

# **MINUTES OF THE REGULAR PLANNING AND ZONING MEETING OF THE TOWN OF CHINO VALLEY**

**NOVEMBER 1, 2016  
6:00 P.M.**

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

**1) CALL TO ORDER**

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

**2) PLEDGE OF ALLEGIANCE**

**3) ROLL CALL**

Present: Chair Chuck Merritt; Vice-Chair Gary Pasciak; Commissioner Michael Bacon;  
Commissioner Claude Baker; Commissioner Annie Lane; Commissioner Julie Van Wuffen

Absent: Commissioner Florence Sloan

Staff Development Services Director Ruth Mayday; Town Clerk Assistant Amy

Present: Pyeatt-Lansa; GIS/CAD/Web Technician Jan Mazy

**4) MINUTES**

- a)** Consideration and possible action to approve the September 6, 2016, regular meeting minutes.

MOVED by Commissioner Annie Lane, seconded by Commissioner Claude Baker

**Vote: 5 - 0 PASSED**

**5) STAFF REPORTS**

There were no staff reports.

**6) PUBLIC HEARING**

- a)** Consideration and possible action to hold a public hearing and to recommend to the Town Council adoption of Ordinance 16-824 to rezone approximately 2.49 acres of real property, located approximately 448 feet north of Road 4 1/2 North and approximately 1000 feet west of State Route 89, and also known as Yavapai County Assessor's Parcel No. 306-05-095M, located within the Northwest quarter of Section 4, Township 16N, Range 02W, Gila and Salt River Base and Meridian from Single family residential, 1.6-acre minimum (SR 1.6) to Single family residential, 1-acre minimum (SR-1) zoning district. (Applicant: Jose Granillo. Staff: Ruth Mayday, Development Services Director)

Ruth Mayday presented the following information:

- The applicant has requested a rezone of the subject parcel from Single Family Residential, 5-acre minimum (SR1.6) to Single Family Residential, 1-acre minimum (SR-1).
- The applicant's intent is to rezone and split the property.
- The following is what is allowed under both the current and proposed zoning:
  - Single family residences and customary accessory uses
  - 800 SF guesthouse
- The land is currently vacant.
- Applicant mailed letters and posted the site in conformance with state statute & the UDO.
- Applicant held an on-site neighborhood meeting on 8/22/16. Six members of the public were in attendance, including one representative of the applicant.
- No opposition to this application has been received at this time.
- The rezone is in compliance with the General Plan.

Commissioner Van Wuffen clarified that the zoning map shows an easement that would allow access to the property.

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Michael Bacon that Ordinance 16-824 be forwarded to Town Council with the recommendation of approval.

**Vote: 6 - 0 PASSED - Unanimously**

- b) Consideration and possible action to recommend to Town Council approval of a Conditional Use Permit for approximately 5 acres of real property located at 1151 E. Road 4 North (Yavapai County Assessors Parcel No. 306-17-00) to permit storage of up to 6 pieces of heavy equipment (tractors, backhoes, etc.) in the AR-5 (Agricultural/Residential - 5 Acre Minimum) zoning district. (Ruth Mayday, Development Services Director)

Ruth Mayday, Director of Development Services, presented on this item:

- The applicant has requested the storage of heavy equipment on their AR-5 zoned parcel.
- The equipment has been located onsite for approximately 6 years without complaint.
- Applicant mailed letters and posted the site in conformance with state statute & the UDO.
- A neighborhood meeting was held on-site by the applicant on 8/29/16. No members of the public were in attendance – only one representative of the applicant.
- No opposition to this application has been received at this time.
- The CUP is in compliance with the General Plan.

Applicant Susie Cuka

- They store 2 backhoes, 1 backhoe trailer, 1 dump truck, and 1 Skid Steer and trailer.
- The backhoes are usually stored at the job site.
- The Cukas own the adjoining property which is all livestock.
- The closest house is separated by the livestock parcel.
- To date they have received no complaints.
- The equipment is fueled at Bennetts.

MOVED by Commissioner Michael Bacon, seconded by Commissioner Julie Van Wuffen recommend to Town Council that it approve a Conditional Use Permit for storage of up to six pieces of heavy equipment at 1151 E. Road 4 North, as stated in the application.

**Vote: 6 - 0 PASSED - Unanimously**

- c) Consideration and possible action to recommend that the Town Council approve a Conditional Use Permit (CUP 16-002) to allow for retail propane sales in the CL (Commercial Light) zoning district. (Ruth Mayday, Development Services Director)

Ruth Mayday, Director of Development Services presented on this matter:

- Olsen's Grain applied for a Conditional Use Permit to enable them to sell Liquefied Petroleum gas to the public
- Such sales are allowed in a commercial light zoning districts as an accessory use.
- The CUP would be in conformance with the UDO.
- The applicant has complied with the Fire Marshall requirements.
- The current installation is in compliance with the Fuel Gas Code.

The Commission invited Mike Olsen, President of Olsen Grain to speak.

- Applicant intends to improve access to the fueling station to accommodate RVs and horse trailers.
- Depending on which direction they are going, customers can exit from the front entrance or the south entrance.
- He was unsure of the tank size, but estimated it to be 1000 gallons, 5' ft. tall and anchored on cement. APS installed an electrical switch next to the tank.
- The Fire Marshall requested that barricades be installed and that will be done soon.
- Olsen's buys the gas from vendor, Yavapai Bottled Gas.

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Julie Van Wuffen forward Condition Use Permit 16-002 to allow for liquid propane gas sales in a Commercial Light zoning District for applicant to Town Council with a recommendation for approval.

**Vote: 6 - 0 PASSED - Unanimously**

- d) Consideration and possible action to rezone approximately 61.03 acres from CL Commercial Light to I Industrial. (Ruth Mayday, Development Services Director)

Director Mayday presented the following information:

- The applicant requested to rezone approximately 61 acres along Tree Farm Lane from CL (Commercial Light) to I (Industrial) to avail himself to higher and better uses, given the extension of municipal services along Tree Farm/Jerome Junction Road.
- The subject property is located immediately west of approximately 800 acres owned by the Town of Chino Valley;
- The westernmost 200 acres has been designated for an industrial park. The Town has obtained grant funding to extend sewer and water to the eastern boundary of the subject parcels.
- Applicant now desires to expand his development opportunities to include those in the Industrial zoning district.
- Because the majority of the surrounding properties are owned by Mr. Wells, the Zoning Administrator waived the need for a neighborhood meeting and instead required Mr. Wells to contact the four (4) property owners via first class mail to inform them of the zone change.
- The letters were mailed on October 4, 2016. To date there have been no objections or responses to the mailing.
- The property was posted as required.
- The subject parcels are located adjacent to an industrial park and are in an area that has long been designated for such purposes.

- The request to rezone will not be detrimental to persons residing or working in the vicinity adjacent to the property, neighborhood or public welfare.
- The request to rezone is in general conformance with the zoning classifications in the immediate area.
- Industrial zoning potential uses include:
  - Medical marijuana greenhouses
  - Slaughter house
  - Sand and gravel operation
  - Manufacturing
  - Motor sports

Comments from the commissioners included the following:

- Concerned about the possibility of the property being developed into medical marijuana grow facility.
- Concerned that the Council previously indicated to the public that there was a limited amount of property that was zoned industrial within the Town on which a medical marijuana facility could be located.
- There was a suggestion to table the matter until after the election.
- The Commission cannot deny the rezone based on moral grounds.

John Kuzicki from Realty Executive represented the property owner/applicant.

- A portion of the property is listed for \$1.75 million.
- There is no purchase agreement regarding the property.
- The property abuts parcels that are zoned industrial.

Director Mayday clarified:

- Town Council can consider some, all or none of the recommendations made by the Planning & Zoning Commission.
- Town Council has the final say on whether the rezone is approved.
- There is currently no plan on the table to develop the property.
- There is no basis to deny request.
- Private property rights apply in this matter.
- If the applicant was denied the rezone he could take action against the Town.
- It is not within the purview of the Planning & Zoning Commission whether the applicant would make more money if the property was rezoned to industrial.
- There was no reason to expand the 300 ft radius for sending the letters.
- Letters were sent to surrounding landowners including the Wilkersons, Town of Chino Valley, JT's and the Wells.

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Claude Baker to forward Zone Change 16-006, rezoning approximately 16 acres from CL (Commercial Light) to I (Industrial), to Town Council with recommendation for approval.

**Vote: 5 - 1 PASSED**

NAY: Commissioner Michael Bacon

## 7) **NON-PUBLIC HEARING ACTION ITEMS**

There were no non-public hearing action items.

8) **DISCUSSION ITEMS**

There were no discussion items.

9) **PUBLIC COMMENTS**

John Kuzicki thanked the Commission for their time in considering the Wells property rezone.

10) **ADJOURN**

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Annie Lane to adjourn the meeting.

**Vote: 6 - 0 PASSED - Unanimously**

  
Chair Charles Merritt

12-6-16  
Date