

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

**MAY 1, 2018
6:00 P.M.**

The Planning and Zoning Commission of the Town of Chino Valley 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 Chuck Merritt called the meeting to order at 6:00 p.m.

2) PLEDGE OF ALLEGIANCE

Commissioner Michael Bacon led the Pledge of Allegiance.

3) ROLL CALL

Present: Chair Chuck Merritt; Vice-Chair Gary Pasciak; Commissioner Tom Armstrong;
Commissioner Michael Bacon; Commissioner John McCafferty; Commissioner
William Welker; Commissioner Teena Meadors

Staff Development Services Director Jason Sanks; Associate Planner Alex Lerma; Public
Present: Works Director/Town Engineer Frank Marbury; Deputy Town Clerk Vickie Nipper

4) MINUTES

- a) Consideration and possible action to approve April 3, 2018 regular meeting minutes.

MOVED by Commissioner Tom Armstrong, seconded by Commissioner John McCafferty to
approve the April 3, 2018 regular meeting minutes.

Vote: 7 - 0 PASSED - Unanimously

5) STAFF REPORTS

Development Services Director Sanks reported on the following:

- The UDO Update Subcommittee (UDO) held a meeting to review land use definitions and tables. Mr. Sanks explained the Matrix system, the consolidated land use districts and glossary of terms.
- The Economic Development Subcommittee held a meeting to review the first contract amendment for the EPS Group for Old Home Manor Industrial Park Master Plan. They will forward the plan to the Council for the expenditures.
- A preliminary meeting will be held regarding the Nighthawk project, which is near the Del Rio project. They are looking at a rezone and a new plat.

6) PUBLIC HEARING

- a) Consideration and possible action regarding a request for a zone change for approximately 5.71 acres of real property generally located approximately 1,000 feet west of the northwest corner of West Road 1 North and North Road 1 West at 1190 West Road 1 North, from AR-5 (Agricultural Residential-5 Acre Minimum) zoning district to SR-1 (Single Family Residential-1 Acre Minimum) zoning district. (Alex Lerma, Associate Planner)

Associate Planner Lerma presented the following:

- The property is located between two subdivisions: Vista Bonita to the north and Mesa Vista Estates to the west.
- The General Plan land use designation is medium density residential.
- The surrounding property zoning consists of single family residential one-acre minimum to the north and west; agricultural-residential five-acre minimum to the south; commercial light and single family residential one-acre minimum to the east. The surrounding zoning supports the applicant's request.
- The property currently has a single-family residence, guest home, workshop and shed. The applicant would like to split the property into three separate parcels.
- The applicants are working with CVID (Chino Valley Irrigation District) to abandon an easement that runs north and south.
- A land survey shows how the applicants would like to split the property into three parcels. The middle parcel would be 3.7 acres, the parcels to the east and west would both be one acre.
- The applicants will create a cross access easement on the North of the property which will be accessed through Poco Lane.
- The applicant sent out 30 notifications to the surrounding property owners. Staff received one call from a property owner to the north of the subject property with concerns regarding the property owner having access to Poco Lane that had two power poles in the area. The applicant is working with APS to resolve the issue. Mr. Lerma explained that the easement and the power poles are not a zoning issue but would be an issue with the lot split, which would be an internal staff process.

Public Comment:

Marsha Moyer, Chino Valley resident, voiced concerns that if the easement did not go through, the one-acre properties would be landlocked. Mr. Lerma explained that the property owner is required to provide a 50-foot easement, so the properties would not be landlocked.

Commissioners requested that the APS issue be resolved before this project moves forward. Staff stated that they would be working with the town engineer on the issue.

MOVED by Commissioner John McCafferty, seconded by Vice-Chair Gary Pasciak to recommend approval to Town Council to rezone approximately 5.7 acres of real property located approximately 1,000 feet west of the northwest corner of West Road 1 North and North Road 1 West at 1190 West Road 1 North from (AR-5) Agricultural Residential- 5 Acre Minimum to (SR-1) Single Family Residential-1 Acres Minimum.

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible action regarding a request for a Conditional Use Permit for approximately 4.55 acres of real property located approximately 1,000 feet south of the southwest corner of East Road 2 North and North Road 1 East at 784 North Road 1 East. Approval of the Conditional Use Permit will allow the applicant to continue the operation and maintenance of a well drilling business consisting of storage of vehicles, machinery and supplies in the AR-5 zoning district. (Alex Lerma, Associate Planner)

Associate Planner Lerma presented the following:

- The applicant is applying to renew a conditional use permit (CUP) that expired.
- The property is surrounded by the Colonial Villa Subdivision to the east and Country West Mobile Home Park to the west.
- The subject property is located in the major community downtown core in the General Plan.
- The current land use is a single family residence with a 5,000 square foot workshop. The workshop is used for vehicle and drill maintenance. The site plan shows the main building is the single family residential home and the workshop is a maintenance shop, with the south of the property containing accessory buildings and equipment and vehicle storage. Trees and bushes provide a buffer between the property and the public streets.
- The applicant, Mr. McGee, applied for a rezone in 1996 from the AR (Agricultural) zoning district, which is equivalent to the current AR-5 zoning district, to CM-1, (Commercial Medium) which is equivalent to the current Commercial Light District. At the time, the surrounding property owners were supportive of the request, but the Planning and Zoning Commission had concerns with the potential future use of the property if the rezone was approved. Legal counsel requested that the applicant apply for a CUP instead of a rezone, which was granted in 1996 with the stipulation that the applicant renew the conditional use permit within five years. This did not happen when the business was transferred from father to son and the son did not know the conditional use had expired.
- Staff research indicated that the property has not been in violation since 1996 as far as surrounding property owners complaining about noise or esthetics of the property.

Commissioners asked if the CUP would be an indeterminate or endless time frame upon approval. Mr. Lerma explained that CUPs can have a limit such as five or ten years, but staff is not recommending a time limit for this application.

Applicant representative Ruth Mayday provided an overview of the applicant's CUP request and lapse of the previous CUP.

MOVED by Commissioner Tom Armstrong, seconded by Vice-Chair Gary Pasciak to recommend approval to the Town Council for a Conditional Use Permit for approximately 4.55 acres of real property located approximately 1,000 feet south of the southwest corner of East Road 2 North and North Road 1 East at 784 North Road 1 East to allow the continuation of the operation and maintenance of a well drilling business consisting of storage of vehicles, machinery and supplies in the AR-5 (Agricultural Residential- 5 Acre Minimum) zoning district.

Vote: 7 - 0 PASSED - Unanimously

- c) Consideration and possible action regarding a request for a Minor General Plan Amendment to change the land use designation for approximately 9.49 of 15.9 acres of real property generally located at 1460 West Road 4 North from Medium Density Residential land use designation to Commercial/Multi-Family Residential land use designation.

Consideration and possible action regarding a request to rezone approximately 75 acres of real property generally located .25 miles west of the northwest corner of West Road 4 North and North Road 1 West. The applicant has requested to rezone 15.9 acres from CL/MR-PAD (Commercial Light/Multi-Family Residential with a Planned Area Development overlay) to 6.4 acres of SR-1 and 9.49 acres of CL (Single Family Residential – 1 acre Minimum and Commercial Light, respectively). The remaining 59 acres are requested to be rezoned from AR-5 to SR-1. (Jason Sanks, Development Service Director)

Development Services Director Sanks presented the following:

- The property was rezoned lawfully in the past. The General Plan request is a formality to sync the maps with the legal use because the property is already entitled to commercial land uses. The main focus for the application will be the zone change.
- The property includes the Windmill House off Road 4 North and an existing residence but is more or less vacant on the north portion of the property.
- The entire 75 acres is designated Medium Density Residential.
- On December 8, 2015 the Windmill House and nearby property were in a blended zoning area, with multifamily zoning and commercial zoning with a Planned Area Development (PAD) Overlay. The PAD provided use restrictions. The current proposal does not include a PAD because the district uses do not require a PAD. Rezoning the property surrounding the Windmill House will protect the area from negative impacts. Applicants and Staff would like to remove the PAD and the Multifamily Residential zoning, keep the Commercial Light for the Windmill House operation, and rezone the surrounding area to Single Family Residential one acre minimum. One-acre lots are consistent with the area.
- Mr. Sanks provided an overview of the subdivision plat layout.
- Water services will be provided through Appaloosa Water Company and there will be individual septic tanks on each lot.
- The surrounding neighbors were concerned with the traffic increase created from the project and they were hoping to get a six-foot block wall at the portion of the entry drive that extends along the west side of the Windmill House.

Commissioners asked about the wall location in conjunction with drainage. Mr. Sanks explained that the wall wasn't a necessity and not every subdivision had one in place. The fence was requested for the first two properties off Road 4 North near the drainage area. The other areas could use dense landscaping as a barrier.

Applicant Joe Cordovana provided an overview of the application. Commissioners questioned the applicant on the following:

- Wall: Mr. Cordovana stated that the wall would be a consideration when developing the plat.
- Developer: Mr. Cordovana stated that it had not been determined yet if he would act as developer or someone else would do it.

Public Comment:

- Robert Scoon, nearby property owner, was concerned about the road that will be built parallel to his house and it is the reason he wants a wall. The current landscaping is not solid and does not create a sound or light buffer and is not being maintained. The wall would be solid and maintenance free. He also considered the Windmill House as a commercial property and believed a buffer should have been put in place when it was built. He anticipated a lot of construction vehicles using the road when the properties are developed and would like a buffer.
- Wayne Moyer, nearby property owner, appreciated the proposed plan for one acre lots. He had concerns about headlights and noise and didn't believe a fence will work because of the bend in the street. He also believed heavier landscape was needed for noise reduction.
- Ronald Maines, resident (written letter provided), emphasized that the infrastructure roads and sidewalks remain a priority and he wanted the applicant to provide clarification and confirmation that all necessary steps have been taken with ADEQ for water provision and that he obtained a Certificate of Assured Water Supply as required.
- Robert McCaullay, resident, stated that when a section of property was rezoned previously, the property owners were not to have the right to a super majority at Council meetings. There was also supposed to be an easement dedication across the front of the properties and he had not found that the Council implemented the dedication. If that was true, then the other project is illegal and should never have opened. He was told that the road was not going to be used as access to the Windmill House, but it is. He was concerned because Mr. Cordovana has cleaned out all the rubble and concrete and buried it across the front of the project and it will have to be dug up for the new development. He believed that Mr. Cordovana only wanted the rezone for the Commercial Light but will never complete the one acre development unless he was required to do so.

Commissioners questioned Mr. McCaullay for clarification on his statements but were unable to answer any of his questions during the meeting.

Mr. Sanks addressed several items brought up by the public:

- Road dedication: He reviewed the road dedication process and explained that the dedication for this project would take place during the final plat and the project could not proceed without dedicating the property.
- Water: Water provisions will occur during the platting stage, not the rezone change, and was regulated by ADWR, not the Town. The Town will require a Certificate of Assured Water Supply prior to any approval of the final plat. The developer can only get water service if the water company and their infrastructure can support it, and there may need to be some adjustments to the current infrastructure to provide the water, but they will not get homes built without the provision of water.
- Infrastructure: Streets, water and dry utilities needed to be in place before the first housing permit will be issued. The Plat will come to the Commission before anything is built.
- This application was to determine if it was an appropriate land use for the area.

The Commission discussed the previous dedication and the wording for the easement being included in the zone change. Mr. Sanks explained that dedications don't immediately take place upon council approval, but they are in place for when they are needed during the platting process.

Commissioners and staff discussed:

- Access for the 52 lots on Tract A and the Windmill House: Mr. Sanks explained that the access branches off, but both would be separate and would meet the local street standards.

- Rights of Way (ROW) process: The owner has agreed to the required ROWs. When the project begins and is platted, the ROWs will be dedicated in the proper locations. Frank Marbury asked for clarification on the development and the ROW dedications and any stipulations for roadway improvements. Mr. Sanks explained that would be a housekeeping item that would be handled by staff.
- Landscaping: This will be discussed during the platting phase.
- Wall: The wall can be included in the zoning phase or can be clearly addressed in the minutes. It can be added as a condition.

MOVED by Commissioner Michael Bacon, seconded by Commissioner John McCafferty to recommend approval to Town Council of a Minor General Plan Amendment to change the land use classification of approximately 9.49 acres of the 15.9 acres lot size for parcel 306-05-031V from Medium Density Residential land use classification to Commercial/ Multi-Family Residential land use classification; and also to recommend approval to Town Council of a request to rezone approximately 75 acres of real property (APN: 306-05-030R, 306-05-031V and 306-05-031T), rezone 15.9 acres from CL/MR-PAD (Commercial Light/Multi-Family Residential with a Planned Area Development overlay) to 6.4 acres of SR-1 and 9.49 acres of CL (Single Family Residential-1 acre Minimum and Commercial Light, respectively); and the remaining 59 acres to be rezoned from AR-5 to SR-1, with the following condition of approval: that a six foot high block wall be constructed along the west side of the tract E property line, commercial area/drainage, common area.

Vote: 7 - 0 PASSED - Unanimously

7) NON-PUBLIC HEARING ACTION ITEMS

8) DISCUSSION ITEMS

9) PUBLIC COMMENTS

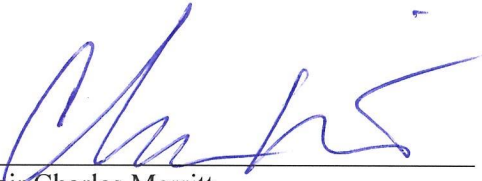
Call to the Public is an opportunity for the public to address the Commission on any issue within the jurisdiction of the Commission that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Commission action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

- Ronald Maines, resident, was concerned that the three-minute rule was only for things not on the agenda. Chair Merritt explained that was only for this section of the Agenda and for items not discussed earlier on the agenda because items on the agenda cannot be readdressed after the Commission has moved forward.
- Darrel Mahoney, resident, questioned if property value goes up after it is rezoned. Mr. Sanks explained there is no prohibition on a person rezoning their property. This is the first step in a long process.

10) ADJOURN

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner John McCafferty to adjourn the meeting at 7:10 p.m.

Vote: 7 - 0 PASSED - Unanimously

A handwritten signature in blue ink, appearing to read 'Charles Merritt', written over a horizontal line.

Chair Charles Merritt

A handwritten date '6-5-2018' in blue ink, written over a horizontal line.

Date