

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

**TUESDAY, NOVEMBER 3, 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 Switzer led the Pledge of Allegiance.

3) ROLL CALL

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

Staff Mayor Darryl Croft; Development Services Director Joshua Cook; Assistant Planner Will
Present: Dingee; Senior Planner Kristina Tranel; Public Works Director / Town Engineer Frank
Marbury; Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk
Erin Deskins (recorder)

4) MINUTES

- a)** Consideration and possible action to approve October 6, 2020, regular meeting minutes.

Item 6(b) first paragraph mistakenly referred to Commissioner Pasciak as Vice Chair and Chair
Merritt's name was misspelled.

MOVED by Vice-Chair Tom Armstrong, seconded by Chair Chuck Merritt to accept the minutes
as corrected.

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 for a Conditional Use Permit to establish the existing non-conforming single-family residence as a conforming residence located at 2514 North Road 1 East.

Ms. Tranel presented the following:

- The applicant was requesting a Conditional Use Permit (CUP) for their 4.1-acre property that was zoned Commercial Light (CL).
- The General Plan land use designation was Commercial/Multi-Family Residential use.
- The property currently had a single-family residence and hay shed, which was allowed in the CL zoning district with a CUP. The applicant was seeking a CUP to bring the property into conformance.
- Bringing the property into conformance would also allow the applicant to subdivide and sell the property.
- Staff recommended approval of the CUP without stipulations to establish the existing non-conforming residence as a conforming residence.

Commissioners and staff discussed the following:

- The CUP within the State of AZ ran with the land not the owner. Regardless of ownership change, the CUP would stand.

MOVED by Vice-Chair Tom Armstrong, seconded by Commissioner Teena Meadors to forward a recommendation of approval to Town Council for a Conditional Use Permit to establish an existing non-conforming residence to a conforming residence.

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 to Town Council of approval to rezone approximately 3.18 acres of real property from the dual zoning of AR-5 (Agricultural Residential 5-acre Minimum) and SR-2 (Single-Family Residential 2-acre Minimum) zoning districts to the SR-1 (Single-Family Residential 1-acre Minimum) zoning district to bring the property into conformance located on the east side of Kachina approximately 600 feet north of Red Cinder Road.

Mr. Dingee presented the following:

- The property location was reviewed with the Commission. Most of the property surrounding the subject property had been developed through the land split process except for the Town's OHM property and Sunrise Subdivision.
- Kachina Road was an easement and not a dedicated Town road.
- The property was approximately 3.18 acres and was zoned AR-5 and SR-2 and was currently used as a single-family residence constructed in 2019. There was also a barn constructed in 1989.
- The General Plan land use designation was Medium Density Residential. The surrounding properties were Medium Density Residential and Commercial designations. The

applicants requested zone change met the intent of the designation.

- The requested zone change was in conformance with the land use.
- The dual zoned property had an AR-5 designation on the northern portion and a SR-2 on the southern portion. The applicant wanted a zone change to SR-1 in order to bring the property into conformance with the surrounding property uses.
- A brief history of the property was provided. The property was subdivided in 2018 without going through the Town's process, which resulted in two non-conforming and non-buildable lots.
- The applicant purchased the southern property and rezoned it SR-2 from AR-5 and constructed a single-family residence. The applicant purchased the northern property in 2020 with the intention of bringing the property into conformance so a second residence could be constructed.
- Under direction of Town staff, the applicant combined the property to start the conforming process on August 13, 2020. The applicant intended to re-subdivide the property into two parcels roughly the same size at approximately 1.5 plus acres.
- A neighborhood meeting was held November 2, 2020, and there was no public attendance. Staff received one comment from a surrounding property owner who supported the rezone.
- Town staff recommended the Commission forward a recommendation of approval to the Town Council.

Commissioners and staff discussed the following:

- There were not currently two residences on the site, but the intention of the applicant was to construct another residence following the approval of the zone change. The slope of the property prevented a view of the structure in the back of the property.

Public Comment:

- Donna Armstrong – Questioned the access roads to the second property and if there would be a separate well or a shared well to the second house. Commissioners explained there was probably an easement that had not yet been plotted but the second lot would become a flag lot. Staff explained that if the rezone was approved to SR-1, the applicant was proposing a land split into two parcels that did not require a subdivision. The frontage of the first lot and the flag lot entrance would be on Kachina Road. Kachina Road was recorded and even though it was an easement, the Town treated it as a street. The flagpole width would be 50 feet and that would provide the necessary frontage to the rear lot. Staff explained there was no Town water or sewer available in the area, so the applicant would need to apply for a well though the State ADWR and staff deferred to the State for the regulation of the wells.

MOVED by Vice-Chair Tom Armstrong, seconded by Commissioner Gary Pasciak to forward a recommendation of approval to Town Council to rezone approximately 3.18 acres of real property from the dual zoning of AR-5 (Agricultural Residential 5-acre Minimum) and SR-2 (Single-Family Residential 2-acre Minimum) zoning districts to the SR-1 (Single-Family Residential 1-acre Minimum) zoning district to bring the property into conformance.

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

7 - 0 PASSED - Unanimously

- c) Consideration and possible recommendation to Town Council of approval of the Heritage Point Final Plat to record the first of four (4) phases in subdividing approximately 89.9 acres into 75 1-acre lots located approximately 1,700 feet west of the southwest corner of West Road 4 North and North Road 1 West.

Mr. Dingee presented the following:

- The request was to approve the first phase of the Heritage Point Subdivision formerly known as Appaloosa Meadows Phase Three.
- The item specifically pertained to the final plat of the subdivision and did not pertain to the properties entitlements.
- The property location and surrounding properties were reviewed.
- The Town Council approved the preliminary plat in September 2019 for Heritage Point Subdivision, after which the subdivision went through the technical review process to the point in which Town staff gave the applicant the approval to submit for final plat with minor stipulations.
- Town staff properly notified the public in accordance with Town code and state statutes.
- Staff had not received any public comment regarding the item since publicly posted other than the P&Z meeting was being held the same night as the election.
- The first phase of the final plat consisted of 20-proposed lots with an average lot size of 1.01 acres.
- The subdivision was classified by Town code as a rural subdivision and would not be required to provide sidewalks throughout.
- The development would utilize private onsite wells and subdivisions.
- The final plat met all Town requirements set forth by Section 5.2.4 of the UDO.
- The sites main access would be by West Road 4 North.
- The Public Works and Development Services Departments had conducted a review of the final plat and had identified a couple issues that would need to be addressed prior to recordation of the final plat. Town staff was comfortable stipulating the changes and proceeding with a recommendation to the Commission.
- Each subsequent phase of the subdivision would be brought back through Council for approval.
- Staff recommended that the P&Z Commission forward a recommendation to Town Council to approve the Heritage Point final plat to record the first of four phases and subdivide approximately 89.9 acres into 75 one acre lots with the following stipulations:
 - Drainage report needs to be modified to the Town Engineer's specifications and comments as follows:
 - The drainage reports shall quantify the overtopping depth and velocity at Road 4 North.

- Provide water modeling of the outlet structures at 4 North to show that velocities are low enough to prevent erosion.
- Provide drainage summary map as requested.
- Address miscellaneous comments as required by the Town Engineer.
- Prior to recordation of Final Plat, a Letter of Credit shall be submitted to the Town in the amounts required by Section 5 Subdivision Regulations.

Commissioners and Staff discussed the following:

- A Commissioner had concerns about the number of wells proposed and wanted the Town and developer to meet to discuss Town utility hookups. Staff explained there was not water or sewer near the development and ADWR was the controlling body as to whether wells were approved. There were 75 wells approved by ADWR for this development. It was questioned by the Commissioner if it would be financially helpful to the developer for the Town to make it cheaper and extend water to the development. Staff explained the closest Town water and sewer was a couple of miles away, with Perkinsville and Road 1 East across the highway being the closest connections. The highway crossing alone was a \$250,000 for each utility. To get water to the location would be in the millions of dollars and was cost prohibitive.

Public Comment:

- Lou Figone – Vice President of Appaloosa II's HOA, wanted the Commission to consider a proposal. Heritage Point's two access points were off Road 4 and Talia Way which brought it into Appaloosa. He was concerned that the people living in that area of the subdivision would not use Road 4 to go south to Town but would use the Appaloosa Meadow roads. He wanted to recommend to the Commission that they work with the developer to develop another access from Road 3 off of Mohave to allow a southern access point going to Town. They wanted Talia Way closed off so there would not be access from the new development into Appaloosa II. There were 110 residents in Appaloosa, with 92 who signed a petition regarding the situation. Most of the residents were elderly who walked the streets daily and the subdivision had no sidewalks. An additional 75 homes with two cars per home that used Talia Way would amount to 300 trips per day, and it was unsafe for the residents. They were requesting the Commission have the developer meet with the City Engineer and develop a third access point at the very minimum.
- Ken Burkett – Lived on Talia extension and supported Mr. Figone's idea. If the developer took a house or two off the back and put them across the Talia Way extension, that would cut down the problems for he and his neighbor. In 2005 when his home was finished, the rest of the neighborhood was still under construction, and he was promised by the developer and representatives of Town that the road would be paved to go into Appaloosa III, but that part of the development fell through after the last recession. He had been waiting for at least 10-years for someone to pave the road. The water from the new development would flow north because it was downhill. He could look down at the rooftops of the homes down the road. He foresaw that the drainage would flow north and the pond at the east corner of the development would not be large enough to contain the water flow. To make it a lot easier, the developer could work at getting a south entrance and it would be a straight shot out of the development. He wanted to see the development built well but there were a lot of problems.
- Lindsay Mills – Had been a resident for 25 years and recently downsized to Appaloosa Meadows II. All the residents basic concern was a continued safe quality of life. With the growth and the additional impact of all the homes together, Road 1 West was becoming an alternative route to Highway 89. They had seen large construction trucks bypassing the

Highway and using Road 1 as a byway and there was no traffic control on the speed. When the potential of 300 more vehicles was added, it was a significant impact on the quality of life on the neighborhood. She understood the dynamics of the Commission and the information they had to take into considerations. The first consideration was to do no harm to the surrounding homes. She urged the Commission to have not only the Road 4 access but also have the Road 3 access with Talia way terminated. There needed to be significant speed control on Road 1. There were families moving into the neighborhood and safety needed to be considered.

- Tom Barkley – Questioned if the nine lots that did not meet the road frontage requirement had been reconfigured as required. From the plat map, it did not appear to have happened. A Commissioner explained that staff had stated that the development met all the requirements, but staff could address it further. Mr. Barkley stated that a nice development would only enhance their property.
- Craig Erion – moved to Appaloosa Meadow a year prior. He questioned if every property would have a private septic system. He recommended the developer pay for infrastructure to an exit point, with the closest connection point being Road 1 East and Perkinsville. In light of the sprawl that was happening in Town, it was a good time to ask the developer to step it up on infrastructure. He could not imagine 75 wells because Appaloosa had a single well to feed the entire development. The homes had meters that helped prevent misuse of the water. The two road access points was not enough for a development of this size. Commissioner confirmed that ADWR had approved 75 wells. ADEQ approved the septic systems. Municipality and counties did not approve septic systems or designs.
- Garry Gibbs – The streets in the area were already starting to come apart. Talia Way already had huge gaps in the road and adding another 300 cars per day and construction traffic would be significant.
- Donna Armstrong – She lived on Mohave and when this first started she was promised it would never go down Mohave. Mohave and the roads east and west could not carry any more traffic without a complete remake. The roads were already on the brink and were being patched every couple of months. They had been living with it without griping, but if you added more traffic, it would be too much. It was also tricky on those streets passing someone. There was also a large ditch, so if someone went over too far, it would not be good.
- Mark Gombrich – He wanted to clarify that everyone was saying Talia Way but it was Talia Place that they were discussing, not Talia Way.
- Miles McGowan – Questioned if there were 75 wells in the area that were in close proximity to the water company, how it affected the aquifers and how it directly affected their Homeowners Association with respect to their own water.
- Bob Sherman – He was a newcomer to the neighborhood. He questioned what the traffic impact would be on the neighborhood. If it was as significant as implied, the Town was looking at having speed bumps, traffic counts and more enforcement. It might be a good time to be proactive and figure out how to deal with it before it became a problem.
- Don Ray – He recently purchased property on Talia Place. He had lived in Town since 1995. His other property had a well and it had dropped 14 feet, and he had to drop his pump. It might be something that needed to be considered, and he could not believe that 75 wells were going in and what would happen to the water table. He was concerned about the water and his property value going down if the Town allowed 300 cars to travel up and down Talia Place. It would become a main thorough way. They had grandchildren and animals and there were no sidewalks or drainage. There were cracks all up and down the road and it would not support that sort of traffic.
- Lou Figone – Talia Place between Road 1 North and where the dirt started on the extension, there were 45 cracks, with some measuring 4.5 inches wide. The cracks were formed in such a way that if heavy traffic went over them, the cracks would immediately

form potholes.

- Richard McNamara – If Talia was closed and there was not the through traffic, everyone in Appaloosa would be happy. There was no reason to stop the development, but the surrounding residents needed to also be happy.

Commissioners, applicant and staff discussed the following:

- The closest sewer was Road 1 East and Perkinsville across the highway. It was uphill. Generally, they tried to get sewer to go downhill even though it was possible to mechanically lift it, but it would be cost prohibited. The existing Appaloosa Meadows were on septic and used the Appaloosa Water Company. The State had approved the onsite wells for water and staff could not override the State's authority. The applicant had gone through the studies and processes to ensure the water supply for 100-years.
- A Commissioner thought that the concerns and suggestions for the increased traffic was pushing the traffic to another area at the detriment of one and the benefit of another. Staff explained that the developer's engineer and staff thought the traffic would use Road 4 North because a combination of the mailbox locations and the fact that Road 4 North was an arterial road and people tended to drive arterial roads more so than through local roads due to speeds. Staff understood and respected the public comments and did not discount them, but it was staff's understanding that Talia Place had always been designated as a road to connect the Heritage Point (formally Appaloosa III) dating back into the 1990's as part of the overall development. It was why the road was not a cul-de-sac. The developer would pave Talia Place to the pavement. The pavement maintenance was being addressed by the Town, but the Town's ability to maintain roads was not something that should decide whether a subdivision should be approved. There was a proposed project for the Town that would address crack filling and seal coating in the Appaloosa neighborhoods. The roads were an uphill battle for the entire Town.
- Once a subdivision hit 30-lots, two entrances were required. The two proposed entrances met the requirement. The problem running one entrance through Mohave only moved the problem to another subdivision and that subdivision predated the Appaloosa subdivision and was not intended to connect because they had no concept of the Appaloosa Meadows development. The Mohave roads were also older than the Appaloosa roads and were only chip sealed.
- The fire district had not made any comments on response time or street configurations.
- It was the opinion of the Town that the street layout met the intent of the overall plan of all three phases of Appaloosa Meadows and did not adversely impact the neighboring residents.
- Drainage had been a big topic of staff's technical review. The Town hired an outside consultant to give a third-party review to ensure that the situation was handled in the Town's best interest. There was a history of some subdivisions that allowed sheet flow from lot to lot, which included Appaloosa I and II. The Heritage Subdivision had undergone some rearrangement of streets during the design process. Everything in Chino Valley flowed north. Early subdividers had the majority of the streets going east to west, including Appaloosa Meadows. When developments ran streets north to south, the developer was able to catch offsite flows and put them through the street drain system and storm drain system to carry the water. There were some concerns about the developments overflow on to Road 4 North because the size of the pipe that was not enough to carry the amount of water that went through. The developer suggested four pipes to deal with the water, but it was still being discussed to ensure the code was being met so there was not over one foot of water overtopping Road 4 North. They also needed to ensure that the speed and volume of the water did not cause harm downstream. The velocity of the water could not cause erosion or harm downstream. The numbers given by the developer for

post development runoff were smaller than the runoff numbers predevelopment. The developer was not required to detain or hold that water, but only pass through the subdivision which is what they had done and those requirements were met. The developer was having to deal with an older developments water as well as naturally occurring flows. The neighborhood to the south predated the drainage detention requirements.

- The drainage from this subdivision would not affect any drainage for a possible subdivision of the Windmill properties because there was no drainage approved for the Windmill property. Drainage for Windmill would be further along in the process after a preliminary plat was approved and before final plat. The responsibility of the developer for the Heritage property was to ensure that the downstream property was not adversely affected any more than what naturally and historically occurred.
- The water from the subdivision would not leave the property with any more water than what currently left, and it would be less than predevelopment depending on the size of the storm. They were exceeding the requirements.
- Staff worked with the developer on the nine lots that had issues with conforming frontages. According to how the code calculated lot frontage, every lot proposed in the subdivision met the current standards.

The Commission took a short recess at 6:57 p.m. and reconvened at 7:01 p.m.

- No building permit would be issued until developers had approval from the County for where the septic's would be placed.
- David Bennett – Applicant representative, explained that lot analysis had been completed, so they knew based on percolation rates, they were able to demonstrate the amount of area required for disposal system with the appropriate setbacks from the well. This was done for every lot. All the lot analysis accounted for setbacks for adjacent properties.
- Mr. Bennett explained since the zoning was set, they were only there to get final plat approval. The access was already set, and the shortest distance for any lot on the property was directly to Road 4 North. It did not make sense for traffic to jog through Talia Place to leave the subdivision. He saw Talia Place as an emergency access point only. The traffic study looked at impacts and the increased traffic did not even warrant a turn lane.
- Mr. Bennett explained that the drainage had been mitigated with a passive design and there would be no lot to lot drainage. They would be retaining historic outfall over Road 4 North and reducing the overflow and reducing the peak flow rate of the 100 year storm by 60%. It was a quality development.
- Through the development process, staff would work with the developer to strongly encourage the construction traffic to avoid Talia Place. They could have the police help enforce the traffic flow. The developer explained that during Phase 1 of the project, that portion of the road would not be constructed.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner William Welker to forward a recommendation to Town Council of approval of the Heritage Point Final Plat to record the first of four (4) phases in subdividing approximately 89.9 acres into 75 1-acre lots with the following stipulations:

- Drainage report needs to be modified to the Town Engineer's specifications and comments as follows:
 - Address miscellaneous comments as required by the Town Engineer.
 - Provide drainage summary map as requested.
 - Provide water modeling of the outlet structures at 4 North to show that velocities are low enough to prevent erosion.

- The drainage reports shall quantify the overtopping depth and velocity at Road 4 North.
- Prior to recordation of Final Plat, a Letter of Credit shall be submitted to the Town in the amounts required by Section 5 Subdivision Regulations.

An aerial map was reviewed by a Commissioner to see the arterial roads, Road 3 and 4. If the traffic used Talia Place, it impacted 12-lots but if they pushed traffic to Mohave, it impacted 18 lots on both sides of the street and ultimately impacting three times the number of people on Mohave opposed to Talia Place. The Commissioner believed the developer would ensure no construction traffic would use Talia Place. The water concern was a regular concern in all development and the developer was not asking for anything more than any other development. He was happy to see one acre developments as opposed to 7000 square foot lots. It was also mentioned that because this was supposed to be the third phase of Appaloosa Meadows, the traffic and water had already been accounted for during planning.

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

7 - 0 PASSED - Unanimously

7) NON-PUBLIC HEARING ACTION ITEMS

8) DISCUSSION ITEMS

9) PUBLIC COMMENTS

Call to the Public is an opportunity for the public to address the Commission on any issue within the jurisdiction of the Commission that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Commission action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

10) ADJOURN

MOVED by Commissioner Teena Meadors, seconded by Commissioner John McCafferty to adjourn the meeting at 7:23 p.m.

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

7 - 0 PASSED - Unanimously



~~Chair Charles Merritt~~ Acting Chair Armstrong

12-1-20

Date