

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

**OCTOBER 1, 2019
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 Pasciak led the Pledge of Allegiance.

3) ROLL CALL

Present: Chair Chuck Merritt; Commissioner Gary Pasciak; Vice-Chair Tom Armstrong;
Commissioner Teena Meadors; Commissioner Robert Switzer; Commissioner William
Welker; Alternate David Somerville

Absent: Commissioner John McCafferty

Staff Development Services Director Joshua Cook; Planner Alex Lerma; Assistant Engineer
Present: Steven Sullivan; Administrative Technician Kathy Frohock (videographer); Deputy
Town Clerk Vickie Nipper (recorder)

4) MINUTES

- a)** Consideration and possible action to approve September 3, 2019, regular meeting minutes.

MOVED by Vice-Chair Tom Armstrong, seconded by Commissioner Gary Pasciak to approve
the September 3, 2019 minutes.

AYE: Chair Chuck Merritt, Commissioner Gary Pasciak, Vice-Chair Tom Armstrong,
Commissioner Teena Meadors, Commissioner Robert Switzer, Commissioner William
Welker, Alternate David Somerville

7 - 0 PASSED - Unanimously

5) STAFF REPORTS

6) PUBLIC HEARING

- a) Consideration and possible action to rezone approximately 6.85 acres of real property from the MR-1 (Multi-Family Residential 1-acre minimum) zoning district to the MR-1 PAD (Multi-Family Residential 1-acre minimum) zoning district with a Planned Area Development Overlay. The project proposes 152 units in four (4) stepped 2 to 3 story structures. The property is generally located 1,400 feet west of State Route 89 and 620 feet south with Assessor Parcel Number: 306-23-024C. (Alex Lerma, Planner)

Mr. Lerma presented the following:

- *History:* In 2006, Council approved a rezone request from AR-5 to MR-1 and SR-2 for a portion of the property. The property was larger at the time of approval. In 2006 the SR-2 property was subdivided and separated from the MR-1 property. The item went before the Commission in 2017 with a higher density of 192 units, with a recommendation of approval from staff but the Planning and Zoning Commission forwarded a recommendation of denial to the Council and subsequently the project was pulled by the applicant.
- *Current application:* The applicant had submitted the current application with a request of a rezone to MR-1 with a PAD overlay and a request for a density deviation and a proposal of 152 units.
- *Current condition:* The property was approximately 14,000 feet from State Route (SR) 89 and 620 feet south of Road 2 North. The property was 6.85 acres with a zoning classification of Multifamily Residential one acre minimum. The General Plan designation was commercial multi-family residential with a portion of the property in the potential community core. The General Plan goals for community core development included new variety of compatible residential development. The property was currently vacant.
- *Compatibility:* Surrounding properties abutting SR89 were commercial and medium to low density residential based properties further west. As shown in the General Plan, the project would be in the community core.
- *Site Plan:* There would be 21% lot coverage, 70.9% would be open space, and 33% active space. Each building would provide 38 units, each with nine one-bedroom units, 21 two-bedroom units, four each three and four-bedroom units. The building elevations were 35 feet for the three-story building and the two-story building would be 28 feet. The building did not have balconies or outside access to the units. Property access would be through Hawks Nest Trail, a future road meant to serve the Heritage Place commercial subdivision.
- *PAD overlay:* The current zoning classification allowed one dwelling unit per 3000 square feet. Based on the acreage of the property, the project would be allowed 99.3 units with a proposal of 152 units or 22 units per acre with an increase of 7 units per acre. A PAD overlay required stricter development standards, and the developer proposed to increase the setbacks, landscaping, parking, and development screening.
- *Features:* MR properties abutting residential properties were required to have a 10-foot buffer along the street frontage. This property did not have street frontage but was providing substantial landscaping, with a 20-foot landscaping buffer to the east and south and a 40-foot landscaping buffer to the west. The developer would also provide for multi-use paths, exercise equipment, gazebos, BBQ pits, and park areas.
- *Developer's PAD proposals:* The developer had made the following proposals for the PAD Overlay stricter guidelines:
 - Zoning currently allowed 14.5 units per acre and they were proposing 22 units per acre;
 - The current zoning allowed maximum lot coverage of 40 percent; the developer was proposing 20%;
 - The maximum height would not exceed 35-feet;

- Setbacks would meet the front setback of 20-feet and the east side setback requirement of 10 feet would exceed requirements with 120 to 165 feet setbacks. The west side 10 feet would exceed requirements with 44 to 98 feet setbacks.
- Landscaping requirements were one tree for each 20 lineal feet or 144 trees and the developer double the requirement with 233 trees. The 114-shrub requirement would be exceeded with 740 shrubs.
- No minimum screen was required but the developer would provide screening to the south and the west of the property.
- Parking requirements were 184 parking spots and the developer would be providing 287 spaces.
- *Similar projects:* Projects that were similar in size and density that were approved included Village North at 156 units and Hawks Nest PAD at 224 units.
- *Public participation:* Neighbors were notified and staff had been communicating with residents. Several people had requested more information on the development and a letter had been written to the Commission. The neighborhood meeting was held on August 26, 2019 with 21 residents in attendance. Residents raised concern about the following topics:
 - Why the project was brought back to the Commission.
 - Dogs and animal limits on the property – the developer did not know at the time.
 - Secondary access, which was not required by the fire department unless the units exceeded 200 and if the building provided automatic sprinkler systems. This project was less than 200 units and would provide automatic sprinklers.
 - Traffic increases in the area. Staff provided the traffic increase numbers for the project.
- *Staff recommendation:* Staff believed the project met the goals of the General Plan and the overall design would mitigate the impact on surrounding residents. Staff recommended approval of the project with conditions, with five through eight in draft form because the Public Works Director was still working on the requirements:
 1. The project shall substantially conform to the site plan, landscaping plan, conceptual building elevations and other exhibits provided by the applicant, as modified by staff's recommended conditions.
 2. Developer shall provide south property line and a 6' chain link fence with 16"x16" block pilasters every 40' along the west property line.
 3. Depths of flows over onsite and offsite streets shall not exceed one (1) foot to allow passage of emergency vehicles. The standard applies to both public and private streets.
 4. All drainage ways that convey 50 cubic feet per second or more, during the 100-year flood event, shall be considered a regulatory flood and shall be dedicated to the public with provisions for maintenance access ramps. Flows less than 50 cubic feet per second shall be regulated for impacts to buildings and structures, particularly, the placement of the finished first floor or basement, and shall be designated a common area or noted on the final plat as impacting a lot and the lot owner's responsibility for maintenance. Any drainage ways dedicated to the Town shall be constructed to provide minimal need for maintenance (paved or storm drain pipe) unless the property owner accepts landscape maintenance of the tract.
 5. Five foot (5') concrete pedestrian sidewalks (onsite and offsite) shall be required. (draft form)
 6. Hawks Nest Trail shall be constructed to commercial standards (28' roadway width, concrete curb and gutter, and five foot (5') concrete sidewalk on both sides with associated ramps and other devices). Final design to be approved by the Town Engineer. (draft form)
 7. Intersection improvements at Road 2 North in accordance with the revised traffic study

- shall be required. Final design to be approved by the Town Engineer. (draft form)
8. Water and sewer mains on Road 2 North shall be 12" diameter. The Town would be open to cost sharing for the up-sizing of the pipelines, pending Council approval. (draft form)

Commissioner, owner and applicant Cole Johnson and staff further discussed the following topics:

- *Parking:* Staff clarified the parking requirements and noted that the developer added 103 more parking spaces than required.
- *Amenities:* A children's play area and dog park, discussed at a previous meeting, had not been addressed. Staff explained that they discouraged it due to the major liability risk to the property owner. The trail and basin area could be used for walking dogs. This was not an adult only complex.
- *Mitigation efforts:* The applicant hoped the neighbors recognized the steps taken and the significant concessions and adjustments, based on the comments received, to maximize the screening and minimize the impact.
- *Development standards:* Staff clarified that statement that the developer was exceeding the development standards meant that the developer was going above and beyond what was required by the code.

Chair Merritt opened the floor for public comment:

Jean McKadsen spoke in opposition, in that she believed the increase in density was about money for the developer, property owner and the Town. The property was originally meant for a 99 unit assisted living facility, then became a 198-unit apartment complex and now was 152 apartments with up to four bedrooms. The same density issue remained. The General Plan encouraged new variety residential and compatible residences. She did not feel two- and three-story buildings were compatible with single-family residents. The developer stated at the neighborhood meeting that it was not economically feasible to have less than 152 units. Staff said development standards had been addressed but common sense told her otherwise. There would be no objection to a reasonable, transitional housing or light commercial growth along Road 2 North and SR89 corridor. The objection was to the density looking into their backyards. There were other areas to build apartment buildings. She believed they would be a neighborhood of renters with few staying in Town.

Tina Harmon spoke in opposition, as the new plan was not an improvement from the previous plan. The plan was denser based on the number of bedrooms. The previous plan allowed for 288 bedrooms and the updated plan allowed for 316 bedrooms, meaning more people. It was a 10% increase from last year. Her research found that income was an indicator of how dense the complex would be, with lower income people having more people in each unit. This would be the densest parcel in Town. Approval would set a precedence. The buildings only covered 20 percent of the lot, but the asphalt covered another 60 percent. This was not an improvement. The house that recently sold for \$406,000 would have a dumpster right next to their property, and the house would lose its value. Taxpayers would be paying for utility lines and she did not want her tax dollars to go to the benefit of one property owner.

Chris Clevenger questioned the portion of the lot that would be covered by the PAD and which section was in the community core. Staff explained the circle showing the community core section of the property was not an exact circle because parcel lines were not added to the map. It was an estimation of where the circle was allowed to go and the General Plan had flexibility

because parcel lines were not on the map. Mr. Clevenger wanted the Commission to consider that less than 20% of the property was covered by the community core on the outside edge of the development. Staff also explained that circle area was not relevant because the property was already zoned MR-1 which allowed for apartments. Chair Merritt explained that he was part of the General Plan amendment, and the core boundaries were not meant to be absolute but were a concept of where the core designation would be.

Stea Nixon spoke about a past experience in which she moved to a nice area with a nice single-story home for older people that had trees and flowers and was well kept. It blended into the neighborhood. Eventually they had to let young disabled men move into the facility, but they were disabled due to drugs. Before long the beautiful patio became a parking lot and then there were other drugged and undesirable people moving in. The seniors living in the facility were moved out by their families. Eventually everyone started selling their homes and it took a year and a half to sell their home. Other people rented their homes out because their property value had dropped tremendously. She felt the Town should think twice about the apartment building and what would come of the building.

Cindy Cole spoke in opposition. She had been an Arizona licensed producer for over 25 years and wrote commercial and residential coverages. She saw the risk of this building and having more than one single family living in the units. She said she saw four bedrooms and four bathrooms in one plan. Her contractor friends believed there would be two families living in the four-bedroom apartments. She also heard there was a limited amount of space for people living in the units, but could not get the square footage for the apartments. She worked catastrophe duty for Katrina and her concern was only one exit and one entrance. When she purchased her home and researched the area, the zone was set for one thing and people should not have to worry about a zone change. She loved her neighbors and could count on them and they went by the golden rule of we treat other like they want to be treated and were they getting treated correctly and would the Commissioners want their zoning changed in their backyards with a three story building in their backyard.

Larry Holt spoke in opposition, stating that he had watched the project for the last couple years closely. He sent a letter to the Commission before the meeting outlining his concerns. He was a police officer and chief in a town similar to Chino Valley with a lot of one-acre single-family residences and then they started building apartments. The violent crime rate soared and studies showed that high density in a rural community cause a crime rate increase. This week he saw that the property owner had already advertised this project as being approved and going forward. If that were the case, it was a violation of state statutes. They should not be advertising the project as available already and setup for renting.

Nick Salide, 19 and the future of the area, spoke in opposition. He encouraged the purchase of the home he lived in because the zoning and the low crime rate. He wanted to live on a street that was safe and had more space than his previous home. When they drove the area, he noticed there were no apartments in site and wanted to keep it that way. The homes were above average and well kept and not one was messy. It was the perfect place to live when he grew older because there was nothing he had to do to change it. If the zoning were changed and the apartments built, the surrounding view would disappear. He lived all over the tri-cities and the areas with the highest crime rates were those with apartments. The developers would not be living in town in 20-years but he would. What happened would impact his life for years to come. He urged them not to change the zoning.

Chris Ferguson, the project architect, wanted to clarify that the property was zoned MR-1 and

what they were asking for was a relief of the zoning density. The property currently allowed 99 units and three-story buildings. The buildings could be placed 10 feet from the property lines. The developers went to great lengths to keep the buildings away from the property lines and lessen the impact to the neighbors. The developers were not asking the Town to pay for the water, sewer and electric. The Town said that if they had to put in an 8" waterline to the property, they wanted it upgraded to handle future developments and that they would contribute to that.

Mary Turner spoke in opposition. She moved to the area in 1982 and started a family immediately. They had built two homes on Grove Lane. A year and a half ago someone asked what she thought of the apartments going in next to her and she was shocked. She did not receive notification about the agricultural zone change and that seemed to be a continuing problem. They heard a rumor that in 2006 there would possibly be a one level assisted living facility going in. They thought it would bring in jobs and something the community needed. She questioned when it went from a 99 elderly assisted living to a three-story facility. Someone putting in a three story building was taking her American dream.

Caroline Strickroth spoke in opposition, stating she still stood behind all of the comments made at the last meeting. When she found out about the website, she did research and still did not understand how the apartments would benefit the Town. She checked into the management company selected, Sheldon Cook, and comments that previous residents in California and Arizona had made living in their facilities. She reviewed one-star reviews left for the management company. She questioned why the developers would not use a local management company that would help the area. She asked if the development services director was related to the management company. Chair Merritt stated that Town staff was to be treated with respect and her comments were inappropriate.

Jake Paddock spoke in opposition due to traffic and the number of vehicles that would be added to the area. The streets that were already torn up would be torn up more. There was not enough money to fix the roads as it was. Garbage trucks going to the facility would ruin the streets and the whole environment of everyone would be ruined.

Scott Turner spoke in opposition and requested that the Town send out certified mail when informing neighboring properties. The last meeting, there was a discussion of one thousand feet, not 300 feet for notification. Certified mail would leave it up to the people to pick up the mail themselves. Issues with dogs and kids was also a concern. He questioned if there would be background checks on the tenants and how the Town could move forward if conditions seven and eight had not been finalized. The reason they want to put so many trees is to hide the building and he understood because he did not want to see it. The density of 14.5 per acre was put in place for a reason and it should be upheld. The developers said the 99 units was not feasible. This was about money and he would lose money by the decrease in the value of his home. Retainer ponds were for wastewater runoff and retaining water and could not be part of the property for playgrounds or dog parks. He questioned if there would be a stipulation about whether three or four single people could move into a three- or four-bedroom apartment and if the traffic numbers considered that scenario.

Floyd Dugan stated that he had lived in Town for 19 years. In one matter or another, the development could affect the whole town and future growth and development because there was a lot of acreage where apartments could be built.

Crystal Lee spoke about the main issue for her property, the primary adjacent property to the

project. No one wanted the apartments going in, but that was not the issue. The MR-1 zoning had been there forever. There was not a choice because something would go on that property and the developer could put apartments ten feet off her fence that were three stories high without any meetings or approval. Their proposal for an almost 100-foot setback opposed to the ten feet was huge for her. Also, they made the apartments fully enclosed for a noise buffer. She was not crazy about the density, the low-income people living at the facility, kids with nowhere to play, and the animals, but something would go there. She did just lose a \$500,000 sale on her property because of the development. She questioned the benefit to the Town for increasing the density.

Commission, Staff and Applicant further discussed the following:

- *Crime rates* Chair Merritt, a general contractor who moved to Yavapai County in 1979, commented that his son, Prescott born and raised, could not find an affordable place to rent in the Town and he had five kids. He wanted to know about high crime, drug users and people that rented. Staff explained they had done research on crime in the community using the website crimemapping.com. In the last six months there had been numerous crimes committed in the Town with the majority of which occurred on the east side of SR89 and none of which occurred at apartments in Town. Most occurred in mobile home and RV parks or in subdivisions.
- *Utilities:* Staff explained that water and sewer were not currently to the project location. As part of the project, the developer would be extending the utilities down Road 2 North, which would allow for future connections for commercial, multi-family and residential properties. The recharge credits would go to the Town. It would also provide apartments which were needed in the Town. These things benefited the Town. An 8" utility was required, but the Town would pay for the increase to install a 12" line. The Town would not pay for installation, labor or trenching, but only the upcharge of the pipe.
- *Notification:* Staff explained that for notification purposes, 1,000 feet had never been a state statute or code requirement. The Town was required by Arizona State Statute and the UDO code to notify all property owners within 300-feet of the property line of the subject property. Chair Merritt explained that the Commission had asked as a courtesy that a 1,000-foot radius be put around the project to notify people. It was not intended to be a permanent standard. All the meetings had been properly and legally posted.
- *Neighboring property values:* Staff explained that decrease in property values was subjective and would depend on the project itself and whether the developer maintained the property. There were high-end apartments that maintained property values and then there are single-family properties that did not maintain that brought down property values of adjacent homes.
- *UDO purpose:* A Commissioner read the UDO purpose statement and did not think the project met the purpose.

Applicant Johnson stated that:

- The apartments would be professionally managed and Shelton Cook was recognized as one of the best property management companies throughout the U.S. They managed thousands of units across the southwest. Part of the services provided were credit and background checks. The standards that Shelton Cook utilized was higher than any other professional management company.
- The storm water retention areas were multipurpose and could be used as green space for people to play, walk and for storm water retention when needed. This was common in development.

- If the community perceived there was a need for a dog park and staff supported integrating that into the plan, the developers were happy to discuss doing that without derailing any progress already made.
- In 2006, the adjacent homeowners were not happy with the proposed 99-unit development. The General Plan had been approved by referendum and what they were proposing was consistent with the General Plan.
- The developers had started a website to disseminate information, resources and was the easiest way get information out to the public. He did not think they were being advertised as approved.

MOVED by Vice-Chair Tom Armstrong, seconded by Commissioner Teena Meadors to forward a recommendation of denial to Town Council to adopt Ordinance 2019-873 rezoning approximately 6.85 acres of real property from the MR-1 (Multi-Family Residential - 1 acre minimum) zoning district to the MR-1 PAD(Multi-Family Residential - 1 acre minimum) zoning district with a Planned Area Development Overlay with its associated development plan.

AYE: Vice-Chair Tom Armstrong, Commissioner Teena Meadors, Commissioner Robert Switzer, Alternate David Somerville

NAY: Chair Chuck Merritt, Commissioner Gary Pasciak, Commissioner William Welker

4 - 3 PASSED

Commissioner Switzer stated that he denied the application because it did not conform to the current UDO as per the statement read. He believed the current density was proper for the MR-1 zone and that it did not meet the target two strategy of protecting existing residences in large lot neighborhoods. He also believed that even though it met the requirements for fire protection, the fact that there was not a ladder unit in the Town could be a potential disaster. Staff clarified that the fire department that served Chino Valley did have the appropriate apparatus but just were not stationed in Town.

Commissioner Meadors agreed with Commissioner Switzer stating that she was concerned about the impact on traffic and if there were a traffic accident on Road 2, there would not be any egress available to the complex. She was concerned about sprinkler systems in three story buildings with interior ingress to the apartments and people trampling others to get to stairwells. She had concerns about the increased traffic on Road 2 with children going up and down the street to the school and the lack of no adequate facilities for children to play in.

Vice-Chair Armstrong concurred in that he did not think the children and dog issue was explained and addressed as it needed to be. The staff conditions that were still in draft form needed to be finalized before it was voted on.

Alternate Commissioner Somerville also had concerns about the one exit in the apartment. The roads and traffic would cause ten times the damage to the road. The property value issue was objective, not subjective, and a change to the ambience of the area could cause property values to go down. The architecture of the building was not attractive and needed to look a bit nicer.

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 Tom Armstrong, seconded by Commissioner Gary Pasciak to adjourn the meeting at 7:40 p.m.

AYE: Chair Chuck Merritt, Commissioner Gary Pasciak, Vice-Chair Tom Armstrong,
Commissioner Teena Meadors, Commissioner Robert Switzer, Commissioner William
Welker, Alternate David Somerville

7 - 0 PASSED - Unanimously



Chair Charles Merritt



Date