

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

**TUESDAY, OCTOBER 6, 2020
6:00 P.M.**

**CHINO VALLEY COUNCIL CHAMBERS
202 N. STATE ROUTE 89, CHINO VALLEY, AZ**

1) CALL TO ORDER

Chair 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 John McCafferty; Commissioner Teena Meadors; Commissioner Robert Switzer; Commissioner William Welker

Staff Development Services Director Joshua Cook; Assistant Planner Will Dingee; Public Present: Works Director/Town Engineer Frank Marbury; IT Manager Spencer Guest (videographer); Deputy Town Clerk Erin Deskins (recorder); Deputy Town Clerk Traci Lavelle (recorder)

4) MINUTES

- a)** Consideration and possible action to approve September 1, 2020, regular meeting minutes.

MOVED by Vice-Chair Tom Armstrong, seconded by Commissioner Gary Pasciak to approve September 1, 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) Consideration and possible recommendation of approval to Town Council to rezone approximately 9.62 acres from SR-2.5 (Single Family Residential 2.5-acre minimum) zoning classification to AR-5 (Agricultural Residential 5-acre minimum) zoning classification to resume the operation of a commercial greenhouse. (Will Dingee, Assistant Planner)

Mr. Dingee presented the following:

- This was a requested zone change from SR-2.5 to AR-5 to allow for the resumed use of a commercial greenhouse.
- The area of the subject property and surrounding property were reviewed with commission. The subject property had both single family residential and agricultural properties in the surrounding areas.
- The subject property had approximately 9.62 acres, with a width of 670 feet and length of 620 feet, and had historically been used as a commercial greenhouse between the 1980's and 2010's. During that time period, the Town adopted a new zoning district, which led to this property's use becoming nonconforming. Following the cease of operation of the commercial operation, the property lost the nonconforming status to operate as a commercial greenhouse. The property was currently used as a site built residence, but still retained the empty commercial facilities.
- The General Plan designated the subject parcel and surrounding areas as medium density residential, which conformed to the applicant's request.
- The use of a commercial greenhouse was allowed outright in the AR-5 zoning district.
- During the October 5 neighborhood meeting, the three members in attendance voiced concern about whether the property would be able to cultivate medical marijuana, the lighting of the greenhouses and any additional noise generated from the business. The neighbors also expressed a preference for a residential development over a commercial greenhouse development, but they did not outright oppose the development as long as marijuana was not cultivated onsite. Staff explained that the property could not be used for the cultivation of medical marijuana because the only zoning that allowed new marijuana grow sites was in the Industrial Zone and the likelihood of the subject property being zoned industrial were slim without significant changes to the General Plan. Lighting and noise pollution would be addressed under the site plan review process.
- Staff was recommending two stipulations to accompany the proposed rezone:
 - An additional right-of-way dedication along West Center Street to assure compliance with Town Code.
 - Any new construction on the property will need to hook up to Town utilities and come through site plan review.
- Staff recommended the Commission forward a recommendation of approval to the Town Council with staff recommended stipulations.

Commission Members, property owner's authorized agent Gayle Allen and staff discussed the following:

- The house on the property was allowed and had been remodeled into an office and a residence.

- The right-of-way dedication had not been completed by Public Works because they were waiting for the new subdivision regulations to take effect.
- If the new zoning was approved, the property could not be split into two separate properties because the size was under ten acres and wasn't large enough for two separate AR-5 properties. It would have to go through a new rezoning process. The existing commercial buildings and infrastructure were so large, it would not be economically feasible to split the lots.
- When the property was in full operation, it had brought in over \$6 million annually in revenue and employed 50 people full time with full benefits and 401K's.
- The property was currently for sale and had two inquiries, both interested in growing flowers.

MOVED by Vice-Chair Tom Armstrong, seconded by Commissioner Robert Switzer to forward a recommendation of approval to Town Council to rezone approximately 9.62 acres from SR-2.5 (Single Family Residential 2.5 acre minimum) zoning classification to AR-5 (Agricultural Residential 5 acre minimum) zoning classification to resume the operation of a commercial greenhouse to resume with the following recommendations:

- An additional right-of-way dedication to be made along West Center Street to assure compliance with Town Code, the amount to be determined by the Public Works Department before the Town Council Meeting.
- Any new construction on the property would need to hook up to Town utilities and would need to come through site plan review.

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

- b) Consideration and possible recommendation of approval to Town Council for a conditional use permit to allow the temporary placement of a construction trailer for Brown Homes to be located at intersection of Road 2 North and North State Route 89. (Will Dingee, Assistant Planner)

Chair Merritt recused himself from Item 6b because of a conflict of interest and turned the meeting over to Vice Chair Armstrong. Chair Merritt left the room during discussions.

Mr. Dingee presented the following:

- There was a typo regarding the location. The construction trailer would be located approximately 1900 feet north of the intersection.
- The conditional use was for the temporary use of a construction trailer, that would be the midway point between the Heritage Point and Perkinsville 40 developments.
- The subject property was located 1900 square feet north of the northeast corner of the intersection of Road 2 North and north State Route (SR) 89, with direct access off of SR89.
- The subject property was surrounded by commercial property and agricultural properties.
- The property had blended zoning of commercial heavy and agricultural residential 5acre minimum.
- A conditional use permit (CUP) was not required outright by Town code, but section

3.16(c) of the Unified Development Code stated it was at the discretion of the zoning administrator to acquire a CUP if a use was not listed under the zoning district. Because of the uniqueness of the item, staff thought it fell in the CUP category.

- A neighborhood meeting was held October 5, and no one attended.
- The construction trailer would be held off site of both developments, but was essentially the midpoint and was intended to be a contractor's hub for developments.
- A portion of the property would be covered by a dust free surface, with ¼ inch granite. Free parking stalls, exterior lights and some landscaping on the western portion of the property would also be provided.
- Staff had four recommended stipulations, which could be added to or modified by the Commission:
 - The construction trailer and accompanying site improvements (i.e. parking lots, walkways, porta johns, etc.) will be removed upon reaching 90% completion of both of the applicant's subdivisions.
 - Any signage that is placed in relation to the construction trailer be in conformance with Town Code.
 - Landscaping and screening shall be required to help mitigate the view of the trailer off Highway 89. Site plan review and accompanying landscape plan shall be required. (The applicant had already provided a landscape plan, this ensured it would be maintained throughout the project).
 - The construction trailer be located 50 feet behind the State Route 89 property line in accordance with Town Code.
- Staff recommended the Commission forward a recommendation of approval to the Town Council with staff recommended stipulations.

Commission Members, Craig Helsing of Brown Homes and staff discussed the following:

- The property, which was currently used as an automotive business and a single residence, would continue to be used for both those purposes.
- Additional traffic should not be an issue because the site would not be open to the public. It would be used by the contract foreman and one or two other individuals, who would be there for meetings, but would be mostly onsite of the actual developments.
- The completion date was currently unknown, but the Commission could add a timeframe stipulation for applicant renewal.
- Heavy equipment would not be onsite. Only typical office vehicles would be onsite.
- A porta john would be onsite for bathroom facilities. The applicant had proposed screening them from SR89 view.

Public Comment:

- Craig Helsing, Brown Homes – Wanted to respectfully request that there might be consideration on the 50 foot setback to something less than 50 feet so that the visibility of the trailer from SR89 would be easier to see. With the trailer being 50 feet back, a person would be on the entrance of the trailer before it could be seen. It was partly a safety request for the users of the trailer. Having the trailer would be easier to see with a 25 foot setback. Staff explained that the Commission could recommend a lower setback since it was a temporary use CUP, with the Town Council making the final decision. The code did not give staff the authority to reduce the setbacks.
- There was to be a banner on the front of the trailer to identify the location, but not at the street.
- The existing driveway would be used for the construction trailer access.

- There were some trees blocking the view from the car dealership and a wall was on the southside of the property. There was also a three foot screen wall on the west site of the property to screen SR89 traffic from car lights.
- The current automotive business pre-dated the code and the setbacks were unclear, but Commissioners did not want to impede the view to the current business by relaxing the setbacks for the construction trailer. The Commission reviewed the setback locations of the current buildings and the proposed construction trailer. Staff explained that the Commission could not require the applicant to exceed the 50 foot setback requirement.

Commissioner Discussion:

- At the 50 foot setback, there was not an obstruction for site going Northbound on SR89. There also did not appear to be site obstructions for southbound traffic. Since it was only being used for contractor meetings, even if it was difficult to find initially, it would be a known site during the construction phase and impacts would only be at the beginning of the project. There was no interest in decreasing the setbacks.

MOVED by Commissioner Robert Switzer, seconded by Commissioner Gary Pasciak to forward a recommendation of approval to Town Council for a conditional use permit to allow the temporary placement of a construction trailer for Brown Homes to be located at intersection of Road 2 North and North State Route 89.

Mr. Switzer amended the motion to include the following staff recommendations:

- The construction trailer and accompanying site improvements (i.e. parking lots, walkways, porta johns, etc.) will be removed upon reaching 90% completion of both of the applicant's subdivisions.
- Any signage that is placed in relation to the construction trailer be in conformance with Town Code.
- Landscaping and screening shall be required to help mitigate the view of the trailer off Highway 89. Site plan review and accompanying landscape plan shall be required. (The applicant had already provided a landscape plan, this ensured it would be maintained throughout the project).
- The construction trailer be located 50 feet behind the State Route 89 property line in accordance with Town Code.

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

6 - 0 PASSED

- c) Consideration and possible recommendation of approval to Town Council for a conditional use permit to allow a model home complex and temporary placement of a sales trailer to be located at the southwest corner of West Road 4 North and North Road 1 West. (Will Dingee, Assistant Planner)

Mr. Dingee presented the following:

- The location of the items was not located on the corner of the intersection, but would be located 1,700 feet west of the intersection. The missing text on this item and Item 6d, were on the notifications as required.
- The CUP request was for a model home complex and sales trailer in the Heritage Point Subdivision.
- There were three subject properties for the CUP request. Staff reviewed the location and the surrounding properties with the Commissioners.
- All the subject properties were zoned single family residential one acre minimum (SR-1), which required a CUP for the requested use.
- The applicant was seeking approval for a model home complex and sales trailer in anticipation of approval of the Heritage Point final plat coming to the Commission by the next regular meeting.
- Staff had reviewed the required site plan, which was in conformance with all applicable Town Codes and requirements.
- The applicant anticipated using Lots 7-9 of the subdivision for the model home complex. The parking area would be on lot 8, with a path landscaping to a second model and the sales trailer located on lot seven.
- Staff recommended the following stipulations be attached to the CUP, which could be added to or modified by the Commission:
 - Construction of the Model Home Complex cannot begin until approval of the Heritage Pointe Final Plat is recorded.
 - The sales trailer cannot be placed on site until approval of the Heritage Pointe Final Plat is recorded.
 - The sales trailer and accompanying site improvements (i.e. parking lots, walkways, porta johns, etc.) will be removed within two months of the final lot's start of construction.
 - If Final Plat approval for Heritage Pointe is not received within one (1) year of this Conditional Use Permits approval, the Conditional Use Permit will expire.
- Staff recommended the Commission forward a recommendation of approval to the Town Council with staff recommended stipulations.

Commission Members and staff discussed the following:

- The site plan showed lots 7, 8 and 9 being used for the model homes and sales trailer, but lot 9 was empty because it would include landscaping and lighting on the property.
- Staff did not think approving this before the final plat was an issue because they were anticipating the final plat would come before the commission in the next month, and the applicant was getting the CUP in anticipation of approval, so they can begin the development upon approval of the final plat.
- The subdivision would be on well and septic and would not be hooked onto Appaloosa Meadows water. They had approval from ADWR for wells and septic.
- There was concern that the final lots would not be developed for several years, and the trailer could be onsite for a long period of time. Staff stated the

Commission could put a timeframe on that stipulation during the motion.

Commission Members, Craig Helsing of Brown Homes and staff discussed the following:

- The sales trailer would have not permanent utilities except for power. The restroom facilities would be a porta john screened from public view until the model complex was completed. Once the model was completed, the sales trailer was typically removed because it would no longer be necessary. The restroom facilities at the model complex would then be used as well. It could be stipulated in the motion.
- There would not be a home constructed on Lot 9 for this period, but it was included as part of the CUP because of the landscaping and because the well for lot 9 would provide water to Lot 8 while it was a model home complex. Once the subdivision was completed and the model complex was transformed back into a traditional single family home, the well for Lot 8 would be installed in the area designated as the model home parking lot.
- The current forecast for the community buildout was estimated between 24-30 months for completion based on the current economic situation.
- If there were a five year time stipulation, it would only be to review the CUP and would only be revoked if the conditions had not been met. The developer did not have any issues with a timeframe review stipulation.

MOVED by Commissioner Robert Switzer, seconded by Commissioner Teena Meadors to forward a recommendation of approval to Town Council for a conditional use permit to allow a model home complex and temporary placement of a sales trailer to be located 1700 feet west of the southwest corner of West Road 4 North and North Road 1 West with the following staff recommendations:

- Construction of the Model Home Complex cannot begin until approval of the Heritage Pointe Final Plat is recorded.
- The sales trailer cannot be placed on site until approval of the Heritage Pointe Final Plat is recorded.
- The sales trailer and accompanying site improvements (i.e. parking lots, walkways, porta johns, etc.) will be removed within two months of the final lot's start of construction.
- If Final Plat approval for Heritage Pointe is not received within one (1) year of this Conditional Use Permits approval, the Conditional Use Permit will expire.
- A stipulation that the CUP will be reviewed in five years.

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

- d) Consideration and possible recommendation of approval to Town Council for the Perkinsville 40 preliminary plat to subdivide approximately 44.3 acres located at the northeast corner of East Perkinsville Road and North Road 1 East. into 161 lots with an average lot size of approximately 7,000 square feet developed over a single phase. (Will Dingee, Assistant Planner)

Mr. Dingee presented the following:

- This was a request to approve the final plat for the Perkinsville 40 subdivision preliminary plat.
- Staff reviewed the location and the surrounding properties with the Commissioners.
- The project was rezoned in 2018 to single family residential 0.16 acre minimum with a Planned Area Development (PAD).
- The PAD allowed for modifications to development standards for items such as setbacks, building height, and lot coverage. In addition to the modifications, the conceptual development plan accompanied the PAD.
- The preliminary plat included 161 lots with an average lot size of 56 feet by 125 feet and an average lot area of 7000 square feet.
- Internal sidewalks would be provided along with an internal trail system that connected all the open space areas throughout the subdivision.
- Staff wanted the following items addressed before review by the Town Council:
 - Align the proposed extension of Valentine Road with the existing Valentine Road.
 - Make a dedication of 25' along the northern property line for East Road 3 North.
 - The proposed pathway along East Perkinsville Road will need to be paved and will need to meander.
- The preliminary plat met all requirements set forth by section 5.2.3 of the Unified Development Ordinance (UDO).
- Development access would be provided by East Perkinsville Road and North Road 1 East.
- The proposed development would be connected to Town water and sewer.
- The Development Services and Public Works Departments had completed the initial review of the plat. Following review of the preliminary plat, the project would go through the technical review process and go through the public hearing process for approval of the final plat.
- Staff recommended the Commission forward a recommendation of approval to the Town Council with staff recommended stipulations.
- Staff reminded Commissioners that this was only for the preliminary plat approval. The property already had their zoning stipulations and zoning entitlements. The Commission would be considering if the preliminary plat substantially conformed to the PAD and whether or not the preliminary plan met the minimum code requirements for preliminary plat submittal.

Commission Members and staff discussed the following:

- Staff's recommendation of aligning the extension of Valentine Road with the existing road would require a redraw of the preliminary plat because the alignment would, at a minimum, cut through lot 43 and if it were continued through the subdivision, it would cut through a number of other lots. Staff explained that as long as the applicant stayed substantially in conformance by not increasing the number of lots, some modifications could be made. The zoning administrator had the authority to allow for up to 10% variation. Commissioners questioned the intent of Valentine Road, and staff explained that it was possible to shift lots 43 and 44 north to allow Valentine to turn in and T with a turn right or left, which would not require a full redraw. Staff thought the developer's engineer could answer some of the questions of alignment because staff did not want to hamstring the developer. It was up to the developer to come up with a solution to meet what the current code required. Staff would ensure during the technical review that the alignment problem was properly addressed.

- The one-foot non vehicle access easement was provided the submitted plan.
- The State Board of Technical Registration required that there was an expiration date on the surveyor stamp.
- There was concern about the appropriateness of pull-outs for school buses and transit in the future. The Public Works director stated he was not in favor of school bus pullouts because they tended to cause more problems and be more dangerous than not having a specific pullout. The preference for pullouts was often held by the transportation companies. If the developer was okay with adding a pullout at Tract C, the staff would okay with that location.
- Staff had conversations about crosswalks with the developers traffic engineer and the current determination, based on assumptions before the pandemic hit and disrupted normal traffic flow, was to avoid a midblock crosswalk and funnel pedestrian traffic to the actual intersection of Road 1 East and Perkinsville with a consideration of making the area a four way stop.
- There were concerns that children would not backtrack to the intersection to go to the park but would instead go straight across the main road for park access. Staff explained it was hard to have a crosswalk without an accessible ADA route to connect to it and there was no city sidewalks down Perkinsville. Staff and Commission members discussed midblock crosswalks. If a crosswalk was marked, staff wanted extra measures such as flashing beacons or other extra protective measures to be onsite. Staff thought the engineer might be able to come up with extra landscaping to help discourage J walking outside of the crosswalk.

Commission Members, Craig Helsing of Brown Homes and staff discussed the following:

- Mr. Helsing and the developers were excited about the project and the proximity of the development to Community Center and the Aquatic Center.
- The expected demographics were families, first time homebuyers and people looking to downsize.
- The developers planned on offering six different product homes ranging in square footage from 1395 to 2160. Five of the models were single levels and one was a two-story model.
- The dedicated 25 feet of right-of-way on Road 3 North, was not anticipated by the developer because in their opinion, the continuation of Road 3 North to the east where the odds of there being a right-of-way through the drainage that takes place off the property to the east would make it a very unviable extension of the roadway. It was not part of the preliminary plat and he respectfully requested that it not be one of the stipulations of the preliminary plat. Staff explained that the 25 foot right-of-way was called out on the conceptual development plan as part of the zoning. To get rid of the stipulation and requirement would require an amendment to the PAD. The Public Works Staff stated that the reason it was 25 feet and not more was because in most parts of Town, 3 North was an arterial. A future traffic study from 2007 had Road 3 North connecting to Perkinsville, but with the addition of configuration of the roundabouts and the traffic patterns on Perkinsville, staff could not see Road 3 North being more than a local road and was the reason for the 25 foot right-of-way. The 50 foot right-of-way was the standard Town local street right-of-way.
- The developer questioned if they were required to provide a sidewalk and a multi-use pathway. Staff clarified that they were not asking for both. The developer said the pathway would be paved if required and if the pathway was paved, it would meet ADA requirements.
- The developer requested multi-phase development instead of a single phase, specifically

with a model phase at the intersection of Perkinsville and Road 1 East in advance of the balance of the subdivision to be able to construct the model home complex. Phasing would include a model phase and Phase one and Phase two. Staff said phasing was not an issue and could be ironed out during the final plat review.

- The developer stated that realigning Valentine Street could be accommodated because there was a 2% variance or 15degree deflection on the streets. Staff would review the information. The intersection would be at Valentine and Road 1 East and it would curve to its existing location on the preliminary plat.
- Members reviewed the right-of-ways of the surrounding properties.
- Members thought that the requirement of the 25 foot right-of-way stipulation matched the surrounding properties dedication of the right-of-way and anything less would be unfair.

Public comment:

- Michael Connor Masse – Questioned if the developer would be doing anything to improve Road 3 North and Road 1 East as part of the subdivision plat because of the increased traffic utilizing the roads. Staff explained that there would be required improvements along Road 1 East to bring it to current standards.

MOVED by Vice-Chair Tom Armstrong, seconded by Commissioner John McCafferty to forward a recommendation of approval to Town Council for the Perkinsville 40 preliminary plat to subdivide approximately 44.3 acres located at the northeast corner of East Perkinsville Road and North Road 1 East. into 161 lots with an average lot size of approximately 7,000 square feet developed over a single phase with the following stipulations:

- Align the proposed extension of Valentine Road with the existing Valentine Road.
- Make a dedication of 25' along the northern property line for East Road 3 North.
- The proposed pathway along East Perkinsville Road will need to be paved and will need to meander.

AYE: Chair Chuck Merritt, Commissioner Gary Pasciak, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner William Welker

NAY: Vice-Chair Tom Armstrong, Commissioner Robert Switzer

5 - 2 PASSED

- Vice Chair voted nay because he wanted to see the issue of crosswalks and turnouts readdressed.
- Commissioner Switzer voted nay because he thought there were issues with the preliminary plat and he didn't favor the entrance in the middle of the project going into Perkinsville for safety reasons, without an intersection for pedestrian traffic.

7) NON-PUBLIC HEARING ACTION ITEMS

8) DISCUSSION ITEMS

- Vice Chair voted nay because he wanted to see the issue of crosswalks and turnouts readdressed.
- Commissioner Switzer voted nay because he thought there were issues with the preliminary plat and he didn't favor the entrance in the middle of the project going into Perkinsville for safety reasons, without an intersection for pedestrian traffic.

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 Tom Armstrong to adjourn meeting at 7:43 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

11-3-2020

Date