



Commissioner's Agenda
Planning & Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
December 7, 2021, 6:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. CONSENT CALENDAR – All items listed under the Consent Calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item. In which case, the Chair will pull the item from the Consent Calendar to be heard.
- C.1 APPROVAL OF MINUTES – OCTOBER 5, 2021
- C.2 WITHDRAWALS BY APPLICANT – **Z-11-21 – REQUEST TO REZONE APPROXIMATELY 41 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 207 LOTS WITH AN APPROXIMATE DENSITY OF 5.05 DWELLING UNITS PER ACRE.**
- C.3 TIME EXTENSIONS – NONE
- C.4 CONTINUANCES – NONE
- C.5 APPROVALS – NONE
- D. PUBLIC HEARINGS - TWO
- D.1 **Z-08-21:** Request to rezone 4.55 acres of real property from the AR-4 (Agricultural Residential 5-Acre Minimum) to SR-1 (Single Family Residential 1-Acre Minimum).
- D.2 **T-03-21:** Request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by moving Section 3.12 "SR-0.16" Single Family Residential and placing it in new Section 3.20 Out-Of-Date Zoning Districts.
- E. ACTION ITEMS – NONE
- F. INFORMATION ITEMS
- F.1 Staff
- Council Action on prior P&Z Cases
 - Discussion regarding the creation of ½ and ¼ acre zoning districts
- F.2 Commission
- F.3 Public
- G. ADJOURN

A copy of the agenda packet is available for viewing 12 days prior to the Planning Commission Public Hearing date, at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona.

The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice) or use 711 (Telecommunications Arizona Relay Service) to request accommodation to participate in this meeting.

Planning and Zoning Commission Meeting Minutes October 5, 2021

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, October 5, 2021, at the Town of Chino Valley Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were Chair Chuck Merritt; Commissioner Teena Meadors; Commissioner Gary Pasciak; Commissioner David Somerville; Commissioner Robert Switzer; Commissioner William Welker; Vacant Position

STAFF MEMBERS present were Laurie Lineberry, Development Services Director; Frank Marbury, Public Works Director; Will Dingee, Senior Planner; Bethan Heng, Planner; Dee Dee Moore, Customer Service Supervisor; Lawrence Digges, Audio/Video Technician.

CALL TO ORDER: Chair Merritt called the meeting to order at 6:00 p.m., and noted there was a quorum present.

CONSENT CALENDAR – Items listed under the consent agenda were approved, with 3 minor changes to the minutes which included the correction of Mark Switzer to Robert Switzer, spelling of Dinger to Dingee and adding the stipulation for sidewalks to the motion for Z21-014. **A motion was made by Commissioner Switzer and seconded by Commissioner Pasciak to approve the minutes with corrections and the remaining items on the Consent Agenda of the September 5, 2021 Planning & Zoning Commission meeting with the above three corrections. This motion passed unanimously by a 6-0 vote.**

CASE # F21-003: *Request for approval of the Perkinsville 44 Final Plat Phases 1,2,3 and 4 to divide approximately 44.3 acres of real property into 162 lots with an approximate lot size of 7,000 square feet. APN 306-18-009H*

Commissioner Meadors declared a conflict of interest and recused herself from the Council Chambers.

Will Dingee, Senior Planner, presented the staff report and shared that the Applicant and the Developer for this project were both in attendance for this meeting. Staff is recommending **APPROVAL**.

Commission Somerville asked about the use for the empty lot in the middle. **Dingee** stated that it appears to be a greenbelt and/or drainage area but that the applicant could provide more detail. **Chairman Merritt** brought up that the street alignment appeared to be located at a different location. **Dingee** shared that this now lines up with Adams. There were no further questions of staff at this time.

Applicant, Craig Helsing, of Brown Homes elaborated on the empty lot locations. He stated that in general the open spaces would provide walkways, outdoor ramadas, park benches and a fire pit. These areas also would be used as drainage corridors, retention basins, and the sewer easement. **Commissioner Switzer** voiced concerns about a plan for safety control since this project is specifically family oriented and there would be a lot of foot traffic. **Switzer** asked about a plan for a crosswalk, stop sign, and pedestrian crossing. **Merritt** referred this question to Staff. **Public Works Director, Frank Marbury** stated that the crosswalk would be at the 4-way stop on the corner of Road 1 East and Perkinsville adding that the meandering sidewalk and landscaping would help to direct foot traffic to the corner. **Merritt** asked if the town was comfortable with a mid-block crosswalk. **Marbury** shared that because the volume of traffic/industrial vehicles along Perkinsville, it would be more difficult to stop mid-block for a cross walk, especially in the case of an emergency. Staff does not recommend mid-block flashing lights which would require traffic analysis for speed and cost \$300,000. **Marbury** recommended all foot traffic be directed to the corner where ADA ramps would be installed. **Switzer** agreed with the traffic concerns but felt that kids living in

that neighborhood would probably not go all the way to the corner to cross the road if they were going to the Recreation Facilities across the street. **Marbury** added that directly across the street from the Perkinsville Road entrance is a large ditch and fencing so there would be no lure to cross the street mid-block. **Marbury** continued by sharing that the 10-foot multi-use path meanders through the landscaping and would keep pedestrians away from the road and that there will be trees on both sides of the sidewalk. Town Engineer and developer believe that this design is the best for this project.

PUBLIC COMMENTS

Mr. James Greenough of 1791 W Escondido Trail, Chino Valley, spoke in opposition to this project, stating that the increase in traffic and the 162 homes is the beginning of the downfall. He referenced the items in the city logo, and stated that the antelope are rarely seen and as more homes are built they will disappear from our area. He believes that this development is wrong for the area and that there are too many homes being built. He asked that the commission not approve this project.

Public comment period was closed.

Helsing shared that this project is focusing on the family and this community, that the homes would be affordable, unlike other areas nearby.

A motion was made by Commissioner Pasciak and seconded by Commissioner Welker to approve Final Plat F21-03, as presented, subject to the staff report, information provided during the public hearing, and the conditions of Approval in Attachment A. The motion carried 4-1, with Switzer voting no, and Meadors recused.

REASONS FOR DISSENTING VOTES:

Switzer explained that he voted against this Final Plat for the same reason he voted against the Preliminary Plat. He felt that the SR-0.16 zoning was too congested.

Meadors rejoined the meeting at 6:24 pm

ACTION ITEMS:

Merritt asked if any of the commissioners had questions or concerns regarding the updated By-Laws. There were no comments from the commissioners. **A motion was made by Commissioner Meadors and seconded by Commissioner Switzer to approve the Updated By-Laws as written. The motion carried 6-0.** These By-Laws will be effective on the date of adoption.

INFORMATION ITEMS – FROM STAFF

Council Action – **Dingee** informed the Commission that Planning & Zoning Case #Z21-14, a 20 lot subdivision with ½-acre lots for Rosie Soto that went to Council on September 28, 2021 was unanimously denied. **Merritt** expressed concerns that he and perhaps other commissioners feel that they are not quite sure what the Town Council is thinking. **Dingee** stated that the Town Council felt that this project did not fit in with the area and based their decision on that.

Lineberry shared that the Planning and Zoning Commissions' job is not the political piece, but to reach the neighbors, hear what is happening, and weigh what is in the code versus the general plan, and vote based on those facts. At the council level there is more politics involved and the goals for the Commission is to not get in the middle of the political part, but to look at the land use aspects. **Merritt** stated that he does agree with that definition of the commission but feels it would still be good to get some type of feedback, so he appreciated the comments **Dingee** shared.

Somerville asked about the study session and how they could set up a meeting with the council to have items of discussion with them. **Merritt** reinforced that a joint meeting would include items identified by Planning and Zoning Commission to discuss and staff would then schedule the meeting with requirements for notice and meeting date.

INFORMATION ITEMS – FROM STAFF: Lineberry discussed the SR-22,000 proposed zoning district and the lot size potential in an actual acreage versus effective acreage, which removes the dedicated easement footages from the total actual acreage. Several topics covered were the definition of the actual size, effective size, flag lots, easements, private roads (which are 50'), general road sizes, right-of-way and other unusable portions of the parcels.

In addition to the square footage discussion, she stated that the planning staff had met with the local Future Farmers of America (FFA) group from the High School regarding the keeping of types and quantity of animals on a ½-acre lot. The FFA group felt that sheep, goats and fowl would be a compatible match with a ½-acre parcel. After that discussion it was determined that larger animals should be kept on a lot greater in size than ½-acre.

Lineberry shared that staff will be using all of the discussion during this meeting to continue working towards a comprehensive SR-22,000 zoning district.

INFORMATION ITEMS – FROM COMMISSION: None

INFORMATION ITEMS – FROM THE PUBLIC: None

ADJOURN – A motion and second were made to adjourn the meeting at 7:02 p.m.

Charles Merritt
Chair

Dee Dee Moore
Prepared By



TOWN OF CHINO VALLEY
Planning Commission Staff Report
December 7, 2021
File Number Z-08-21
Property Rezone

PROJECT DESCRIPTION This is a request by Don Roskopf (property owner), to approve the rezoning of approximately 4.55 acres of real property from the AR-5 (Agricultural Residential 5-acre Minimum) to SR-1 (Single Family Residential 1-acre minimum.) The property is located approximately 700 feet east of the intersection of North Road 1 West and West Road 1 North with an address of 836 West Road 1 North. – APN 306-23-028

LOCATION DATA

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	AR-5	Residential	Medium Density Residential (2 ac or less)
North	AR-5	Residential	Medium Density Residential (2 ac or less)
South	SR-1	Residential	Medium Density Residential (2 ac or less)
East	AR-5	Residential	Medium Density Residential (2 ac or less)
West	SR-1	Residential	Medium Density Residential (2 ac or less)

LOCATION MAP



Prior site actions:

No prior council action has been taken on this property.

Staff Recommendation:

Staff recommends that the Planning and Zoning Commission forward to the Town Council a recommendation of APPROVAL to rezone approximately 4.55 acres of real property from the AR-5 (Agricultural Residential 5-acre Minimum) to SR-1 (Single Family Residential 1-acre minimum) with the stipulations outlined in Attachment A.

SUGGESTED

COMMISSION MOTION:

Move to **APPROVE** Zone Change Z-08-21 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval:

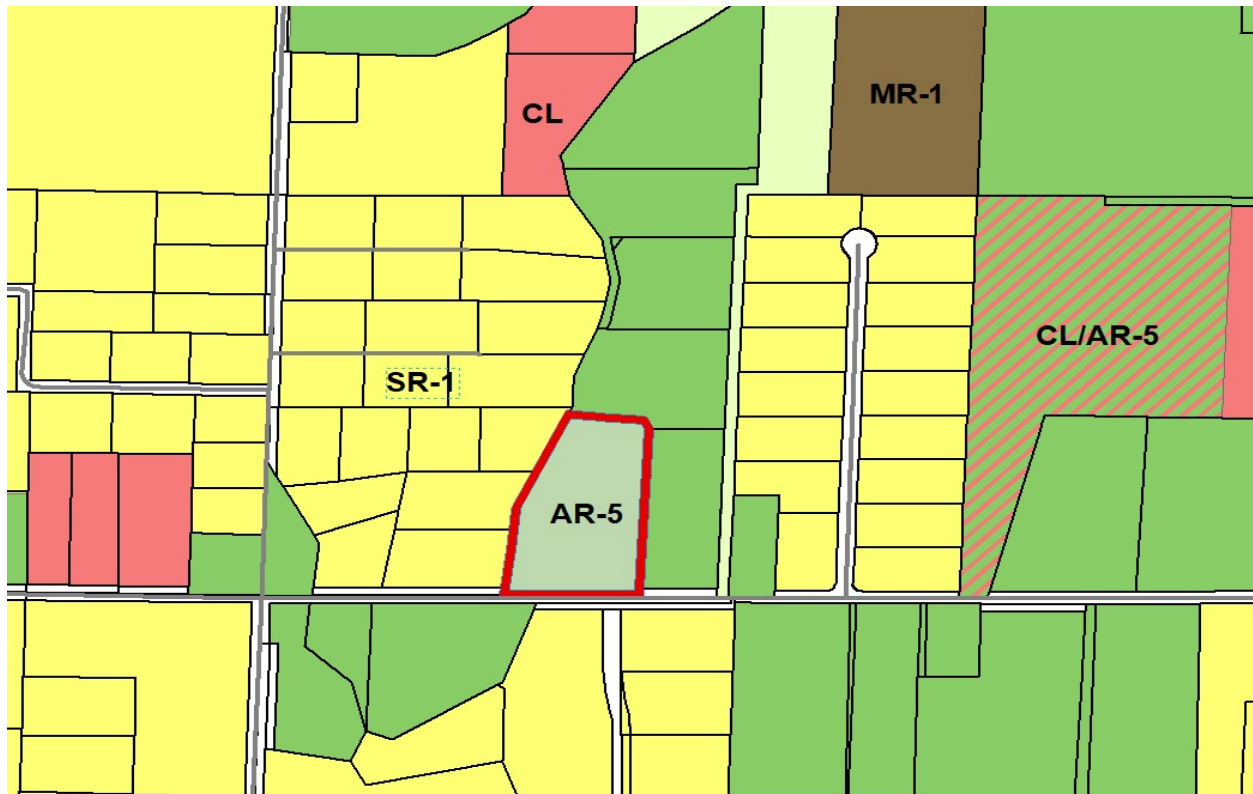
By approving this rezoning, the Planning and Zoning Commission is recommending approval to Town Council for the rezoning of approximately 4.55 acres of real property from the AR-5 (Agricultural Residential 5-acre Minimum) to SR-1 (Single Family Residential 1-acre minimum) with the stipulations outlined in Attachment A, and affirmatively finds that the request is in conformance with the Town of Chino Valley's General Plan

Staff Analysis:

The applicant would like to rezone their property in order to divide the parcel, they are undecided on whether they want to proceed with a minor land division (three (3) lots) or minor subdivision (four (4) lots.) This item was introduced to the commission on April 6th of this year however, the applicant had requested a continuance in order to discuss the previously required stipulations. These issues have been resolved and the applicant is ready to proceed with the rezoning request.

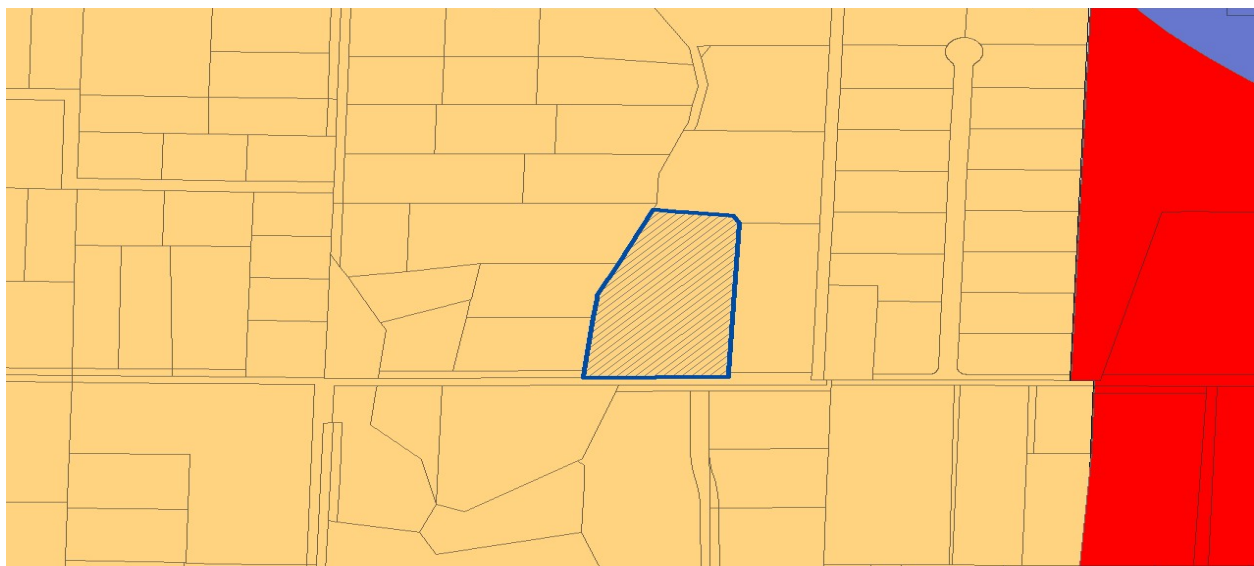
Zoning

The general vicinity contains lots zoned for 1-acre and 5-acre minimums. There are a couple outlier parcels with Commercial Light zoning and one Multi-family zoning.



Does the proposed zoning district conform to the Land Use Element?

The property has a General Plan land use designation of Medium Density Residential- 2 acres or less. The applicant is requesting approval for the rezoning to SR-1 which is in conformance with the Land Use Element.



Are there any dedications or property easements identified by the Transportation Element?

Yes, the transportation element identifies West Road 1 North as an 80 foot total road way width. The dedication amount required is approximately 25 feet on the north side of the road. This will ensure that 40 feet north of the West Road 1 North centerline has been dedicated.

Neighborhood Meeting & Public Comment Received:

The neighborhood meeting for this item was held on Wednesday, March 31, 2021 in which two neighboring property owners attended. The following questions were asked:

- What is the applicant intending to do with this property?
 - The applicant would like to divide their property into either three or four lots.
- Are there any road improvements required for this development?
 - Yes, the applicant will be required to construct half width road improvements which includes curb, gutter and sidewalk. ****NOTE** This requirement has been revised. The applicant is now only required to dedicate right-of-way along West Road 1 North if proceeding with a land division.**
- How will the newly created lots gain access?
 - Lots will have direct access along West Road 1 North as well as an existing easement that follows the northern and eastern boundary of the property. If the applicant desires to create a new access road, they will be required to go through the minor subdivision process.

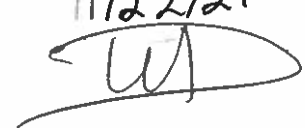
Attachments

A
Stipulations of Approval

Prepared By:

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Senior Planner
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928-636-4427 ext. 1233

Date:

11/22/21


Approved By: 
Laurie L Lineberry, AICP
Development Services Director

ATTACHMENT A

CONDITIONS OF APPROVAL

IF THE APPLICANT PROCEEDS WITH A LAND DIVISION:

1. The applicant shall dedicate 40' half-width right-of-way north of the section line on West Road 1 North (UDO § 5.3.2, Table 5-1).

If the Applicant proceeds with a Subdivision:

1. The applicant shall dedicate 40' half-width right-of-way north of the section line on West Road 1 North (UDO § 5.3.2, Table 5-1).
2. The applicant shall construct the following required offsite half-width roadway improvements:
 - a. West Road 1 North
 - i. 25.5' minimum roadway width w/o on street parking.



TOWN OF CHINO VALLEY
Planning Commission Staff Report
December 7, 2021
File Number T-03-21
Text Amendment

Revised Report December 2, 2021

PROJECT DESCRIPTION A request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by moving Section 3.12 "SR-0.16" Single Family Residential and placing it in **new Section 3.20 Out-of-Date Zoning Districts**.

Staff Analysis:

The Unified Development Ordinance states that it "may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the Town." This current text amendment request from staff, is deemed necessary to best serve the public interest. The proposal is to change a section of the UDO that has given rise to the most comments at both Planning Commission and Town Council meetings since its use began.

Staff is proposing to extinguish the use of the SR-0.16 Residential District in creating new developments. The combination of the SR-0.16 with the PAD was an unwieldy and questionable way to achieve smaller lots within the Town of Chino Valley.

Each zoning district is written with a purpose statement. That purpose statement is to guide those applying the ordinance to ensure that the ordinance is being implemented as anticipated when it was written. A review of the Purpose Statement written for the SR-0.16 Residential zoning district states the following:

The purpose of this district is to allow for the regulation, development and redevelopment of existing 7,000 square foot residential lots. It is not the intention of the Town to create any new SR-0.16 zoned property.

Clearly this Purpose statement is not being followed, as new 7,000 square foot lots continue to be created (by combining the PAD ordinance with the SR-0.16 ordinance). If the Town wanted to allow new 7,000 square foot lots using this zoning district, the Purpose statement of the District should have been amended, through a public process.

The Town Council formed an Ad Hoc UDO Update Subcommittee in late 2017. At the Subcommittee kick-off meeting on October 24, 2017, the following updates were listed as necessary to accomplish:

- 1. Prioritize code section components that may need immediate attention for Text Amendments to the existing UDO that can be wrapped into the overall code re-write. These may be adopted*

prior to adoption of the larger re-written code document. There may be liability concerns related to these sections that are pushing their priority for quick attention in the re-write process.

2. Make the code more user-friendly by focusing the organization on how a user will utilize the code.

3. List more discrete/distinguishable uses rather than overly general terms. We will cross-reference use lists, format into a master matrix, and centralize the use list in a single code section.

4. Add sections that are now missing, such as single-family zoning districts of lot sizes under 1 acre, expand Temporary and Conditional Use Regulations and consider future sections such as a mixed-use Town Center Zoning District for areas identified as “Community Cores” on the 2014 General Plan. There is a need for Chino Valley to accommodate the needs of its multi-generational and aging population along with the need to develop more affordable workforce housing.

5. Add needed definitions for clarity and delete definitions of terms not used in the code.

6. Update specific sections based on new/revised legal requirements, such as telecommunications and administrative procedures.

7. Refresh commercial, residential, and other zoning district development standards to accommodate contemporary development needs and encourage higher quality projects.

8. Delete repetitive text and consolidate similar land uses into single chapters while transferring long form written development standards into easier to read and manage tables.

9. Ensure the UDO, Town Code, and Subdivision Regulations are free from inconsistencies and contradictions (i.e. Code Compliance).

10. Ensure ongoing implementation of the Town’s 2014 General Plan goals and policies.

Number four on the list above identifies the need for changes in the UDO, including the development of smaller lot residential zoning districts – districts of lots smaller than one acre. Those districts were never created. Instead, the Planned Area Development (PAD) ordinance was allowed to be grouped with the SR-0.16 Residential District to create developments with lots smaller than one acre in size.

The appropriate action to take is to create new residential districts with lots sized less than one acre, to accommodate the need for smaller lot sizes. The Planning Commission is currently reviewing new residential districts for lot sizes smaller than one acre. Adoption is anticipated in the beginning of 2022.

In order to enforce the Purpose statement of no new 7,000 square foot lots in the Town, staff is proposing to place the SR-0.16 Residential District within a new section of the UDO titled 3.20 Out-of-Date Zoning Districts. This action will not allow any new SR-0.16 or SR-0.16/PAD zoning districts within the Town. Since there are existing properties with these designations, the zoning district is not being removed from the UDO. The functionality of the District’s Permitted Uses, Conditional Uses, and Property Development Standards will continue to be viable for the properties that currently have the SR-0.16 and SR-0.16/PAD zoning designations. None of the properties with these zoning designations will be deemed non-conforming. The zoning classification will be considered non-conforming – hence, not usable for new properties, nor usable for rezoning additional properties.

The proposed text amendment is reflected in Attachments A and B – Attachment A highlights the changes in yellow, Attachment B is the new text without the highlight.

Staff Recommendation:

Staff recommends **APPROVAL** of the text amendment to create Section 3.20 Out-of-Date Zoning Districts, moving the current SR-0.16 District into the new Section 3.20, and vacating Section 3.12 and reserving it for future use, as reflected in Attachment A and B.

**SUGGESTED
COMMISSION MOTION:**

Move to **APPROVE** Text Amendment T-03-21 as revised and reflected in Attachment A and B, subject to the staff report and information provided during this hearing.

Effect of the Approval:

By approving the Text Amendment, the Planning and Zoning Commission is recommending that the City Council approve the text amendment to not allow the creation of any new SR-0.16 zoned property in the Town, while recognizing properties with existing entitlements and currently zoned SR-0.16 exist and may continue as viable neighborhoods within the Town.

Attachments

A	B
Text Amendment Language	Text Amendment Ordinance

Prepared By:

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Date: December 2, 2021

3.0 Zoning Districts

3.20 OUT-OF-DATE ZONING DISTRICTS

A. Purpose

Zoning Districts found within this subsection are considered to be out-of-date. Placement of a district within this subsection allows for properties entitled with zoning of an out-of-date district to continue to be viable districts, using the zoning district in place at the time the district became out-of-date, without the possibility of any future properties to be zoned to any of the districts listed in section B, with or without a PAD. Any properties that are zoned with districts listed in section B, have the right to develop and continue to function according to the district, as reflected in section B. All existing properties zoned any out-of-date zoning district are not considered non-conforming for zoning or financing purposes.

Any property that retain the ability to be developed using that zoning district while prohibiting any new granting of entitlements of said districts after a certain date.

B. Out-Of-Date Zoning District List

1. SR-0.16 – Single Family Residential – Active dates of this district: November 9, 2006 to November 2, 2021. The SR-0.16 District is an Out-Of-Date District EFFECTIVE February 10, 2021.

a. PURPOSE

The purpose of this district is to allow for the regulation and development of existing 7,000 square foot residential lots and other developments using the SR-0.16 zoning district. It is not the intention of the Town to allow the creation any new SR-0.16 zoned property, with or without a PAD.

b. PERMITTED USES

1. One (1) single-family dwelling.
2. Customary accessory building provided such uses are incidental to the principal use. Accessory structures shall not be permitted prior to the issuance of a building permit for the primary residence.
3. Home occupations.
4. Churches or similar places or worship.

c. CONDITIONAL USES (Conditional Use Permit Required)

1. Public/governmental facilities.
2. Privately owned and operated parks and recreation areas and centers.
3. Temporary home and land sale offices, provided they are located within the same subdivision as that land and homes which are offered for sale.
4. Public utility buildings, structures or appurtenances thereto for public service use. The extension of public service lines in public or private right-of-way is exempt from this requirement.
5. Residential facilities for the developmentally disabled as described in A.R.S. §§ 36-581 and 36-582, which are licensed by the Department of Economic Security.
6. Bed and Breakfast operations with the limitation that no guest may stay for more than seven (7) days during any consecutive thirty (30) day period.

7. Recovery residences.
8. Assisted living homes.

Because no list of uses can be complete, the interpretation of whether a use not specified is consistent with the intent of this zoning district and may be allowed as a conditional use or, where discretion is allowed, a permitted use shall be rendered by the Zoning Administrator with appeal to the Board of Adjustment.

d. PROPERTY DEVELOPMENT STANDARDS

1. Minimum Lot Area: 7000 sq. ft

All lots less than one (1) acre in size must be served by a water and/or sewage disposal system approved by the Town of Chino Valley.

2. Minimum Lot Frontage: 50 feet
3. Minimum Front Yard Set Back: See Section [4.28](#)
4. Minimum Side Yard Set Back: 10 feet
5. Minimum Street Yard Set Back: See Section [4.28](#)
6. Minimum Rear Yard Set Back: 10 feet
7. Maximum Building Height: 25 feet
8. Accessory Building shall be setback 5 feet from side and rear property lines and must conform to the front yard and street side yard setback.
9. Maximum Lot Coverage: 50%

(Ord. 06-678, passed 11-9-2006; Ord. 08-707, passed 10-23-2008; Ord. 10-729, passed 7-22-2010; Ord. 14-785, passed 7-8-2014)