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

TUESDAY, MARCH 2, 2021
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 Meadors led the Pledge of Allegiance.

3) ROLL CALL

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

Staff Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire (remotely); Development Services Director Joshua Cook; Public Works Director / Town Engineer Frank Marbury; Planner Will Dingee; Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk Traci Lavelle (recorder)

Attendees: Annie Perkins, Councilmember, Eric Granillo, Councilmember

4) MINUTES

a) Consideration and possible action to approve the February 17, 2021, special meeting minutes.

MOVED by Commissioner John McCafferty, seconded by Commissioner William Welker to approve the February 17, 2021, special meeting minutes.

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

7 - 0 PASSED - Unanimously

5) STAFF REPORTS

6) PUBLIC HEARING

a) Consideration and possible recommendation to Town Council of approval to rezone approximately 8.56 acres of real property located on the southeast corner of the intersection of South Road 1 East and East Center Street from the AR-5 (Agricultural Residential 5-acre minimum) to SR-1 (Single Family Residential 1-Acre Minimum) in order to further subdivide the property. (Will Dingee, Planner)

Will Dingee presented the following:

- The request was to rezone from AR-5 to SR-1.
- Location of the subject property and the surrounding subdivision properties were reviewed with the commission.
- The property was 8.56 acres and was used as a single-family residential property.
- The property had frontage along Center Street and South Road 1 East, which was classified as an urban arterial road.
- The property had no previous land use action but had made previous dedications along the two adjacent roads.
- The subject property's General Plan land use designation was classified as medium density residential two acres or less. The surrounding property designations included a commercial multi-family corridor and medium density residential two acre minimum. The applicants request for SR-1 met the intent of the General's Plans land use designation.
- The current zoning around the subject property was predominantly AR-5, but there was also the multifamily zoning, SR0.16, SR-1, SR-2 and public land zoning in the area as well. The subject property and general area supported the medium density residential based on the zoning of the surrounding properties.
- The neighborhood meeting, which was held on February 24, 2021, had four property owners in attendance. Discussions included the following:
    - The lots would be on a private well and Town sewer.
    - A required water study was subject to the number of lots created. Six or more lots required the minor subdivision process and a certificate of assured water supply from the State. There were no study requirements for the development if less than 6 lots.
    - Lot access was subject to the number of lots being proposed. The development could require a frontage street or internal street to provide access to the driveways not directly on Center Street.
    - The applicant preferred stick built homes but was open to manufactured homes.
- Staff recommended the Commission forward a recommendation of approval to the Council with the following stipulations:

1. Per the Town Code of Ordinances § 51.158(B), *Where property borders public rights-of-way or public easements containing an existing serviceable town wastewater main, the property, when developed, shall be connected to the town CTR system. Sewer taps shall extend at right angles from the main to the property, unless otherwise specifically authorized for unusual conditions, and shall be installed in accordance with the most current edition of the YAG standard specifications and details for public works construction, unless otherwise modified and approved by the Town Engineer.*

2. Per the Town Unified Development Ordinance § 5.3.2, Table 5-1, the minimum required right-of-way dedications are as follows (this requirement was not in addition to the dedications already existing for the subject property, but ensured that the minimum 40 foot half width had been dedicated):
    - 40' south of the section line on Center St.
    - 40' east of the section line on Road 1 East
3. Per the Town's Unified Development Ordinance § 5.3.2, Table 5-1, the required offsite half-width roadway improvements are as follows:
    - Center St.
        - 25.5' minimum roadway width w/o on street parking
        - 6" vertical curb and gutter
        - 5' minimum concrete sidewalk
    - Road 1 East
        - 25.5' minimum roadway width w/o on street parking
        - 6" vertical curb and gutter
        - 5' minimum concrete sidewalk
4. Per the Town's Unified Development Ordinance § 5.3.1(F), *Where a* proposed *subdivision abuts or contains an existing or proposed arterial and collector routes, sufficient right-of-way may be required for access, frontage streets, and/or turning movements or for reverse frontage combined with a one (1) foot non-vehicular access easement abutting the major route; or for such other treatment as may be justified for protection of residential properties from traffic hazards occurring on the major route.*
5. Per the Town's Code of Ordinances §150.081, *Except as exempted in §150.082, all existing and new utility and telephone lines, electric utility distribution lines, cable television lines and all other communication and utility lines adjacent to or within new residential, commercial or industrial subdivisions or other areas to be developed within the town shall be installed underground at the time of development of the property as part of the required off-site and on-site improvements. The developer of the property shall be responsible for the costs of the underground construction in accordance with the underground policy of the serving utility*

Commissioner's and staff discussed following the:

- Staff was not aware of the Prescott water supply in the area and there was no condition for Prescott to serve the development. The only agreement the Town had with Prescott, was to serve water to commercial properties along the highway, but it did not include residential properties not along the highway. It would be at Prescott's discretion whether to provide water to the development. The Town did not have any lines that were close enough to be economically feasible to extend water to the development.
- The Town did not have a current master plan for water extensions but was currently developing future Town plans. The sewer already went by the subdivision. Staff personally would like to see water in that area, but currently it was not close to happening. It could happen within the next five to six years, depending on funding and Council direction.

Commissioner's, applicant Alan Foster, and property owner John Gin discussed the following:

- The property used to be big enough to split, but after working with the Town to give the necessary right-of-way, the property owner could not split the property. Mr. Foster had been looking for a place to build a house, and at the time the Council discussion was to

allow land to be split three times after ten years. His intent was to buy land and build, and then split after the ten years, but that never became code. His only option now was to do a minor subdivision. His intention was to buy the entire property and do one acre lots, but budget limitations may only allow him to build a home for himself.

- Under the proposed stipulations, the applicant was concerned about the required 40 foot dedication because that would put the current home right at the street.
- The requirement of curb and gutter was added to address any future subdivision. The improvements would be required at the time of development. The applicant was concerned the cost of development for a basic property split for road improvements, curb and gutter was excessive.
- The applicant was concerned the cost of underground utilities would fall on the property owner. Staff could not answer the question and suggested seeking legal counsel advice. The applicant explained that moving the power lines was astronomical. When the current property owner dedicated the property for the right-of-way, it made the land worthless, and it would cost hundreds of thousands of dollars to do a simple land split, even without creating a minor subdivision. There was also no way a one acre subdivision could be created because of the cost.
- The property owner explained the property was purchased to protect the property across the street, which was owned by his sister. He explained the history of the 25 foot dedication process made six years prior. Because of the dedications made, he was put in a position that he had to rezone the property.

Commissioners and staff discussed the following:

- The Town could require property improvements based on the current codes, the zoning and the subdivision regulations, up to the issuance of a building permit regardless of whether the property was split or not. The Town had not taken away the opportunity to split the property, but in fact gave the ability to continue to split property to a certain degree with the inclusion of improvements, by resetting the parent parcel. The applicant could go through the minor land division with the rezone to SR-1, but there were improvements and requirements for the new lots. It was the assumption of the Town that any proposal brought forward to subdivide or split lots would be economically feasible for the developer.
- The Town would not be requiring more right-of-way if the required 40 feet had been met, and if the Town had acquired the 50 feet dedication required at the time, there may be some way to vacate the excess property back to the owner. Staff reviewed areas where dedications may need to happen and the dedications that had already been provided.
- Improvements would need to be made before a building permit were issued.

Commissioners, Staff, Applicant Alan Foster, and property owner John Gin discussed the following:

- Applicant discussed it would take an additional 15 foot right-of-way on Road 1 East to meet the current standards, which would put the house very close to the road. The applicant, a land surveyor, had measured the required distance and found that setback requirements for the current home would no longer be met with an additional dedication. Staff explained the home was already a non-conforming structure with the current front yard setback. The current setback was approximately 20 feet. The pavement went right up to the area that was previously dedicated, and if the Town vacated the right-of-way back to the property owner, they would be dedicating a strip of asphalt.

- The required improvements for curb and gutter would not be on the subject property but would be within the dedicated right-of-way. The property owner did not think there was room for the required infrastructure because of where the pavement ended. Staff agreed that there was not enough room for the infrastructure because of the location of the power poles. The power poles would need to be removed.
- Commissioners discussed worrying about the unknowns for the property. Staff explained the only unknown was the application for the power poles. The rest of the stipulations were part of code.
- Applicant questioned why rights could not be given back to the people in Town. This property owner had already given to the Town, and the Town wanted this to be a rural area. Since the Town made the rule he could not split again, so there would be three lots at the most. It was questioned why the Town wanted a property owner to spend hundreds of thousands of dollars moving power poles and adding curb, gutter and sidewalks. The rezone should be approved based on the dedications already given to the Town with no stipulations.
- The property had to be rezoned to be able to split. It could not be split based on the current zoning.
- Commissioners questioned if there was something to alleviate the burden to the property owner that wanted to split the lot three times, or if they were bound by the same rules as a developer. Staff explained they had no authority to change, alleviate, or wave code requirements. The Town attorney should be asked if the Council could wave the requirements, but staff did not think they could wave requirements they had adopted themselves.
- The current property owner could keep the property as it was, and sell as one piece. If a developer bought the property, they would have to go through the same process with the knowledge of required improvements and costs.
- The property owner stated that he wanted to continue with the property rezone.
- Applicant was concerned that it was previously known that when a dedication was made to the Town for a right-of-way, the area of the dedication could still be used in the overall property area needed for lot splits, and if it was no longer the policy, there were a lot of people in Town that vacated property to the Town that would be affected. The Town was not living up to their end of the bargain. Staff explained policy statements made in the past were not the way to ensure something was allowed legally. It had to be recognized through adopted ordinances or text amendments. Staff was unable to find any ordinance that had been adopted by Council that implemented that sort of policy. If the policy had been implemented through a letter, it did not necessarily make it legal.
- A Commissioner questioned if the property owner did an AR-4 zone, if the property could be split into two parcels without the requirements. Staff explained it could not happen because the act of dividing land and rezoning was what triggered the stipulations.
- Both adjacent roads to the subject property were considered urban arterial roads.
- The Commission needed to recognize the owner wanted to move forward with the rezone with the understanding it would take significant development to split the property.
- It was questioned if renting the lots and building homes on the rental properties would make a difference in the requirements. Staff explained that each individual lot created was a separate parcel. The General Plan did not support multifamily residential dwellings in the area. Staff explained that applicant could request a rezone to SR-0.16 PAD for half acre lots, which could increase the development potential of the property.
- Commissioner wanted to ask Council to reconsider the requirements.

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Teena Meadors to forward a recommendation of approval to Town Council to rezone approximately 8.56 acres of real property from the AR-5 (Agricultural Residential 5-acre minimum) to SR-1 (Single Family Residential 1-Acre Minimum) in order to further subdivide the property with the stipulations as stated by staff during the presentation of the item.

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

7 - 0 PASSED - Unanimously

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Teena Meadors to open item 6(a) to public hearing for public comment. At the end of the meeting, Commissioner Merritt realized Item 6(a) had not been open to public discussion and wanted to rectify the situation. Staff recommended that Commission open it up to the public and ask if there were any additional comments. It was noted that no one had left the room since Item 6(a) had been discussed and voted on. There were no public speakers when offered, and the public hearing was closed for this item.

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

7 - 0 PASSED - Unanimously

b)

Consideration and possible recommendation to Town Council of approval to rezone approximately 5.66 acres of real property located on the northwest corner of the intersection of South Road 1 West and West Road 2 South, from the SR-1 (Single Family Residential 1-acre Minimum) zoning district to the SR-0.16 (Single Family Residential 0.16-acre Minimum) zoning district with a PAD (Planned Area Development) to develop ten (10) lots with individual lot areas greater than one half acre. (Will Dingee, Planner)

Will Dingee presented the following:

- The request was for a planned area development for the Meadow View Development.
- It was a minor subdivision, consisting of ten lots or less.
- If the item were approved, the development would go to the Town for technical review, and then go to Council for the final plat approval.
- The location of the subject property and the surrounding subdivision properties were reviewed with the Commission.
- The proposed development contained three parcels with a total of 5.66 acres. The property was currently vacant. The property had been rezoned in 2018 from AR-5 to SR-1, to subdivide the property, which was subsequently done in 2020.
- The General Plan designated the property as medium density residential, which was two acres or less. The surrounding properties were designated the same. There was a commercial family designation to the East, as well as a potential community core to the Northeast corner. The proposed development was at a density that met the intent of

the medium density residential designation.

- The property zoning was SR-1, and it was surrounded by AR-5 to the North, East and West. The property to the South was not within Town limits. The surrounding properties were reviewed with the Commission.
- The applicant requested a PAD, which required a conceptual plan for rezoning. The applicant was proposing a minor subdivision with ten lots, with an average lot area of 0.513 acres or 1.77 units per acre.
- Twenty percent of the lots would be reserved for open space.
- The proposed community would have access through a newly created street and would have curb, gutter and sidewalk on both sides. It would be developed to Town standards and subsequently dedicated to the Town.
- The development would utilize City of Prescott water, and private septic systems.
- The applicant would be held to a rural level of road improvements along West Road 2 South and South Road 1 West.
- A road would bisect the property in half, with five lots on each side, with each lot greater than half an acre. This was enough for them to be served by a single municipal utility (City of Prescott water) and then allow the use of a private septic system.
- The proposed homes would be manufactured and ground set. The intent was a development similar to the Colonial Villa development.
- By requesting a PAD, it gave the applicant the ability to ask for relief from Town code in certain areas. The applicant was asking for a setback variation on lots five and six from 20 feet to ten feet on the street yard setback requirement. To offset the setback request, the applicant was proposing 18-20 percent of the site area be open space, and sidewalks would be on both sides of the development, which was not required by code. There would also be park benches along the sidewalk.
- The development amenities would be maintained by an HOA.
- A neighborhood meeting was held January 27, 2021. Two neighboring property owners were in attendance. Discussions included the following:
    - The homes would be on City of Prescott Water and private septic.
    - There would be an HOA for the development.
    - The Chino Valley irrigation easement that ran along a portion of the property would not be an issue for the development.
    - One property owner was against the development because of the density. They wanted to see one acre or greater in the area.
- Staff recommended the Commission forward a recommendation of approval to Council.

Commissioner's and staff discussed the following:

- The area was designated as a rural arterial, so it would not be required to have sidewalk and curb along Road 2 South.
- Relief from the setback was the needed to make the building envelope to work.

Commissioner's and John Rocha from Southwest Homes discussed the following:

- Mr. Rocha thought this was a good project because affordable housing was difficult to find within the community.
- The lots were all of similar size. Since the development was at the conceptual level, there was not a tie down to the size or the layout. They were trying to simplify the process, so the developer could mitigate and revise the layout as needed during the technical review. There would be a half acre minimum requirement. Lot six came out to be a bit narrower than the other lots during the conceptual planning process. They were aiming to have a 55 foot front yard frontage. Lots five and six had double street

frontages because they were corner lots. The street yard setback was technically the same for the front yard setback, which reduced the buildable area. The requested reduction in the side yard setback increased the buildable area, which allowed for garages to be built. The garages would be built on the street side of the properties, isolating the homes from traffic noise.

- All driveways and access to the development would use the new proposed street.
- If the zoning and PAD were approved, but the project did not happen, any future development would be required to meet the conceptual development within 10 percent. If it had the PAD overlay and the conceptual development plan was attached to the ordinance, it would be restricted to greater than half an acre stipulation. The 0.16 zoning was being used because there was currently nothing in between one acre and the 0.16 in the zoning code. It was a priority for the Town to correct this issue.
- Chair Merritt gave the public an opportunitty to speak, and there were no speakers at that time. The public hearing for this item was closed.

MOVED by Commissioner John McCafferty, seconded by Commissioner David Somerville to forward a recommendation of approval to the Town Council to approve the rezoning of approximately 5.66 acres of real property from the SR-1 (Single Family Residential 1-acre Minimum) zoning district to the SR-0.16 (Single Family Residential 0.16-acre Minimum) zoning district with a PAD (Planned Area Development) to develop ten (10) lots with individual lot areas greater than 0.51 acres and allow for the reduction in street side yard setbacks on lot 5 and lot 6.

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

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 Vice-Chair Gary Pasciak, seconded by Commissioner Teena Meadors to adjourn the meeting at 7:14 p.m.

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

7 - 0 PASSED - Unanimously

Chair Charles Merritt

4-6-2021

Date