

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

**NOVEMBER 6, 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

Vice-Chair Gary Pasciak led the Pledge of Allegiance.

3) ROLL CALL

Present: Chair Chuck Merritt; Vice-Chair Gary Pasciak; Commissioner Tom Armstrong; Commissioner Michael Bacon; Commissioner Teena Meadors; Commissioner William Welker; Alternate Welles Geary

Absent: Commissioner John McCafferty

Staff Present: Planner Alex Lerma; Public Works Director/Town Engineer Frank Marbury; Deputy Town Clerk/Recorder Vickie Nipper

4) MINUTES

- a) Consideration and possible action to approve October 2, 2018 regular meeting minutes.

Commissioners requested clarification on who made the original motion on Item 6a, McCafferty or Commissioner Welker. Approval of the minutes was tabled until the next meeting pending verification and correction.

5) STAFF REPORTS

Town Planner Lerma reported on the following:

- The December meeting would have three items, one of which would be from the City of Prescott for a wellsite south of Perkinsville. They would be expanding the building but not changing any of the equipment. There would also be two rezoning requests along State Route 89.
- The applicants for the construction of 9 duplexes with 18 units on Center Street that had been reviewed by the Commission earlier in the year, would be coming back before the Commission in February.
- Jason Sanks would no longer be offering his services as the Development Services Director.

6) PUBLIC HEARING

- a) Consideration and possible action to approve Ordinance 18-855 to rezone 1.74 acres of real property generally located on the northeast corner of North Road 1 West and Reyes Road at 920 Reyes Road from AR-5 (Agricultural Residential-5 Acre Minimum) zoning district to SR-1.6 (Single Family Residential-1.6 Acre Minimum) zoning district. (Owner of Record: Fillebrown Living Trust & Fillebrown Roger & Sharon Trustees) (Alex Lerma, Planner)

Chair Merritt recused himself from any action on this item and left the room at 6:08 and returned at 6:13 p.m. after the item was voted on.

Town Planner Lerma presented the following:

- The applicant wanted to rezone from AR-5 to SR-1.6 zoning district.
- The subject property was not located within a plotted subdivision.
- The properties to the North and Northeast were considered legal non-conforming lots due to the size of the lots. There was no record to show the lots had been subdivided and staff believed the lots were like that when the Town was incorporated in the 1970's.
- The applicant wanted the correct zoning classification for the actual size of the property. Staff determined that the closest zoning district to fit the property was SR-1.6.
- The rezone would not have a negative impact on surrounding properties.
- Staff recommended forwarding the application to the Council for approval.
- Other legal non-conforming property owners had not requested nor had been asked by the Town to rezone their property.
- Mr. Lerma explained how legal non-conforming properties were handled by the Town. Property owners had to abide by the zone their property was located within.

MOVED by Commissioner Tom Armstrong, seconded by Commissioner Teena Meadors to recommend approval to Town Council of this request to rezone approximately 1.7 acres of real property located on the northeast corner of North Road 1 West and Reyes Road at 920 Reyes Road from AR-5 (Agricultural Residential-5 Acre Minimum) to SR-1.6 (Single Family Residential-1.6 Acres Minimum).

AYE: Vice-Chair Gary Pasciak, Commissioner Tom Armstrong, Commissioner Michael Bacon, Commissioner Teena Meadors, Commissioner William Welker, Alternate Welles Geary

Other: Chair Chuck Merritt (RECUSE)

PASSED

- b) Consideration and possible action to approve Ordinance 18-857 to rezone 2 acres of real property located approximately 612 feet north of the northeast corner of Red Cinder Road and Kachina from AR-5 (Agricultural Residential-5 Acre Minimum) zoning district to SR-2 (Single Family Residential-2 Acre Minimum) zoning district. (Owner of Record: Thomas G. Romanek and Princess C. Romanek) (Alex Lerma, Planner)

Town Planner Lerma presented the following:

- This property was similar to the previous item and was not located in a plotted subdivision.
- Records showed that the surrounding properties had been subdivided in the past and were legal non-conforming.
- The applicant wanted the correct zoning classification for the actual size of the property.
- The rezone would not have a negative impact on surrounding properties.
- Staff recommended forwarding the application to the Council for approval.

Commission Members and staff discussed:

- The property was supposed to be subdivided in 2007 but was never recorded until a change of ownership took place. The subdivision was not done through a Town application. The subdivision was not done legally.
- There was not a way for staff to track recorded County documents unless it went through the proper Town procedures. The County did not notify the Town.
- Any property less than 2.5 acres was required to come to the Town for review and approval. Any Town review for subdivided property 2.5 acres or more was only a recommendation.
- The property to the North was 3 acres that had been divided into one-acre parcels.

MOVED by Commissioner Teena Meadors, seconded by Vice-Chair Gary Pasciak to recommend approval to Town Council of this request to rezone 2 acres of real property located approximately 612 feet north of the northeast corner of Red Cinder Road and Kachina from AR-5 (Agricultural Residential-5 Acre Minimum) zoning district to SR-2 (Single Family Residential-2 Acres Minimum) zoning district.

AYE: Chair Chuck Merritt, Vice-Chair Gary Pasciak, Commissioner Tom Armstrong, Commissioner Michael Bacon, Commissioner Teena Meadors, Commissioner William Welker, Alternate Welles Geary

PASSED - Unanimously

- c) Consideration and possible action to approve Ordinance 18-858 to rezone 2.71 acres of real property located approximately 375 feet east of the northeast corner of State Route 89 and Road 4 North intersection at 868 East Road 4 North from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district. (Owner of Record: Corey and Robin Mendoza) (Alex Lerma, Planner)

Town Planner Lerma presented the following:

- The application had gone before the Commission previously.
- In 2010 the property was zoned AR-5 and Council adopted an ordinance that changed the zone to Commercial Heavy. The owner used the property for his business, C&R Trucking, cleaning and maintaining trucks onsite. Last year a conditional use permit (CUP) that allowed a medical marijuana research facility onsite with conditions was approved. The applicant would be moving his C&R Trucking business to another approved location and the CH zoning district was no longer necessary. The CUP would remain the same if the zoning changed and the conditions attached to the permit would still need to be abided by.
- Properties within the 300-foot radius were notified and there were no comments received and no one attended the neighborhood meeting.

Commission Members and staff discussed:

- Staff clarified that the trucking company would be moved and the medical marijuana facility would take over the entire property. The applicant could still store his trucks on the property, but could not do anything more.
- The current medical marijuana CUP was specifically for the current onsite building and any further building expansion would need the approval of the Commission and Council, but the property could be used for any other business-related activities as long as the use was allowed under that zone.
- A medical marijuana grow facility was different than a research facility and had different zoning requirements. Staff had consulted with legal counsel to ensure that the CL zone change request fell within the parameters necessary for a marijuana research facility.

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Michael Bacon to recommend approval to Town Council of this request to rezone approximately 2.71 acres of real property located approximately 375 feet east of the northeast corner of State Route 89 and Road 4 North intersection at 868 East Road 4 North from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district.

AYE: Chair Chuck Merritt, Vice-Chair Gary Pasciak, Commissioner Tom Armstrong, Commissioner Michael Bacon, Commissioner Teena Meadors, Commissioner William Welker, Alternate Welles Geary

PASSED - Unanimously

- d) Consideration and possible action to approve Ordinance 18-856 to rezone 12.35 acres (approx. 535,788 sq. ft.) of real property located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North from SR-1 (Single Family Residential-1 acre minimum) to CL (Commercial Light) to allow wholesale nursery. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

The Commission combined Item 6d and 6e.

Town Planner Lerma presented the following:

- The applicant wanted to rezone from SR-1 to CL which would allow a wholesale nursery and concurrently request a Conditional Use Permit which would allow the current residential use to stay in place.
- The applicant also owned and operated The Prescott Valley Growers and a plant wholesale nursery in the area. The wholesale nursery did not have outside sales or customers coming onsite. All orders to the wholesale nursery were shipped to their store in Prescott Valley.
- The subject property would be a similar use as the applicant's other business, with most of the vacant lot used as a wholesale nursery. There would be greenhouses on the property that would be completely buffered by trees.
- Requested CL zoning district because that was the only zone that identified nurseries. AR5 did allow for greenhouses.
- The properties to the east included Prescott Valley Growers, Chino Nursery, zoned CL and Earthworks, zoned CH.

- CL zoning would allow the opportunity in the future to have outside sales.
- There was currently a residence onsite that was used as a caretaker's unit. The applicant planned to build an additional caretaker's unit onsite. A CUP would allow for the residential unit to remain.
- Requested the CUP concurrent with the zoning to keep the current residence and it allowed a future residence under the CL zone. The applicant did not want to end up with a non-conforming property
- The citizen review process meeting had four residents in attendance. There were concerns regarding the retail portion of the application, including additional traffic and customers coming and going. There was also concern about the commercial area expanding further to the west in the future.
- Staff received a letter from a resident that had concerns with the property becoming a commercial property and did not want their residential property to abut commercial property.
- The General Plan map showed the subject property was part of the Commercial and Multifamily usage area.
- Based on the research and how the applicant handled the other commercial property, staff did not see a negative impact and recommended approval of the rezone request and the CUP.

Commission Members, applicant James Cox and staff discussed:

- Frank Marbury explained that the water retention basin on the west side of the property had been a farm pond or water catchment system and was not designed or engineered for a water detention system. Any future development would need a plan for retention or detention that was engineered and built to current specifications.
- The business trucks that were used were 24' vans for flatbeds with approximately two trucks per week onsite. A couple of times a year there would be shipments coming in from other suppliers.
- Staff recommended CL zoning district to the applicant. The applicant's other property was also zoned CL and was kept up nicely.
- There would be two houses with a one acre minimum.
- The wholesale growing of trees and bushes was an agricultural use. Staff should explore if AR-5 would be a more appropriate zone for a nursery use. Inappropriate zoning could also affect other property owners with Agricultural zoning that wanted to have a nursery.
- Overlooked the property maps used for the application including the General Plan Map and the Town's zoning map. The General Plan Map was very generalized and the zoning map was very specific.

Public Comments:

- William Kid – Opposed the rezone not because of the nursery, but because once the property was rezoned CL, it stayed commercial and if the lot was sold it could become anything. All the properties adjacent to the applicant's other property were residential lots. He would like to see the property zoned AR-5 with a CUP for the nursery.
- Carmin Kid – Was opposed to the zoning change but not opposed to the nursery. Things changed in the future and today's intentions could be different in the future. If the property were zoned CL it opened it up to a variety of uses including retail, restaurants, pawn shops, gas station, hotel, hospital, shooting range, billiard parlor, and other uses. All those uses would be non-conforming uses for the residential neighborhood. The Commission's recent actions had reiterated that it was a residential neighborhood. A

variance or conditional use permit would be the legally acceptable solution and would allow the nursery but would remove the future threat of a non-conforming commercial use. The public speaking implored the Commission to find a solution that would allow for the nursery without changing the zoning to CL.

Commission Members and staff discussed the following:

- Commission requested clarification on how controversial items would be heard in the future and if the study sessions would still be utilized.
- Why the staff recommended zoning the property CL instead of AR-5. Commissioner members wanted more time to research the appropriate zoning for this type of use. Staff apologized for not bringing the item to a study session because it was believed it would be a straightforward simple process and they had not expected as many questions and concerns, but respected the issues that were brought forward by the Commission and members of the community.
- Staff would need to discuss with legal counsel how to handle the zoning issue and the future possibility of outside sales at the nursery.
- A second residence would not be permitted in AR-5 zoning with a square footage over 1200 sf. The CL district did not have a square foot limitation on the residence size. The applicant had planned a guest home that was larger than 1200 sf.

MOVED by Commissioner Teena Meadors, seconded by Commissioner Tom Armstrong to table Items 6d and 6e for further research.

AYE: Chair Chuck Merritt, Vice-Chair Gary Pasciak, Commissioner Tom Armstrong, Commissioner Michael Bacon, Commissioner Teena Meadors, Commissioner William Welker, Alternate Welles Geary

PASSED - Unanimously

- e) Consideration and possible action to approve a Conditional Use Permit (CUP18-006) for 12.35 acres (approx. 535,788 sq. ft.) of real property located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North to allow the existing single family residential use within the CL (Commercial Light) zoning district. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

This item was discussed with Item d.

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 Vice-Chair Gary Pasciak, seconded by Commissioner Michael Bacon to adjourn the meeting at 7:20 p.m.

AYE: Chair Chuck Merritt, Vice-Chair Gary Pasciak, Commissioner Tom Armstrong, Commissioner Michael Bacon, Commissioner Teena Meadors, Commissioner William Welker, Alternate Welles Geary

PASSED - Unanimously



Chair Charles Merritt



Date