

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

**JULY 3, 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 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 Tom Armstrong;  
Commissioner Michael Bacon; Commissioner John McCafferty; Commissioner Teena Meadors; Commissioner William Welker

Staff Development Services Director Jason Sanks; Planner Alex Lerma; Town Attorney

Present: (electronically) Andrew McGuire; Town Clerk/Recorder Jami Lewis

**4) MINUTES**

- a) Consideration and possible action to approve June 5, 2018 regular meeting minutes.

Town Clerk Jami Lewis explained that we received a call from Tina Harmon stating that at the previous meeting when she spoke, she did not approve of a 6' fence but would approve to an 8' to 10' fence (page 4 item 8a public comments section, 2nd speaker). It was confirmed on the audio and video, that she did in fact state the 6' to 8' fence, therefore no change was needed. The other item (page 5 public comments section, 2nd to last speaker), the draft minutes indicated that Tina Harmon spoke, but the correct speaker was Cindy Cole and the minutes were corrected.

MOVED by Commissioner Teena Meadors, seconded by Commissioner Michael Bacon to accept the June 5, 2018 minutes with the correction on page 5 with replacing the name Tina Harmon with Cindy Cole.

**Vote: 7 - 0 PASSED - Unanimously**

**5) STAFF REPORTS**

Development Services Director Sanks reported that staff is working on the first review of Century Ranch project, which is 172 one acre lots just north of Bright Star. It is in for a preliminary plat review and comments will go out next week. This will be before the Commission around September.

## 6) PUBLIC HEARING

- a) Consideration and possible action regarding a request for a Conditional Use Permit for 1.38 acres of real property located approximately .25 mile north of the northwest corner of Center Street and State Route 89 intersection at 246 North State Route 89. The request of the CUP is to allow a food truck court on a CL (Commercial Light) zoned property. (Jason Sanks, Development Service Director)

Mr. Sanks presented the following:

- Presented a slide covering what is a food court.
- Already one truck on site now, as previously there were two which included a larger 500 truck but that one is now gone
- Provides centralized location for more than one truck.
- Easily accessible off of State Route 89.
- Variety of foods offerings at a single location.
- Considered a small business operating as similar to a swap meet or temporary outdoor retail sales.
- Site owner will make restrooms available.
- Designated eating areas with 10' space between the truck and the parking spaces.
- Trucks are on a concrete pad from former building.
- No parking issues.
- Prior hearing concerns on: accessibility, walking through dirt, applicant requesting a third truck.
- The previous 500 truck was really big, but if this site had three small trucks it would be okay.
- Site owner will smooth out the dirt rocky area and pave the area approaching the food trucks.
- Outdoor seating with picnic tables by the current mature trees.
- If applicant wants a fourth truck, site improvements will be required and will need to request an amendment to this CUP.

Commissioners and staff discussed:

- If the restrooms were ADA accessible and ADA approved. Mr. Sanks responded that the applicant has advised him that they were ADA accessible.
- Clarifying the paving area was just the west side of the area between the parked cars and the concrete slab. Mr. Sanks showed the area on the power point presentation and explained that customers will not be walking on any dirt.
- Will the water and electric be reviewed by Development Services before this goes forward. Mr. Sanks stated that staff will be fully inspecting all utility requirements.

Bruce Eldredge, applicant, stated that he has been considering this for quite a while and was approached by the 500 truck and he pulled a permit. The Korean truck also approached him but he didn't realize that would create a food court situation, so that is why he is requesting the CUP now. He will have a parking space for handicap and the electric will be approved by the town. The trucks will have a key for the restrooms during hours of operation.

Public Comments:

Yolanda Menellia, a business owner, but not in the food business, asked why the applicant couldn't build a building instead of having trucks. This way they would have sales tax, trash

pickup and a water company. She wanted to know if the food trucks are just for the people working in the buildings or for customers to walk up to them. Her concerns are this would be competition with other food businesses in town, and that they don't pay sales and property tax.

Mr. Sanks stated that food trucks have become more popular and owners are choosing to be mobile as they are now defined as food service restaurant effective August. House bill has passed to literally allow them to go anywhere.

MOVED by Commissioner John McCafferty, seconded by Vice-Chair Gary Pasciak to recommend to Town Council approval of this request for a Conditional Use Permit for approximately 1.3 acres of real property located approximately .25 miles north of the northwest corner of Center Street and State Route 89 intersection at 246 North State Route 89 to allow the food truck court in Commercial Light zoned district subject to the following conditions:

1. All food trucks shall be located in the designated areas as shown on the site plan.
2. Food trucks shall be limited to no more than three trucks on site.
3. Trash and recycle receptacles shall be provided on site, and must be emptied and maintained.
4. Paved access shall be provided between the parking area and the food truck court.

**Vote: 7 - 0 PASSED - Unanimously**

- b) Consideration and possible action regarding a request for a CUP (Conditional Use Permit) for 0.55 acres of real property located on the southwest corner of North Road 1 East and East Road 3 North at 985 East Road 3 North. The requested CUP will allow the existing single family residential use within the CL (Commercial Light) zoning district. (Alex Lerma, Associate Planner)

Mr. Lerma reported that the existing single family residence was constructed on site in 2000. The home was originally located on 2.20 acres. The property owner at the time recorded a land division creating two 1.2 acre lots. On April 27, 2006, Town Council adopted Ordinance 06-646 providing for the rezoning of both properties from Single Family Residential to Commercial Light zoning district. This converted the existing single family residential use to a legal non-conforming use. The applicant was applying for a conditional use permit to allow the single family residential use within the commercial light zoning district.

The Commission and staff discussed:

- If there was an end date on the CUP and Mr. Lerma stated there is not.
- The reason for the request now is due to the UDO specifying that non-conformance cannot be expanded. If the applicant wanted to put in a shed or extra room that would not be allowed.
- This gives flexibility and will allow the single family residential on the property to expand.
- If applicant does not meet conditions, the CUP can be revoked.
- There was a surrounding property owner that had concerns that in the future the property would become commercial. The applicant has no plans to go to commercial.

MOVED by Commissioner Teena Meadors, seconded by Commissioner John McCafferty to recommend to Town Council approval of this request for Conditional Use Permit for approximately 0.55 acres of real property located on the southwest corner of North Road 1 East and East Road 3 North at 985 East Road 3 North to allow the existing single family residential use within a Commercial Light zoning district.

**Vote: 7 - 0 PASSED - Unanimously**

- c) Consideration and possible action regarding a request to rezone 8.7 acres of a 15.8 acre of real property located approximately 0.75 miles east of the southeast corner of North Road 1 East and East Perkinsville Road at 1821 East Perkinsville Road, from AR-5 (Agricultural Residential-5 acre minimum) to SR-1 (Single Family Residential-1 acre minimum). (Alex Lerma, Associate Planner)

Mr. Lerma presented the following:

- The site location is approximately 150 feet east of the southeast corner of East Perkinsville Road and Salida del Sol.
- The property is currently being used for horse rescue and sale of hay.
- Applicant wants to rezone a portion of the property, 8.7 acres specifically, to SR-1 zoning district and leave the rest of it as AR-5 zoning district to continue the use of the animal rescue and sale of hay.
- The record of survey shows how the property will be split in the future.
- The request to rezone is supported by the properties to the south, west and north.

MOVED by Commissioner William Welker, seconded by Commissioner Teena Meadors to recommend approval to Town Council of this request to rezone approximately 8.7 acres of a 15.8 acre of real property located approximately 150 feet east of the southeast corner of East Perkinsville Road and Salida del Sol at 1821 East Perkinsville Road from AR-5 (Agricultural Residential-5 acre minimum) to SR-1 (Single Family Residential-1 acre minimum).

**Vote: 7 - 0 PASSED - Unanimously**

- d) Consideration and possible action regarding a request to rezone 6.85 acres of real property generally located approximately 1,400 feet west of State Route 89 and 620 feet south of West Road 2 North at 740 West Road 1 North, from MR-1 (Multiple Family Residential-1 acre minimum) zoning district to MR-1 PAD (Multiple Family Residential-1 acre minimum) zoning district with a Planned Area Development Overlay zoning district to modify the density development standard in the MR-1 zoning district. (Jason Sanks, Development Service Director)

Development Services Director Sanks explained that this case was brought to the Commission last month as a discussion item and received significant public input. At the advice of the Commission, the public notification was expanded from 300 to 1000 feet and included a couple of lots outside of that to include a whole cul-de-sac in a subdivision to the south.

Mr. Sanks covered the following:

- In attendance: applicant representative Ms. Mayday; the prospective developer; land owner; project architect; and the project engineer.
- Brief refresher from where last meeting left off: he suggested that in respect for time, those that spoke at last meeting save comments for new points.
- Project details: presentation showing exact location of the project site; pointed to homes to the south; the Equestrian facility to the west, and vacant property to the north and east.
- Zoning: 6.85 acres already MR-1 Multiple Family Residential that allows up to 14.5 units per acre; the request is to do a PAD overlay to allow four (4) buildings with 48 units in each, 192 total units; setbacks at 100 feet except for building one where one portion is slightly closer to the west property line. Other approved development complexes for a mobile home park and self-storage facility have not resubmitted plans. It looks like they

are not planning on doing apartments there behind Safeway.

- Building Elevations/Floor Area: all units are enclosed and all access is from the interior hallway. No outdoor patios will be provided.
- Reviewed the ground floor square footage and lot coverage. They meet parking area requirements and current development standards across the board with the exception of density. The code is silent on restrictions regarding the number of floors allowed; it just says the building height and so they are able to propose this without asking for any deviation from code.
- Three types of signage: a monumental sign at the entrance to the facility; free-standing directional signage; and wall signage to identify each building.
- Citizen review and public hearing process: on March 8, 2018 staff notified property owners within a 300' radius, resulting in twenty-two (22) letters to surrounding property owners; March 20, 2018 the item went before the Planning and Zoning Commission as a study session item; March 26, 2018 a neighborhood meeting was conducted at Town Hall; June 5, 2018 the item went before the Planning and Zoning Commission as a discussion item.
- The Commission reviewed the site plan including street development, building locations, open space, setbacks, parking, signage, chain-link fencing, wall and vegetative landscape buffering and exterior and interior amenities. The applicant provided additional amenities that had been requested but were not discussed at previous meetings. The Commission requested that, during the re-notification process, staff notify those within 1,000 feet of the project. On June 14, 2018 letters of notification were sent out to all property owners within the 1,000 foot radius including all property owners in Chino Grove Subdivision.
- Citizen input: citizens have come into the office to make their wishes known and they have similar concerns: density, apartment residents' animals, third floor, traffic, safety, and impact to neighboring property values.

Staff recommended that the Commission forward a recommendation of approval to Town Council with these options:

- Following conditions: site plan be changed as modified by staff's conditions, applicant shall add a second row of trees on the south side, and applicant shall preserve the existing mature trees on the perimeter of the project.
- Traffic changes on Road 2 North to mitigate the safety of the area. Sidewalk connection as an interim improvement and a pedestrian crosswalk.
- Drainage improvements and roadway access improvements with curbs.
- Bus pullout, if necessary.

Mr. Sanks stated that if any items were changed by the Commission, then they would become a part of the development agreement. This is acceptable per the Town's legal advisor. If at any point the applicant does not accept these conditions, staff's recommendation would be to deny this project.

As there was no development plan at this time for commercial development or the Hawksnest project, staff was requiring the streets with the curbs for this project. Staff could require a sidewalk, however, staff felt that the street with curbs is sufficient at this time.

Applicant Representative Ms. Mayday spoke on behalf of Ferguson Harding, Architect, Cole Johnson, Brook LLC Developer, Tim Emberling, Copper Construction, and Mike Lopez, Project Engineer regarding the following:

- The proposed multi-family development is within the Downtown Community Core in the General Plan. It is zoned for multi-family housing and is in compliance with the current zoning.
- They are requesting the PAD to develop the site plan and to be able to increase the density of this project.
- The General Plan addresses the need for a variety of housing options. There have been two subdivisions developed in the last ten years, but the need is still there for the multi-family. This is taking up less acreage by concentrating this development, allowing for more of the rural area. Currently only 3% of housing is multi-family.
- The Strategic Plan developed in 2016 states that the town increase the utilities, which this will do. Adding these additional 192 units will help develop the money going to the sewer systems, creating annually just under \$300,000 to the town.
- This site plan is quite different from the original plan. They enclosed the hallways and eliminated balconies, increased the buffer from the adjoining neighbors, increased landscaping, added amenities including: laundry rooms, bocce ball court, walking paths, exercise rooms, event rooms, gazebos and barbeques. They reconfigured buildings to allow for more parking and less noise for the neighbors.
- The developers offered to make a contribution to the Town to replace playground equipment at the local parks rather than just putting one in this development for only residents' use.

Public comments included:

- Yolanda Menellia – Wondered if the owner lives in Arizona and stated that the road is too narrow for people and kids. This should be on the Highway and it will block their views. She was also concerned about water availability.
- Larry Holt – High density housing cannot be next to the lower density housing for safety in the area. With three stories the fire department cannot handle this without a ladder truck which Chino does not have. Traffic in the area will be too dense in the morning. He suggested the town check accident history by ADOT. He polled neighbors and 100% are not in favor of this.
- Nathan Kemp – Stated this is trying to make us like Phoenix. The development is only after the money.
- Carolyn Shiproth – The address is showing on Road 1 North and this should be corrected. The children living in the apartments need something on site for playgrounds and activities.
- Cindy Cole – Asked if Copper Tree Construction was the same as the one in Prescott on Willow Creek. They are also three story and they ruin the view. Money brought in for the water/sewer is not going to generate that much more, because it will require much more maintenance and infrastructure. The fact that there was only one entrance would make it very un-insurable.
- William Morgan – Asked if we want to be another Prescott Valley. We are heading towards that if we continue down this road.
- Chris Foley – Acknowledged that the developer has done a lot but it's not enough. The playground money for the town is insulting. The living conditions are not good for the families that would live here. It's too dense for this space
- Scott Turner – Stated there is not enough amenities for the number of families living here. He had concern for a lot of garbage creation, and will there be every day pick-ups? Fences are not tall enough and the trees will take too long to grow to create blockage. Too dense for this location.
- Jackie Gilbert – Asked if we want to be like Robert Road in Prescott Valley. She was asking the Commission to help to preserve the rural area here.

Mr. Sanks stated that the public has spoken very clearly. He said the Fire Department requires a second access if over 200 units.

Cole Johnson, owner of this project, commented that they worked very hard to meet the expectations raised; they want to meet all of the needs yet make this a feasible project. They believed it is the perfect transition project and to be respectful of the accommodations made. This was not a low income or HUD project. He grew up on a ranch in the area and that is one of the reasons he addressed all of the following concerns:

- Crime: This was not a low income project. There are crime rates in the single family areas as well in the area. It is not in the multi-family areas. They do background and credit checks on the families that will be living in our project.
- Utilities: They use more expensive fixtures so they are more efficient, very water-wise, and energy efficient. They also addressed the fire issue, much more so than in most single family homes.
- Developer: Copper Tree was not the developer of record on the Willow Creek apartments. It was another developer that ran into issues and Copper Tree is now doing some remedial work on that project. They are an approved developer approved by HUD.
- Prescott Valley comparison: This will not be like Robert Road, as this is in compliance with the General Plan. Chino Valley is doing an excellent job of preventing a Robert Road scenario. They were under the allowable height allowance.
- Amenities: They have provided adequate amenities and feel the offer for the town to provide assistance for the parks was not an insult, but an added benefit. They will withdraw it if it is considered a bribe.
- BBQs: There are limited sites for BBQs on this project due to reducing the noise and impact that balconies generally require.
- Trash: Trash containers will accommodate the garbage created and will not need to be a daily pick-up.

The Commission asked whether the project has to be 192 units or nothing. The owner answered that in order for it to be feasible, with the off-site improvements, and the changes made, it needs to remain as is.

Comments by Commissioners were:

- Council needs to sharpen their pencils with the roads and see about improving the roads in the area as traffic increases.
- The General Plan does allow for the Core and maintaining the rural existence of the properties adjoining them.
- This project would potentially work if it were adjusted even five (5) acres over from where it is being proposed.
- This should not necessarily be at the project core boundary.
- The project developer has accommodated the requirements by the staff and community, but only when pushed.

MOVED by Commissioner Michael Bacon, seconded by Commissioner Teena Meadors to recommend that the Planning and Zoning Commission forward a recommendation of denial to the Town Council for a request for rezoning on 6.85 acres of real property from MR-1 Multi-family Residential 1 acre minimum to MR-1 PAD Multi-family 1 acre with an overlay development plan.

**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.*

**10) ADJOURN**

MOVED by Commissioner John McCafferty, seconded by Vice-Chair Gary Pasciak to adjourn the meeting at 8:39 p.m.

**Vote: 7 - 0 PASSED - Unanimously**

  
Chair Charles Merritt

10-2-18  
Date