

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

**JULY 7, 2020
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 Welker led the Pledge of Allegiance.

3) ROLL CALL

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

Absent: Alternate David Somerville

Staff Development Services Director Joshua Cook; Assistant Planner Will Dingee;

Present: Public Works Director/Town Engineer Frank Marbury; Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk Erin Deskins

4) MINUTES

- a)** Consideration and possible action to approve the June 2, 2020, regular meeting minutes.

MOVED by Vice-Chair Tom Armstrong, seconded by Commissioner John McCafferty to approve the June 2, 2020, regular meeting minutes.

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

7 - 0 PASSED - Unanimously

5) STAFF REPORTS

6) PUBLIC HEARING

- a) Request to approve the rezoning of approximately 10.54 acres of real property from the AR-5 (agricultural-residential 5-acre minimum) zoning district to SR-0.16 PAD (single-family residential 7,000 square foot minimum lot area) zoning district with a Planned Area Development Overlay zoning district.

Mr. Dingee presented the following:

- There were two items pertaining to the specific property:
 - The requested zone change from AR-5 to SR-0.16 PAD single family residential.
 - The preliminary plat approval for the Wesdamer Farms subdivision.
- Items 6a and 6b would be presented together to avoid possible confusion and repetition.
- The subject property was 1,000 feet west of the intersection of West Road 2 South and South State Route (SR) 89.
- Surrounding residential developments included: Wagon Wheel Ranch, Chino Gardens, Bee Mountain Estates, and Parkside Village.
- The property was approximately 10.54 acres with an Agricultural Residential 5acre minimum zone designation. The existing land use was vacant but had previously been used as an agricultural property. All structures that had been on the property were removed after acquiring a demolition permit from the Town in 2019.
- The General Plan Designation was medium density residential. This designation included properties to the east and west of the subject property. The property to the north and south was designated multi-family commercial use.
- The subject property was also located near a potential community core near Road 1 South and SR89.
- The surrounding property zoning was reviewed.
- The development to the east, Chino Gardens Subdivision, of the subject property was considered non-conforming because the lot size dimensions did not meet the minimum standards. The non-conforming lots were only a half-acre.
- The subject property had a total number of 15 lots with an average of 21,796 square feet with a density of 1.5 homes to the acre. There was .77 acres of designated open space proposed.
- There were seven house models available for the subdivision.
- The zoning request included a planned area development that would alleviate the lot dimension standards and the setback on lot one only. Code required lots not exceed a three to one ratio with the length ratio. The applicant was exceeding the required ratio so that there would be no detrimental impact to the lots by the 100 year flood plain.
- The applicant was requesting a setback reduction on the southern property line of lot one from a 25 foot setback to a 10 foot setback. The property line abutted Road 2 South.
- To offset the relaxation of standards, the applicant was proposing .77 acres of open space, with an open gazebo and landscaping buffer along the eastern boundary of the subdivision and the Chino Gardens subdivision.
- Onsite amenities would be maintained by the community homeowner's association.
- The General Land Use designation was medium density residential. The proposed density met the intent of the medium density residential classification. The general area supported the medium density single family residential development based on the surrounding areas current land use. The developer's proposal was to mirror the lot size of the adjacent Chino Gardens subdivision. The subdivision was originally planned to be one acre lots, but due to lot splits, the subdivision now consisted of half acre single family lots. The subject property would be no smaller than half acre in size.
- The proposed development standards were consistent with the surrounding area but the open space and landscape area exceeded the surrounding developments.
- The preliminary plat met all the requirements in Section 5.2.3 of UDO
- The main access would be off West Road 2 South.

- The development would utilize Town water and utilize private septic systems for wastewater.
- The preliminary plat had been through a staff review. Once the preliminary plat was approved, it would go through a staff technical review, followed by a final plat review by the Commission and the Town Council.
- The mailed public notice contained an error on the vicinity map. After consultation with the Town's legal staff, it was determined all pertinent parts of the mailer were correct and ARS requirements were met.
- Staff recommended forwarding a recommendation of approval of the zone change, PAD and preliminary plat to the Town Council.

Commissioners and staff discussed the following:

- The code was vague on defining general plan designation of medium density, but there was a specific section that called out two acres or less. Every residential area and zoning district in Town were designated medium density because there was not a low density zone. The proposed lots would be half acre lots.
- The lot split of the Chino Gardens subdivision from one acre to half acre lots was not normal and staff did not know how it happened, but it had happened over a 60 years ago.. The subdivision was considered non-conforming.
- The only alleviation the developer was asking for was a setback on Road 2 South to be 10 feet instead of 25 feet. They were asking for the lots to be longer because the flood plain cut through some of the lot area and by allowing the longer lots through the PAD, they would have a bigger building site and still be able to meet the setbacks. All lots were half acre minimum but the lots were longer instead of wider, or closer to a four to one ration.
- The drainage strategy that staff would look at in the technical review for lots 13, 14 and 15 would be the whole 10.5 acres as one parcel. Staff would review water coming into the parcel and the water leaving the parcel would need to remain at historic levels and places. The water could be maneuvered within the property but it still had to leave at the same point. It could not be backed up to the property upstream of the subject property. Once the property lines were set, if an individual lot owner wanted to deviate from the building plan and drainage design for the subdivision, the lot owner would have to hire an engineer to prove all water coming in and out of the individual lot did not deviate the water flow and be detrimental to surrounding properties.
- The meeting between staff and the applicant discussed the potential ability to have agriculture purposes within the single-family residential zoning, which was not something that code permitted. There would be no livestock allowed in this subdivision. The Chino Gardens Subdivision would most likely be grandfathered into livestock being allowed on the property, but any new developments could not have any agricultural uses once the zoning was changed.
- The cul-de-sac should be large enough for a school bus and emergency vehicles to turn around, but it would be part of the technical review.
- The closest sewer was at Road 1 South and SR89 on the opposite side of the road. It would cost approximately a quarter million dollars to just cross SR89.
- The buffer on the eastern side of the property was not determined and would be up to the developer. There were people that were opposed to a wall and some that supported a wall buffer. The only other amenity provided on the east side would be a landscape buffer. This was not required and was considered an additional amenity the developer would provide.

Chair Merritt reviewed the public comment rules prior to opening up the Public Hearing portion of the meeting.

Public Hearing:

- Patricia Beaven – Chino Gardens had a spokes person that would be relaying information to the Commission. She had a declaration of the original 1963 restrictions for the subdivision that stated even though they were one acre lots they were allowed to be subdivided into half acre lots. Her major concern was that the way the proposed subdivision was laid out, it would be the only property in the area that was not allowed livestock, which changed the whole atmosphere of the area.
- Tim Korade – He shared approximately 1,000 feet of property frontage with the proposed subdivision. The Town's mission statement was clearly written. Public services were provided to the citizens of Town that cherished and wanted to preserve the rural lifestyle. The mission statement gave direction to where the Town would go, giving guidelines so that everyone was on the same page and marching in the same direction. He felt strongly against the zoning because the zoning code for the .16 zone stated the intent of the zone was to allow the regulation, development and redevelopment of existing 7,000 square residential lots and it was not the intention of the Town to create any new SR-0.16 zoned property. In keeping with the Mission Statement and the zoning code as written, he recommended looking at ways to zone it agricultural and people could have livestock if desired.
- Vince Albert – Wanted to see the agricultural designation stay in place and not use the residential 0.16 designation because it could open up other uses in that area. The density and ratio requirements could not be met without a variance. The flood plain affecting the last three lots would not be any less affected than if the developer only did 13 lots at the 0.16 designation, and he doesn't see why that came into play. The one acre lot would also eliminate the variation for the lot size ratio requirements. SR-1 zoning would also maintain the agricultural designation. Using a different zone could set a precedent for the future growth and development.
- Monte Lira – Owned ten acres on the northwest corner of the subject property. He had been in the five acre zoning for over 20 years and didn't understand the SR-0.16 zoning designation. He thought a one to two acre zoning designation was more appropriate. He also thought the way the lots were split, could cause sewage development problems and development on lots 13, 14, and 15 could compromise the waterway and cause a damming affect once people built their homes on the lots. He was concerned that the 0.16 designation with half acre lot developments might give people the impression they could further split the lots.
- Michelle Belverud – Staff had mentioned that the majority of people wanted a wall, but she only knew two families that wanted a wall and the rest of the people she knew were opposed to a wall. She did not want a wall in this area.
- Andrea Sexton – She agreed with what had previously been said. This was a precedent making decision for the Town. The other residential subdivisions sited, was called progress by some but others that valued the solitude, privacy, livestock and rural feel did not consider it progress. The areas around the property were all 2.5 acres or more. The two problems with the proposed development was the size of the properties and the agricultural issue. The development was on two sides of the road with properties going south to north and building would only happen on the east side of the properties because of the flood plain, which makes the density question even more apparent esthetically. It came down to retaining the agricultural and rural feel of the area. Fifteen homes on one single road with one single access seemed like it almost esthetically doubled the density. She presented a summary letter of what had happened in the neighborhood meeting the previous week. Other concerns for the Town included road maintenance on Road 2 South.

- John Gillman – Road 2 South at the front of the proposed housing development was required or needed to have a recess in front of the building area by the houses where a school bus could pull in safely and not be on Road 2 South. It would allow children to enter and exit the bus without being concerned about oncoming cars.
- Chris Lowman - The developer had talked about the development being comparable to the area, but there was little that was comparable. The lot size layout: they had nice square lots in which homes were spread out, but the developer had skinny lots with homes stacked on top of each other. The housing density: It was too high with two homes crammed on top of each other within the footprint of what their homes were. The land use: Due to the flood plain and the area terrain, three to four acres of the proposed development property was not developable and two of the homes were in a flood plain. The lot sizes: Once the road was put in, the lot sizes were only about one third of an acre. The proposed homes: The homes proposed were 1,800-2,200 square foot homes with a half million-dollar price point. The average sized home in Chino Gardens was only 1,400 square feet with a high price point of \$275,000. He also had an HOA proposed, which was not agriculture. They were country folks that liked being in the country. What the developer had proposed was to change the face of Chino Valley. With only a few exceptions, everything south of Center Street was rural agriculture and five to ten acre lots. This would be a bedroom community to Prescott. They were an agriculturally based society that loved their livestock. The proposed road was in a terrible location and it was difficult to see oncoming traffic. Keep Chino Chino, keep the agriculture-based society and the feel of Chino.
- Dawn Korade – Agreed with the rural things mentioned. The community had already expressed concerns about road traffic on Road 2 South and thought there needed to be a wide setback so the road could be widened in the future. She was fearful that if there was not a wide enough setback, the Town would run into financial difficulty when it came to widening the road. She hoped the Town would look at the development carefully and the future development of the road.
- Carol Faoro – Her family had been in the area for 44 years and had originally moved there for the rural atmosphere. The proposed development density was crazy, with two houses for one lot of Chino Gardens. The proposed development that wasn't allowed livestock, would be complaining about the agriculture people in Chino Gardens and their livestock. The proposed density really bothered her.
- Donna Armstrong – She was a resident of Town for 12 years, and she had fought the same fight in Los Angeles and Las Vegas. They were turning Town into LA by allowing this. Doing away with horse property was wrong, and she asked the Commission not to do it.
- Lisa Corbell – Agreed with everything everyone had said. She had a friend that had been trying to split a seven acre lot on Road 2 South and was told by the Town she could not do it. She found it odd that the Town was considering .16-acre parcels. Her friend wanted to split off one acre and was denied. The Commission was elected to represent the people of Town. The developer was there to make money and move on. They needed to listen to their people. They were there to represent the Town and the people should not be ignored. The developer should not be allowed to bully their way into that density.

Chair Merritt clarified that the Commissioners were volunteers and did not receive anything for their services.

Staff explained that when a person wanted to split their lot, they were required to go through a process with the Town. Depending on the property history and whether it had been split in the past and if the property owner was told no, a subdivision would have been required and possibly a rezone as well.

- Greg Patterson – Had been a resident for 60 years. He had tried to get his 5 acre property

split in half and the Town said he could not do it. The proposed development made no sense to him.

- Vince Albert – He understood that the SR-1 and the 0.16 zoning had different requirements. He thought perhaps a different lot configuration and street location could be an option for the development. They had been told last time that SR-1 with a half acre overlay would also be a possibility. That would retain the agricultural.

Staff explained that the half acre came into play because the Town did not have a zoning district that was in between SR-1 and 0.16 zones.

Commissioners, Staff and the Developer discussed the following:

- The density was calculated based on the number of lots within the total number of acres. There was 15 half acre lots within 10.54 acres, which gave a total density of 1.66. It was similar to the density of Chino Gardens. The lots were half acre just as they were in Chino Gardens.
- The reason the SR-0.16 was used instead of SR-1 was that there was no provision in the code to allow an SR-1 property to be split into half acres without rezoning down to SR-0.16. The PAD was to specifically alleviate the lot to width ratio.
- The current arterial right-of-way width requirements was 100 feet. When looking at a property development, Town looked at what was called a half street. The development on one side of the street was responsible for half of that 100 feet or a 50 foot right-of-way dedication. 21 feet of the 5 -feet would be pavement and then curb, gutter and sidewalks, as provided by code. Staff did not have authority to go against code made by Town Council. The developer's proposal was to dedicate the 50 foot right-of-way for the ultimate 100 foot section. In most part of Town, most right-of-way dedications were between zero and 25 feet.

The Chair explained that the relaxation of the property setback on the one property had no effect on the 50 foot road right-of-way. The developer was only asking to place the house closer to the road in what would normally be allowed in a PAD. If there was a right-of-way requirement for a development, it was always included as part of the zoning change and the developer or property owner was required to give up the road right-of-way to meet Town standards.

- The Commission could add an agricultural element to the PAD overlay that would allow some form of livestock. Staff recommended that if the Commission wanted to add this, they could use similar language used in SR-1. The HOA was a civil law, so the property owners that bought the property would be required to sign the HOA agreement and would be required to abide by those rules. The Town did not care about the HOA nor did they enforce any rules. The Town's zoning laws surpassed the HOA laws, but HOA laws could be more restrictive. The language in SR-1 for livestock put limits on the livestock allowed on a one acre property.
- The school bus pullouts were determined through Town engineering with coordination with the school district. Staff had mixed feelings about a school pulling off a one lane road and then having to maneuver back into moving traffic. Sometimes it was better for the bus to take the lane with the stop bar because traffic was required to stop. The turning radius for cul-de-sacs for school buses and emergency vehicles was 45-feet.
- A letter handed out that stated Chino Gardens was allowed to have half acre properties was not per the subdivision plat, but was through a declaration of restrictions written by the developer. Technically the statement made during the meeting by the member of the public was inaccurate because in order to modify a plat and subdivision, it would need to be re-platted.
- The handouts that were received would be entered into the record and a copy provided in

the Council packet.

- It was pointed out that the member of the public Donna Armstrong, who spoke during the public comment period, was the spouse of Commissioner Armstrong.
- George Rufus of Reserve Builders and property developer, explained he was a resident of the Tri-City area and was currently a resident of Chino Valley. He purchased Wesdamar Farms, that had fallen into complete disrepair and was uninhabitable. There was a small piece of property that could ultimately be multi-family or light commercial and even though the neighbor to the east had wider properties, they were the same density he was proposing. He was not pursuing a rezone to a multi-family use. As far as the agricultural designation, there had not been a decision made whether livestock would be allowed. The current intention was to not allow livestock. If the zoning commission were to allow some sort of one acre overlay, there would be ample room in the back of the homes to have a backyard, which could be ag-related, but it was not their intention to create mini-farms. He was not familiar with SR-1 regulations and could not answer if he would or would not allow livestock through the HOA requirements. They were not trying to create a bad situation. They had looked at the overlay and the surrounding properties and thought the subdivision made sense for the area.
- The lots were buildable in the flood plain as long as the building pad was raised above the base flood elevation. There were requirements they could follow and there was code that followed FEMA regulations written for flood areas. Building was not prohibited in a flood zone. The developer explained that each lot contained a building envelope that was the area intended to hold the residential dwelling. As the development went north, the building envelopes shrank in size due to the 100 year floodway. The building pads on lots 15 and 14 would be raised and when water came into the subdivision it would go around the building pad and it would leave the subdivision in the same state as it entered. The open space to the north was there to allow the water to spread out. Staff would need to evaluate the design to ensure water flow was not impeded and that the area did not become inundated during a storm and render itself ineffective. The preliminary plat was conceptual drawings and could change depending on what a full drainage study found.
- Staff was currently rewriting the UDO and would be addressing the zoning designations.

Commissioners discussed the following:

- Thought that Chino was already a bedroom community to Prescott because most people had to leave Town to work. The development area was a transition area and not an open space area.
- Commissioners thought it might be futile to add the HOA language because it could be overridden by the HOA. The HOA could still put that no livestock be allowed and it would then become a civil matter. It would become a buyer beware situation.

MOVED by Vice-Chair Tom Armstrong, seconded by Commissioner John McCafferty to forward a recommendation of approval to the Town Council to approve the rezoning of approximately 10.54 acres of real property from the AR-5 (agricultural-residential 5-acre minimum) zoning district to SR-0.16 PAD (single-family residential 7,000 square foot minimum lot area) zoning district with a Planned Area Development Overlay zoning district, with a stipulation that livestock be permitted as was described in SR-1 Zoning and that it could not be modified by any HOA that was empowered by this subdivision

MOVED by Vice-Chair Tom Armstrong, seconded by Commissioner John McCafferty to amend the motion by deleting the portion stating it could not be modified by any HOA that was empowered by this subdivision.

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

NAY: Commissioner Teena Meadors, Commissioner Robert Switzer

5 - 2 PASSED

Commissioner Switzer voted no because he did not like the fact that Chino Gardens was non-conforming to SR-1 and he did not think it gave this development's plan a free go-ahead. He wanted to see SR-1 minimum and he did not like that it violated the three to one ratio on lot size. He did not like that it created more SR-.16 which went against the UDO statement. He did not like the two lots in the flood zone and he did not like the livestock issue.

Commissioner Meadors voted no for the same reasons Commissioner Switzer mentioned with issues on density, the SR-1 zoning, using a non-conforming zoning as to use for the same zoning.

- b) Request for approval of Wesdamar Farms Preliminary Plat to subdivide approximately 10.54 acres into fifteen (15) lots developed over one (1) phase.

This item was discussed under Item 6(a).

- Commissioners asked if this was the area to substitute in SR-1 zoning. Staff explained that SR-1 had a specific minimum lot size that could not go under one acre. The only option for the PAD was .0.16 because the code did not have any lot size in between the two.
- Commissioner explained that this did not open the door to future development because of the PAD Overlay, nor were the necessary utilities available, making the possibility very small. It would have to come back before the Commission for any changes. The .16 was all they had to work with to make the proposed development work. There was a Town ordinance that stated that no lot shall be constructed with septic smaller than one half acre, they must be on Town sewer.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner John McCafferty to approve the Wesdamar Farms Preliminary Plat to subdivide approximately 10.54 acres into fifteen (15) lots developed over one (1) phase.

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

NAY: Commissioner Teena Meadors, Commissioner Robert Switzer

5 - 2 PASSED

The reasons for the Nay vote were the same for both Commissioners.

7) NON-PUBLIC HEARING ACTION ITEMS

- a) Text amendment to section 4.21 Sign Regulations to amend off-site commercial signage.

Staff presented the following:

- The text amendment was to specifically to address offsite commercial signage issue within Town.
- Under current Town code, all off-street signs were prohibited.
- After receiving multiple complaints and requests for this type of signage from local businesses, Council directed staff to draft a text amendment.
- The Town received several complaints. Staff prepared language after being given Council direction that was presented at a Council Study Session. Staff meant to bring the language to the Commission in March 2020, but the pandemic changed plans. The language had been modified by legal counsel.
- Staff could not find any town in Arizona that allowed offsite signage, so they would be setting a precedent within the state.
- It was intended for businesses that primarily accessed their business off of SR89 but may not have roadway frontage. This often happened because of a lot split.
- They would require a license agreement between a property owner that wanted to place their sign on the frontage and the property owner in which the sign would be placed.
- It would not be affected by the sale of a property. If the property changed hands, the rights would still be held and was not subject to ownership.
- They would be subject to the permanent sign standards and would not be able to utilize temporary or the auxiliary signage.
- This was for any business that had a property line within a quarter mile of SR89. If the Commission wanted to increase the distance to more than a quarter mile, they could make that recommendation to Council.
- The sign placard had to be placed on an existing free-standing sign. If there was not one on the property, one could be constructed and the sign could go on that, but the sign would be for that shopping center.
- No offsite signage was allowed on vacant property. The property had to be in use as a business before any offsite sign could be erected on the property.
- The offsite business was required to have a permanent sign at their location as well, which was part of their total sign percentage.
- The agreement would have to be renewed with the property owner after the timeframe expired. If the SR89 property were sold, the temporary sign could not be taken down until the lease expired.

Commissioners and staff discussed the following:

- Staff did not think there were any loopholes that they could find.
- The SR89 property would not lose their sign square footage for the offsite business.
- The quarter mile distance could be restrictive. An increase to Council could be recommended. Staff explained that the quarter mile was chosen because that was the outer limits of the commercial/multi-family section of the General Plan. A provision could be added that businesses that were more than a quarter mile come to the Commission and Council for a conditional use permit to alleviate the distance issue for those businesses.

There had been discussion about wayfinding signs, but ADOT had restrictions that included no allowing specific names on the signs. There were also other signs that had been discussed by the Council, but the design cost was too high for Council to approve.

MOVED by Commissioner John McCafferty, seconded by Commissioner Teena Meadors to forward a recommendation of approval to the Town Council to approve text amendment to section 4.21 Sign Regulations to amend off-site commercial signage and adding a provision that authorizes businesses beyond a quarter mile to seek a conditional use permit through appropriate channels.

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

7 - 0 PASSED - Unanimously

8) DISCUSSION ITEMS

Staff wanted to recommend to the Commission to allow the engineer or developer a chance to speak before the opposition. In Robert's Rule of Order, the applicant should be given a chance to comment after the staff report as part of the public hearing and then another chance to rebut after the opposition spoke.

9) PUBLIC COMMENTS

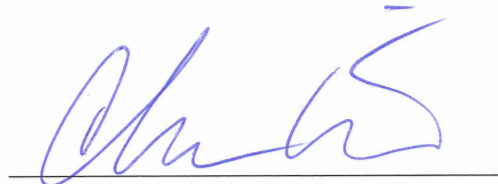
Call to the Public is an opportunity for the public to address the Commission on any issue within the jurisdiction of the Commission that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes 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 Teena Meadors, seconded by Vice-Chair Tom Armstrong to adjourn the meeting at 7:55 p.m.

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

7 - 0 PASSED - Unanimously



Chair Charles Merritt

8-13-2020

Date