 Off-Street Parking and Loading requires a minimum of a three foot (3') landscaped berm or wall to screen parking areas from public view. The actual number of units that will be permitted is entirely dependent upon the sanitary sewer system proposed by the applicant and approved by the Town Engineer. Should the applicant propose only septic systems, Yavapai County Health Services would also have to approve the proposed system. In addition, the Development Plan must be approved by Town Council prior to issuance of a building permit.

Second, it allows for modification of underlying zoning district regulations to allow for flexibility in design. In this instance, the applicant can be required to increase the landscaping required to buffer this use from adjacent residential properties to the west; strict application of landscaping regulations may result in an inadequate buffer for neighbors. Similarly, setbacks and separation requirements can be modified to better locate commercial and multifamily residential uses.

Third, it requires submittal, review, and Town Council approval of a Development Plan that sets forth current and future uses. The Development Plan must be reviewed by staff to ensure it is in compliance with the intent of the UDO and is subject to a formalized Technical Review process. Only when staff is satisfied that the plan meets the intent of the development standards and regulations of the underlying zoning district is it forwarded to the Planning and Zoning Commission for consideration and recommendation, and then to Town Council for final approval. The public will have several opportunities to comment, as the plan must undergo the same public hearing process as any other land use action requiring a public hearing. After approval by

Town Council, the Development Plan is then recorded, binding the uses and arrangement set forth in the recorded plan to the land. In order to increase the number buildings, commercial square footage, or open space area by greater than 9% requires a revision to the Development Plan, triggering an additional series of public hearings as required by UDO Section 1.9.4: Planned Area Development Overlay.

Finally, a Town of Chino Valley business license would not be issued unless and until a dedication of Right-Of-Way was made by the applicant, accepted by Town Council, and recorded at the Yavapai County Recorder's Office. As a result, no business could be conducted on the subject property until the Right-of-Way dedication was irrevocably completed. The submittal of a Development Plan setting forth the manner and placement of the allowed uses in addition to the dedication of Right-of-Way have been the long-standing issues that have precluded finalization of this project. Approving the request for the Planned Area Development (PAD) overlay for the Commercial Light (CL) and Multiple Family Residential (MR) will require a fully vetted Development Plan reviewed and approved by Town Council.

Resolution of this matter by approving the zoning change request will meet the needs of both the applicant and the community in several ways. First, it grants a permanent zoning district that establishes the use of the Windmill House as a use by right on the property, rather than allowing operation of the Windmill House by Conditional Use Permit. Similar to the previously issued CUP's, the permitted uses can be further conditioned to mitigate impact on the surrounding area. In addition, adherence to all requirements of the UDO and Town Codes would still apply; if the applicant fails to meet the conditions of the rezoning or comply with Town Code, his business license would not be issued, or once issued, revoked.

General Plan Compliance

The General Plan 2014 sets forth a new concept in land use planning for the Town of Chino Valley: mixed-use, pedestrian oriented developments that can offer alternatives to the automobile-centric development patterns currently found in Chino Valley. The multi-family residential and commercial uses proposed by the applicant will be inherently constrained by the Planned Area Development overlay; no development can take place until a Development Plan survives the same process as this rezoning, except that it will culminate in an approved Development Plan.

The new General Plan supports the concept of clustered development; in fact, the single goal set forth in the Land Use element is "Focus on development of community cores and on lifestyle choices in land use." This goal is supported by four (4) Target Strategies; Target Strategy 4 speaks directly to the proposed uses:

4) Strive for developments that fulfill the Community Vision while allowing for flexibility and encouraging innovation.

Rezoning the subject 16.25 acres from AR-5 to CL-PAD and MR-PAD will allow for future development of a mixed-use senior living development, which embodies the Community Vision's focus on diversifying business and employment opportunities, varieties in housing, and options in transportation.

The Land Use Element narrative discusses current housing and population trends both locally and nationally. More communities are planned with pedestrian use in mind, providing small business clusters within walkable distances. Given the increasing number of single occupancy households and an aging population, alternatives to the typical large lot single family home that dominates the housing supply in Chino Valley will be necessary.

In laying the foundation for the Community Core concept, the General Plan recognizes that "There is a need for some additional types of land use patterns in Chino Valley to accommodate the needs of its multi-generational and aging population, its desires to create healthier and less costly lifestyle options, and promote a sustainable economy. "The proposed rezoning will allow for the development of a small commercial and recreational cluster to serve the surrounding neighborhoods within walking distance of the subject property, and allow for the future development of housing options that are currently unavailable in Chino Valley.

TECHNICAL REVIEW:

Previous iterations of this project have undergone rigorous review. Should the proposed rezoning be approved, the Development Plan will be reviewed by staff through Technical Review prior to undergoing the Citizen Review and Public Hearing process as set forth in Section 1.9.4.1 Planned Area Development Overlay District of the Unified Development Process. Similarly, any future improvements will be subject to Technical Review prior to acceptance of an application for engineering, drainage and grading, building, or other related improvements.

RECOMMENDATION

Findings of Fact

Staff finds that these actions can resolve the long-standing conflict between the LaVacara Trust, surrounding property owners, and the Town, and provide a means by which the Windmill House can be reopened, providing the public with an additional activity and entertainment facility in the Town. The addition of the Multifamily Housing component will expand the availability of a variety of housing choices in the Town.

Section 1.9.4.1 Planned Area Development Overlay District: Purpose sets forth the following as the purposes of a PAD Overlay District:

§§A: *Provide for the orderly development of land consistent with the Unified Development Ordinance of the Town of Chino Valley (UDO) to permit flexibility in the design of residential, commercial, and/or industrial developments in conformity with the intent and purpose of the General Plan and Unified Development Ordinance.*

Staff finds that the proposed rezoning meets this purpose as follows:

1. The Development Plan required as a result of the PAD Overlay will provide staff with the tools necessary to mitigate impacts that the proposed project may have on the neighborhood, including modification of required setbacks and separations, landscaping, lighting plans, and the like;
- 2) The proposed zoning and uses meet the intent of the UDO as it provides for the social, physical, and economic advantages resulting from comprehensive and orderly planned use of land resources (§1.2 Administration; Purpose)
- 3) It provides an opportunity to develop a mixed-use district in a concentrated area that is within walking distance of the neighborhoods and populations it serves.

§§B: *Modify underlying zoning district regulations to permit flexibility and innovation in developmental design and provide opportunities for unique or mixed-use development.*

Staff finds that the proposed rezoning meets this objective as follows:

1. Reduces the number of allowed uses in the Commercial Light (CL) zoning district
2. Provides additional Multiple Family housing opportunities
3. Provides an opportunity to develop a neighborhood services core that is within walking distance of the community it serves, and provides opportunity for future development as a mixed-use development.

§§C: *Promote economical construction and maintenance of streets and utilities without compromising public safety and welfare.*

Staff finds that the proposed rezoning meets this objective as follows:

- 1) Dedication of Right-of-Way will allow for future expansion of roads, should the traffic generated by the proposed uses interfere with the flow of traffic on West Road 4 North.
- 2) The location utilizes existing arterial streets to carry traffic rather than require the construction of new lane miles for perpetual maintenance by the town.
- 3) Any required infrastructure improvements are the full responsibility of the applicant to construct to Town standard and dedicate for perpetual maintenance.

§§D: *Preserve and utilize open space and offer recreational opportunities close to residential uses.*

Staff finds that the proposed rezoning meets this purpose as follows:

- 1) Among the applicant's proposed uses for the Windmill House are offering recreational classes such as yoga to the public, meeting space for service clubs, and movie nights for families; the lakes and area offer a privately maintained park-like setting. The enrichment classes would benefit the community without expenditure of taxpayer dollars to support the activities offered.
- 2) The potential development of multiple family housing provides a mixed-use development in a contained area that does not rely on taxpayer-funded recreational amenities.

Staff finds that the proposed rezoning supports a number of Goals and Policies set forth in the General Plan 2014 adopted by Town Council in June of 2014 and ratified by the voters on November 4, 2014. In laying the foundation for the Community

Core concept, the General Plan recognizes that “There is a need for some additional types of land use patterns in Chino Valley to accommodate the needs of its multi-generational and aging population, its desires to create healthier and less costly lifestyle options, and promote a sustainable economy. “

1. Land Use Element Goal 1, Target Strategy 4:

“Focus on development of community cores and on lifestyle choices in land use.”

4) *Strive for developments that fulfill the Community Vision while allowing for flexibility and encouraging innovation.*

Approval of this rezoning will allow for development of a compact mixed-use neighborhood, which will permit certain amenities such as medical offices, meeting space, cafes, food service and the like within walking distance of the proposed residential element of the development. This type of development embodies the Community Vision’s focus on *diversifying business and employment opportunities, varieties in housing, and options in transportation.*

Conditions of Approval

Staff recommends conditioning the Planned Area Development as follows:

- 1) The Development Plan shall be in substantial conformance with all applicable Town Codes, building codes, and engineering requirements unless otherwise modified herein.
 2. The property owner agrees that the approval of this action confers no additional entitlements or rights to the owner or applicant other than those that are specifically vested herein.
 3. All structures open to the public or in close proximity to public/common areas shall be inspected by the Building Official (or his designee) and conform to currently adopted Town of Chino Valley Building Codes. No business license shall be issued until said inspections have been performed and all deficiencies have been corrected.
 4. Any future additions to or expansions of existing structures shall require amendment of the Development Plan.
 5. Construction of multifamily housing may require extension of municipal sewer and water service from its closest termination point to the site (depending upon the number of dwelling units) and will require submittal of an Amended Development Plan, which may include a Development Agreement.
 6. Prior to issuance of any business license or building permit, LaVacara Trust will dedicate and convey right-of-way in compliance with the standards set forth in section 4.23 and 4.28 of the UDO for the full frontage of West Road 4 North.
 7. Any amplified music or other noise associated with the uses subject to this CUP shall not exceed 60 decibels at the property boundary.
 8. Uses are limited to the following:
 1. Restaurants, cafes and coffee shops
 2. Business and professional offices; banks and similar uses
 3. Business, Trade, Dancing, art, music and other educational facilities
 4. Indoor and outdoor sales of nursery stock
 5. Public utility buildings, structures, or appurtenances thereto for public service use
 6. Indoor theaters, assembly halls
 7. Commercial greenhouses
 8. Catering services for off-site events
 9. Casita for overnight stays
 10. Multiple Family Residential (MR-PAD) in accordance with UDO 3.13 Multiple Family Residential and limited to the 6.55 acre parcel identified on the Development Plan (included for illustrative purposes only and confers no approvals for construction or development)
 11. Festivals in compliance with UDO Section 3.15 CL: Commercial Light; Section D: Temporary Uses
 12. Western Town activities, subject to final inspection and approval of all structures by the Building Official (or his/her designee) prior to initiation of public activities
-

Attachments

SITE PLAN

Draft Ordinance

Legal Description

EXHIBIT A SITE PLAN

Lake area will be determined when survey is done.

DEVELOPMENT PLAN J C RANCH GATED RESORT

SURVEY OF A PORTION OF THE SE 1/4, SECTION 4, T16N-R2W,
G&SRM, YAVAPAI COUNTY, ARIZONA

APN 306-05-030Z

OWNER La Vacara Family, L.L.C.

CERTIFICATION

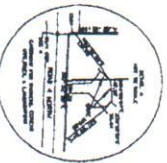
I, HENRY R. WELKER, CERTIFY THAT I AM A REGISTERED LAND SURVEYOR WITHIN THE STATE OF ARIZONA AND THAT THIS PLAN REPRESENTS A SURVEY MADE BY ME, COMPLETED IN AUGUST 2015.



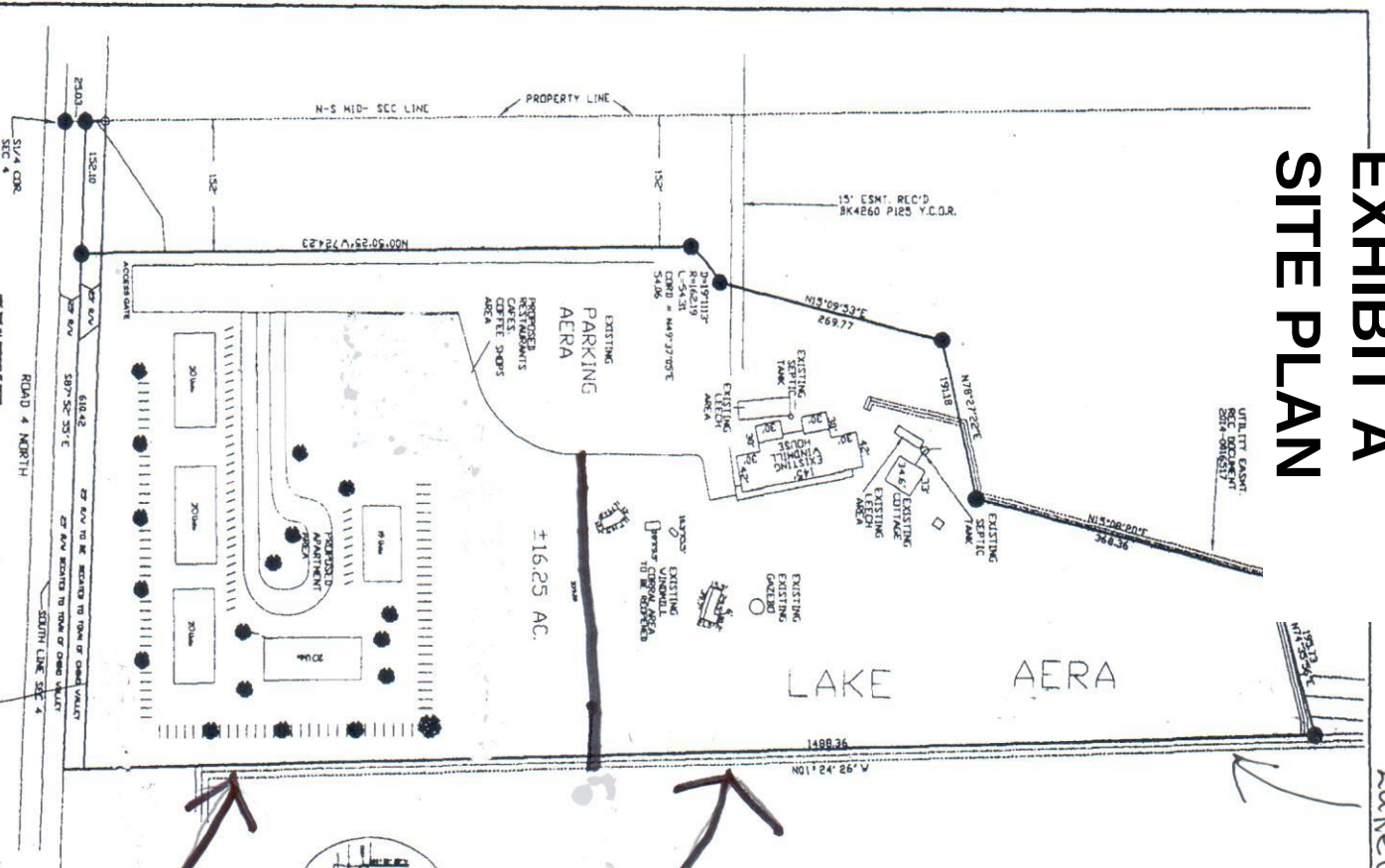
HENRY R. WELKER, AZ R.L.S. NO. 19353

**Proposed CL-PADO
AREA
9.7 ACRES ±**

**Proposed MR-PADO
AREA
6.55 ACRES ±**



Scale 1"=100'



Proposed 95 apartment unit area not to scale.

For More Information contact Joe Cordovana 928-237-6128

ORDINANCE NO. 15-805

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 16.25 ACRE(S) OF REAL PROPERTY GENERALLY LOCATED AT 1460 WEST ROAD 4 NORTH, S4, T16N, R02W G&SRB&M FROM AGRICUTURAL-RESIDENTIAL 5 ACRE MINIMUM (AR-5) ZONING DISTRICT TO COMMERCIAL LIGHT, PLANNED AREA DEVELOPMENT(CL-PAD) AND MULTIFAMILY RESIDENTIAL, PLANNED AREA DEVELOPMENT (MR-PAD) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission, by a vote of [ADD VOTE OF MEMBERS PRESENT] recommends approval of the rezoning;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

1. The Change of Zoning and amendment to the Official Zoning Map is hereby approved for property consisting of approximately 16.25 acre(s), described in Exhibit A and as shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by this reference, from Agricultural/Residential 5 Acre Minimum (AR-5) Zoning District to Multifamily Residential, Planned Area Development (MR-PAD) and Commercial Light, Planned Area Development (CL-PAD) Zoning District.

2. The Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance. Development of the Property shall also be subject to the following conditions:

- a. Dedication to Chino Valley for 25' (TWENTY-FIVE FEET) Road right-of-way that is adjacent to the Property shall be completed

prior to or at the time of recordation of the final plat or sooner as required by the Town Engineer. Dedication of East Road 4 North shall extend 50' (FIFTY FEET) feet from the center line. Failure to dedicate said roadways within 30 days of request by the Town Engineer shall result in reversion of the zoning to the prior zoning classification.

- b. Uses shall be limited to the following:
 - 1. Restaurants, cafes and coffee shops
 - 2. Business and professional offices; banks and similar uses
 - 3. Business, Trade, Dancing, art, music and other educational facilities
 - 4. Indoor and outdoor sales of nursery stock
 - 5. Public utility buildings, structures, or appurtenances thereto for public service use
 - 6. Indoor theaters, assembly halls
 - 7. Commercial greenhouses
 - 8. Catering services for off-site events
 - 9. Casita for overnight stays
 - 10. Multiple Family Residential (MR-PAD) in accordance with UDO 3.13 Multiple Family Residential and limited to the 6.55 acre parcel identified on the Development Plan (included for illustrative purposes only and confers no approvals for construction or development)
 - 11. Festivals in compliance with UDO Section 3.15 CL: Commercial Light; Section D: Temporary Uses
 - 12. Western Town activities, subject to final inspection and approval of all structures by Building Official (or his/her designee) prior to initiation of public activities
- c. The Development Plan shall be in substantial conformance with all applicable Town Codes, building codes, and engineering requirements unless otherwise modified herein.
- d. The property owner agrees that the approval of this action confers no additional entitlements or rights to the owner or applicant other than those that are specifically vested herein.
- e. All structures open to the public or in close proximity to public/common areas shall be inspected by the Building Official (or his designee) and conform to currently adopted Town of Chino Valley Building Codes. No business license shall be issued until said inspections have been performed and all deficiencies have been corrected.
- f. There shall be no new construction of structures, buildings, appurtenances, utilities, or the like unless and until a Development Plan has been submitted for

review and approved as set forth in UDO Section 1.9.4
Planned Area Development Overlay District: PAD

- g. Any future additions to or expansions of existing structures shall require amendment of the Development Plan.
- h. Construction of multifamily housing may require extension of municipal sewer and water service from its closest termination point to the site (depending upon the number of dwelling units) and will require submittal of an Amended Development Plan, which may include a Development Agreement.
- i. Any amplified music or other noise associated with the uses subject to this CUP shall not exceed 60 decibels at the property boundary.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this ____ day of _____, 20__ by the following vote:

AYES:	_____	ABSENT:	_____
NAYS:	_____	ABSTAINED:	_____

APPROVED this ____ day of _____, 201__.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Curtis, Goodwin, Sullivan, Udall &
Schwab, PLC, Town Attorney

The following exhibits are attached hereto and incorporated herein:

1. Legal Description
2. Zoning Exhibit (map)

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND
CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON
COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF
_____, 20__, WAS POSTED IN THREE PLACES ON THE ____ DAY OF
_____, 20__.

Jami C. Lewis, Town Clerk

306-05-031N

PRACEL A
REVISED
August 20, 2015

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

Beginning at the South One Quarter corner of said Sec. 4;
Thence N00°50'25"W 25.03 feet along the N-S mid-sec. line to the ;
Thence S87°52'55"E 152.10 feet to the TRUE POINT OF BEGINNING;
Thence N00°50'25"W 724.23 feet;
Thence northerly 54.31 feet on a curve to the right, said curve having a delta of 19°11'13" and a radius of 162.19 feet and a cord of N49°37'05"E 54.06 feet;
Thence N15°09'53"E 269.77 feet;
Thence N78°27'22"E 191.18 feet;
Thence N15°08'20"E 368.36 feet;
Thence N74°35'56"E 195.73 feet;
Thence S01°24'26"E 1488.36 feet;
Thence N87°52'55"W 610.42 to the true point of beginning, containing 16.25 acres.

Together with and subject an easement for Ingress, Egress, Utilities and Landscaping over and across the following described parcel:

Beginning at the South One Quarter corner of said Sec. 4;
Thence N00°50'25"W 25.03 feet along the N-S mid-sec. line to the ;
Thence S87°52'55"E 113.11 feet to the TRUE POINT OF BEGINNING;
Thence N01°34'14"W 367.00 feet;
Thence northerly 110.75 feet on a curve to the right, said curve having a delta of 48°48'48" and a radius of 130.00 feet and a cord of N23°36'09"E 107.43 feet;
Thence N18°31'19"W 102.60 feet;
Thence northerly 170.28 feet on a curve to the right, said curve having a delta of 60°09'15" and a radius of 162.19 feet and a cord of N09°56'52"E 162.57 feet;
Thence S00°50'25"E 724.23 feet;
Thence N87°52'55"W 38.99 feet to the true point of beginning..



EXPIRES 12 31 2016



Town of Chino Valley
MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
November 3, 2015
6:00 P.M.

Council Chambers
202 N. State Route 89
Chino Valley, Arizona

AGENDA

ACTION TAKEN

- | | | |
|----|---|-----------|
| 1. | CALL TO ORDER | |
| 2. | PLEDGE OF ALLEGIANCE | |
| 3. | ROLL CALL | |
| 4. | MINUTES | |
| a. | Consideration and possible action to approve the September 15, 2015 special meeting minutes. | APPROVED |
| 5. | STAFF REPORTS | NONE HELD |
| 6. | PUBLIC HEARING | |
| a. | Consideration and possible action to amend Chapter 3, Zoning Districts and Chapter 4, General Regulations as they relate to agribusinesses. | POSTPONED |
| b. | Consideration and possible action to hold a public hearing and make a recommendation to Town Council regarding the rezoning of Yavapai County Assessor's parcel 306-17-001H, consisting of approximately 2.5 acres, located at approximately 2879 Arizona Trail, Section 11, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona from Industrial (I) to Commercial Light (CL) zoning district. (Applicant: Gary and Amanda Denny) (James Gardner, Planner). | APPROVED |

- | | | |
|-----|---|------------------|
| c. | Consideration and possible action to: | DISCUSSED |
| | <ul style="list-style-type: none"> 1. Hold a Citizen Review Meeting on proposed amendments to the text of the Unified Development Ordinance ("UDO") regarding adopting additional limitations on Medical Marijuana land uses in the Town of Chino Valley, including medical marijuana dispensaries, off-site cultivation facilities, and infusion facilities; and 2. Hold a public hearing on the proposed amendments; and 3. Continue the item to a Special Meeting on November 17, 2015 to hold an additional public hearing to provide citizens with another opportunity to provide comments regarding the proposed amendments. | |
| d. | Consideration and possible action to rezone approximately 16.25 acres generally located at 1460 West Road 4 North/APN 306-05-031N from AR-5 (Agricultural/Residential 5 acre minimum) to MR-PAD (Multifamily Residential Planned Area Development) and CL-PAD (Commercial Light Planned Area Development). | APPROVED |
| 7. | NON-PUBLIC HEARING ACTION ITEMS | NONE HELD |
| 8. | DISCUSSION ITEMS | NONE HELD |
| 9. | PUBLIC COMMENTS | NONE HELD |
| 10. | ADJOURN | |

Dated this 29th day of October, 2015.
(Action Taken dated November 4, 2015)

By: Ruth Mayday, Development Services Director

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) or use 711 (Telecommunications Arizona Relay Service) to request an accommodation to participate in this meeting.

In accordance with Chapter 3, Title 38, Section 38-431.02 Arizona Revised Statutes, public notice is hereby given that four (4) or more members of the Mayor and Town Council may be present at this meeting.