

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

**SEPTEMBER 4, 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

Chair Merritt 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 Teena
Meadors; Commissioner William Welker

Staff Planner Alex Lerma; Public Works Director/Town Engineer Frank Marbury;
Present: Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk Vickie
Nipper (recorder)

4) MINUTES

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

MOVED by Commissioner John McCafferty, seconded by Commissioner Tom Armstrong to
approve the July 3, 2018 regular meeting minutes, as corrected: Wells Geary was not present at
the July 3, 2018 meeting, and the count for all votes for each item should be 7-0.

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

PASSED - Unanimously

5) STAFF REPORTS

Planner Alex Lerma reported on the following:

- Staff received two new zoning applications, which brought the total rezoning applications for the year to 19.
- Two projects undergoing feasibility and technical reviews were: Scooters (coffee company), located north of State Route 89 and Center Street across from the High School and a restaurant whose name was not yet public.

6) PUBLIC HEARING

- a) Consideration and possible action to approve Ordinance 18-852 to rezone 7.06 acres of real property generally located approximately 900 feet east of Sycamore Vista Drive and 638 feet north of West Center Street, from AR-5 (Agricultural Residential-5 acre minimum) to SR-1 (Single Family Residential-1 acre minimum). (Jason Sanks, Development Service Director)

(Item 6a was heard after Item 6b but is retained here for clarity.)

Planner Alex Lerma presented the following:

- The adjacent property had similar zoning and Mesa View South Subdivision bordered the property, Mollie Rae Estates lay to the Southwest and Chino Valley Estates lay to the Southeast.
- The property owner resided on the property to the south.
- The seven acres of vacant land would be rezoned from AR-5 to Single Family Residential one acre minimum (SR-1). It had been used for farm animals.
- The surrounding properties to the south and northeast were zoned AR-5 and all other surrounding property were zoned SR-1.
- The subject property was designated medium density in the General Plan, and SR-1 would be in conformance with the plan.
- The neighborhood meeting was held on August 20, 2018 and approximately 13 residents attended. Most of the residents resided in Mesa View Subdivision to the west. The Planning Department also received a letter from a resident from Mesa View Subdivision to the south, voicing similar concerns. The residents had two main issues:
 - Drainage: The subject property was elevated. When it rained, the runoff went to the backyards of the Mesa View Subdivision.
 - Manufactured homes.
- The property owners intended to provide access to the subject property through a 25-foot easement located on the west property line of the property to the south, also owned by the applicant. The subject property would be divided into three separate properties and have manufactured homes installed on each property.
- The manufactured homes were not a zoning issue. The UDO did not regulate site-built and manufactured home through the zoning change process. The zone change determination would be if SR-1 made sense in that area. Staff believed that the SR-1 district made sense because of the surrounding property zones. The grading and drainage issues would be covered during the development and permit stage.

Commission and staff discussed:

- Commissioners requested clarification on the property lines because of a structure shown on the mapped area. Mr. Lerma pointed out the correct property and access easement lines for the subject property.
- Commissioners requested an onsite meeting with the property owner to view the proposed access road area.
- Commissioners questioned whether a 25-foot easement was sufficient for multiple properties. Mr. Lerma explained that: the code required a 50-foot easement for access and further clarification was required before he could answer the question; when the property was subdivided in 2004, the code only required a 25-foot easement for legal access, and he needed clarification as to whether through a rezoning process a condition

of an additional 25-foot easement could be requested for a property that was not part of the application. The Commissioners discussed the need for an additional 25-foot easement all the way to Center Street, as they were concerned that the subject property was landlocked, and until the property developed to the east or a 50-foot easement was designated, the property could legally only have one home on the property and could not subdivide.

- Commissioners further clarified the 50-foot access issue. Since both properties were owned by the same person, the owner could dedicate the additional 25 feet to make it a 50-foot legal access if it were a requirement.
- Mr. Lerma confirmed that with the right zoning, the owners of the subdivided property could further subdivide their property to one acre lots.
- The Commissioners discussed whether the access road to the property would be paved and Mr. Lerma explained that a paved road could not be required when property was subdivided unless it was specifically stated in the UDO.
- Commissioners discussed recommending a change of zoning to larger lots from what was requested by the applicant or if they should instead recommend a continuance until further information is provided. Mr. Lerma explained that the Commissioners could only deny or approve the application. If it was denied, the applicant would have to reapply.
- Commissioners asked Mr. Marbury about the drainage issues brought up at the neighborhood meeting. Mr. Marbury explained that he was not aware of the specific issues for this property that might have arisen with drainage, but because of the higher elevation of the subject property, the general knowledge is that water drains from higher elevations to lower elevation properties. Typically, drainage follows the natural and historic patterns, which must be accommodated. Drainage water could not be blocked or released at a faster rate than what is historically released to the south, which is why subdivisions have retention and detention requirements that do that. The state had general guidelines, but the municipal code was not clear on non-subdivided lots. State guidelines tend to exempt residential developments of one acre or greater in size. Local jurisdictions had the authority to modify their code as they saw fit. In general, the property uphill would release the water at natural and historic rates. The Town's building permit level did not regulate retention requirements for individual residential lots.
- Commissioners asked if the Mesa View Subdivision had any drainage requirements. Mr. Marbury explained he had not seen the specific subdivision report requirements, but typically subdivisions had drainage reports that both quantifies the historic and natural drainage flowing into the subdivision, including any offsite or onsite flows, and would accommodate the increased runoff from the building of streets and housing structures and would detain the water at historic rates so there would be no impact to the downstream properties at any more than historic rates. The report would at least mention that it received some flows from the elevated property. He could research the requirements for the back pieces of property dealing with water from the subject property's vacant land.
- Commissioners felt as if the zoning request fit the area but had ongoing questions and wanted to postpone any final decision until further clarification was provided on the easement issue. The drainage issue should have been addressed during the subdivision planning and would also be addressed at the building department level.
- Commissioners discussed planning for the future and the possibility of approving a rezone at two to 2.5 acres or having the road paved as a condition of the requested rezone. Mr. Marbury wanted to clarify that any conditions the Town requested from the property owner was legal before any request or requirement was actually made regarding the final decision. Commissioners agreed.
- Commissioners wanted to postpone the application until the next meeting when staff could answer the question as to whether the 25-foot easement was sufficient to feed the subject property if it was split or if it required more property to be dedicated. If it

required more, if the property owner was willing to dedicate more to the Town based on the requirements of the code.

MOVED by Commissioner Teena Meadors, seconded by Commissioner Michael Bacon to table the application until the next meeting.

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

PASSED - Unanimously

- b) Consideration and possible action to approve Ordinance 18-853 to rezone 6 acres of real property located on the northwest corner of South Road 1 West and West Road 2 South at 940 South Road 1 West from AR-5 (Agricultural Residential-5 acre minimum) to SR-1 (Single Family Residential-1 acre minimum). (Alex Lerma, Planner)

(Item 6b was heard after Item 5 but is retained here for clarity.)

Mr. Lerma presented the following:

- The property was located on a major intersection.
- The property was currently six acres with an AR-5 zoning district and was vacant. The accessory structure was going to be removed. Applicant was requesting a rezone to SR-1, single family residential with a one-acre minimum.
- The property was primarily surrounded by subdivisions and zoning districts that supported the zoning the applicant had requested. There had been a pattern of low-density residential transforming into single family residential.
- The proposed zoning would be in conformance with the land use designation on the General Plan.
- The Public Works Department requested an additional right of way (ROW), with the applicant dedicating 25 feet on Road 1 West and 30 feet on Road 2 South. The UDO stated that on major arterials, the ROW needed to be at least 100 feet. The additional right of way request was to meet this requirement and should be a condition of the zoning change.
- Staff recommended that the Commission forward to the Town Council for approval with the ROW condition.

Commission and staff discussed:

- Commissioners questioned where the water and sewer lines were located and Public Works Director Marbury explained that the closest sewer was at the Mountain View Mobile Home Park on Road 1 West and no water was in the area. Wells would be allowed on one acre lots if approved by the State.
- Commissioners asked if the property to the west with a recently installed manufactured home was within the setback requirements. Mr. Lerma explained that when the property was subdivided, the owner submitted a record of survey, and the twenty-foot side yard setback was met.

Chad Nanke, property representative, stated that the setback from the manufactured home to the back of the subject property was 25 feet and met the requirements. If the property was split in

the future, the access would be along South Road 1 West, with no ingress or egress off the busy road.

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Teena Meadors to recommend to Town Council of this request to rezone approximately rezone six acres of real property located on the northwest corner of South Road 1 West and West Road 2 South at 940 South Road 1 West from (AR-5) Agricultural Residential, 5-Acre Minimum to (SR-1) Single Family Residential, 1-Acre Minimum with the following conditions:

1. ROW dedications sufficient so that the ultimate ROW line on Road 1 West is 50' west of the section line between sections 27 and 28; the ROW dedication on Road 2 South should be sufficient so as to set the ROW line 50' north of the section line between sections 28 and 33.

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

PASSED - Unanimously

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

8) **DISCUSSION ITEMS**

9) **PUBLIC COMMENTS**

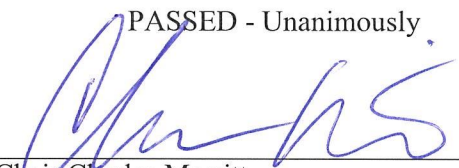
Call to the Public is an opportunity for the public to address the Commission on any issue within the jurisdiction of the Commission that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes 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 William Welker, seconded by Commissioner John McCafferty to adjourn the meeting at 6:54 p.m.

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

PASSED - Unanimously


Chair Charles Merritt


Date