



Commissioner's Agenda
Planning & Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
March 7, 2023, 6:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ACTION ITEMS – ELECTION OF OFFICERS
- D. 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 –FEBRUARY 7, 2023 REGULAR MEETING
 - C.2 WITHDRAWALS BY APPLICANT – NONE
 - C.3 TIME EXTENSIONS – NONE
 - C.4 CONTINUANCES – NONE
 - C.5 APPROVALS – NONE
- E. PUBLIC HEARINGS – ONE
 - E.1 **TA-2023-01** Flag Lot – A request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154 Section 4.5 Yard, Lot and Area Requirements – to allow for shared access flag lots under certain conditions.
- F. INFORMATION ITEMS
 - F.1 Staff
 - F.2 Commission
 - F.3 Chairman
 - F.4 Public
- G. ADJOURN

Zoom Instructions: Please use the link to join the webinar: <https://us02web.zoom.us/j/87259196175>, or by phone: 1 888 788-0099 (Toll Free) or 1 877 853-5247 (Toll Free); Webinar ID: 872 5919 6175

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 February 7, 2023

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, February 7, 2023, 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; Vice-Chair Gary Pasciak, Commissioner Teena Meadors, Commissioner Ron Penn, Commissioner David Somerville, Commissioner Robert Switzer, Alternate Commissioner Richard Zamudio. Commissioner William Welker was absent

STAFF MEMBERS present were Laurie Lineberry, Development Service Director; Will Dingee, Assistant Director; Bethan Heng, Associate Planner; Frank Marbury, Public Works Director; Dee Dee Moore, Process Coordinator; Laurence Diggs, Audio/Video.

CALL TO ORDER: Chair Merritt called the meeting to order at 6:00 p.m and requested the attendees to silence their communication devices. Commission meeting began with the Pledge of Allegiance led by Chair Merritt.

CONSENT CALENDAR – A motion was made by Commissioner Meadors to accept the consent agenda items. The motion was seconded by Vice-Chair Pasciak and passed unanimously by a 7-0 vote.

PUBLIC HEARING #D.1 - CASE# FP-2022-05 – *This is a request by Tom Luizzo on behalf of Granite Basin Engineering for "Final Plat for Old Hwy 89" to divide approximately 4.17 acres into 2 lots with an average lot size of 2.09 acres. The property is located at 19997 and 20047 Old State Route 89, Chino Valley, Arizona.*

Chair Merritt asked the Commission if anyone had a disclosure regarding this project to declare. There were none.

Bethan Heng, Associate Planner, noted that the applicant was in attendance. She presented the staff report for case FP-2022-05 and recommended approval

There were no questions from the Commission for Staff.

Weston Gibson, representative for the project, answered a question from Somerville regarding the height of the homes being proposed. Gibson shared that a one-story home was currently being proposed, however, he added that the owner to the north, did not want to be able to see other homes. He added that solutions were being discussed with the neighbors.

There were no other questions from the commissioners.

Merritt opened the public hearing. There were no comments from the public.

Merritt closed the public hearing.

MOTION - A motion was made by Commissioner Meadors and seconded by Vice-Chair Pasciak to approve FP-2022-05, as presented by staff. This motion passed with a 7-0 vote.

PUBLIC HEARING #D.2 - CASE# CUP-2022-03 – *A request by Richard Ivie on behalf of Steven Lu, for approval of a Conditional Use Permit for a Mini Storage Facility with a Commercial Retail component on property located south of 346 S State Route 89, Chino Valley, Arizona*

Merritt asked the Commission if they had any interactions with the applicant to declare. There were none.

Bethan Heng, Associate Planner, noted that the applicant was in attendance. She presented the staff report for Fairwoods Commons and Storage and recommended approval.

Richard Ivie, representative for the project, shared that they had been working with staff on this project for about a year. Phase 1 will be approximately 20,000 square feet of mini-storage buildings. Phase 2 will be the commercial/retail portion, and Phase 3 the remainder of the mini-storage buildings. He shared that the commercial/retail will have businesses that have lower water/sewer usage. **Ivie** gave examples, such as, Accountant, Real Estate, Jewelry Store, Bookstore, Religious Meeting, Hobby Shop, etc.

Merritt shared that the applicant had done their homework in regards to the commercial/retail space. A question about drainage and the highway was asked, to which **Ivie** stated they had been in contact with Richard Perez at ADOT and the required turn lane has enough space to proceed with the project.

Somerville asked what the architecture of the buildings would be. **Ivie** stated they would not be an eyesore. **Switzer** asked about the drainage/road requirements. **Marbury** stated that drainage is reviewed during the design phase of the project. ADOT will make sure that their current drainage plan will continue to be met. Town code will also be enforced.

Ivie brought up the availability of water, stating that they had contacted the City of Prescott to provide service and discovered they would need to bring water under State Route 89. He stated that they are not currently planning on using City of Prescott and would prefer to drill a well. Mini-storage units use no water and selecting the right retail and office tenants will keep water usage to a minimum. He stated that Fire also has requirements for large water storage tanks that will be met. **Marbury** added that the nearest town water is over two miles away, and to bring water under the highway would cost approximately 1 million dollars.

Somerville asked if the view from Days Inn would be affected. **Ivie** stated that there is no view looking west from the hotel.

There were no further questions from the commission.

Merritt opened the public hearing. There were no comments from the public.

Merritt closed the public hearing.

Switzer made a motion to recommend approval of CUP-2022-03 as presented by staff. Meadors seconded the motion. A voice vote was taken and the motion passed with a 7-0 vote.

ACTION ITEMS: There were no action items for this meeting.

INFORMATION ITEMS – FROM STAFF: COUNCIL ACTION OF PRIOR P&Z CASES: **Dingee** stated that the one case that went to Town Council, the rezone for Homestead Mesa Subdivision as requested by Jay Bates of Right Homes was passed by council, with a 5-2 vote.

TEXT AMENDMENT OVERVIEW FOR FLAG LOTS: **Dingee** provided information regarding the use and changes to Section 4.5 paragraph 10.C, regarding shared access agreements for flag lots and minimum width requirements. **Meadors** asked if the shared agreements would be recorded prior to the landowner splitting their property. Some owners place fences along their access. **Dingee** stated that easements cannot be fenced off. This proposed text amendment would allow for the usage of one combined access (25' from each property owner). **Switzer** asked if this 25-foot requirement would be added to an existing 50-foot to make a 75-foot easement. **Dingee** shared that the access would be a total of 50-feet, therefore returning 25-feet back to the property owner. **Lineberry** confirmed that the outcome would be less flag lot accesses to roads and to not have more than two flag lots sharing an access

JOINT GENERAL PLAN MEETING WITH COUNCIL: **Lineberry** shared that the following meetings were scheduled in the next months. February 27, 2023 a community meeting will be hosted at the local elementary school; February 28, 2023, a joint Town Council and Planning & Zoning meeting is scheduled during the regular Town Council meeting time; finally, March 1, 2023 the Steering Committee will be meeting. She shared that the open house at the Elementary School will include gathering more input from Town residents through sharing parts of the plan.

Lineberry provided a timeline for the appointment of the Planning and Zoning Commission members, stating that appointments would be made at the next Town Council meeting on February 14, 2023. Additionally, as members are appointed or re-appointed, this will allow for the Commission to vote on the election of officers at the March 7, 2023 Planning and Zoning Meeting.

INFORMATION ITEMS – FROM THE COMMISSIONERS: There were no items from the commissioners.

INFORMATION ITEMS – FROM THE CHAIRMAN: **Merritt** stated that he had asked staff to include an information item from the chairman. He began by expressing his concern about the reasons the commission denied cases at the last meeting in January 2023. He shared that the commission needs to focus on the base information the staff is providing in the case report, and felt that the Commission was focusing on things outside the purview of the Commission. He felt that at the January meeting, the commission got off track. **Merritt** shared that water is a giant concern, however the water situation is not what the Planning and Zoning Commission is voting on. Town staff drafts the report and recommendation and the commission needs to keep those parameters in mind when hearing cases.

The Planning Commission's decisions can not be based on emotions or personal views, but have to be based on the merits of the property case being heard before the Commission.

Merritt added that the commission cannot use all the complaints about water to deny a case. In that vein, he has asked town staff to arrange a water resources information meeting with the commission. Water adjudication is the responsibility of the Arizona Department of Water Resources (ADWR). They are the water authority. It is important to keep in mind, when a case is being presented to the commission, that water, roads, high-density, grocery store, etc., while they are all concerns mentioned by the citizens, that the commissions' concerns are zoning. The commission can not be worried about water regarding the project. **Merritt** shared that everyone was concerned about water.

In closing, **Merritt** reminded everyone that it is okay to have concerns for the town, but the commission can not let those concerns shade the facts of the case. The Planning & Zoning Commission needs to deal in the facts, not the emotions of the audience. Staff will provide the details and facts that the commission has to use to make their recommendation to Council.

INFORMATION ITEMS – FROM THE PUBLIC:

Rachelle Fernow stated that she agrees with making decisions based on the facts of the case. However, she would like for the application to provide more information such as environmental studies, water studies, impact studies, etc., things that the public wouldn't know about otherwise. She said these items would be the cost of doing business in Chino Valley. She added that another grocery store is the least of the towns' worries.

John Garden asked about how the town is reaching out to the public for the upcoming General Plan Meetings. He felt the first meeting was an excellent meeting. **Lineberry** shared that there is a link on the town webpage. **Dingee** opened the town website and showed a visual of the "green circle" that would provide details. **Lineberry** stated that the school was sending information home with their students, the town Public Information Officer was providing noticing to the newspaper, the department will be mailing to all town utilities customers, along with everyone that has signed up to receive notices since the beginning of the project. For the first community meeting, a mass postcard mailing was distributed (about 3700 cards) and less than 10 citizens were in attendance as a result of that effort. **Lineberry** asked all

interested citizens to use the “green button” on the town website to sign up for notifications. She shared that there is also an interactive map to enter ideas and comments about land use. **Pasciak** urged the public to visit the site and make comments. **Merritt** added that the consulting firm wants to hear as much as they can from the public.

ADJOURN – A motion was made by **Meadors** and seconded by **Pasciak** to adjourn the meeting at 6:58 p.m.

Charles Merritt
Chair

Dee Dee Moore
Prepared By



TOWN OF CHINO VALLEY
Planning Commission Staff Report
March 7, 2023
File Number TA-2023-01
Text Amendment

PROJECT DESCRIPTION: This is a request for a Text Amendment to Section 4.5 of the Chino Valley Unified Development Ordinance revising the flag lot provisions to allow for flag lots with shared access under certain conditions.

BACKGROUND AND ANALYSIS:

The Unified Development Ordinance (UDO) 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 modify Chapter 4 of the UDO as it pertains to Flag Lots. The primary purpose of the modifications is to allow for flag lots to utilize shared access under specific conditions.

Town Staff has held Pre-Application meetings with various Chino Valley landowners looking at dividing their properties through the lot split process with the utilization of flag lots. A handful of these proposals were unable to proceed with their division due to the separation requirement between flagpoles that currently exists in the UDO. In reviewing the current code requirements, it was determined that there is a reasonable need for a text amendment that would assist landowners in these situations, which could also help increase traffic safety through minimizing the number of driveways directly accessing collector and arterial roadways.

This proposed amendment gives landowners the option to place two flagpoles directly adjacent to each other with the following conditions:

- Each flagpole must be a minimum of 25 feet in width, for a total of 50 feet together.
- No more than two flagpoles can be directly adjacent to each other.
- There must be a shared access agreement for the two flagpoles recorded and reflected on the land split’s Record of Survey.

This proposal was presented conceptually to the Planning and Zoning Commission as an informational item on February 7, 2023 and was asked to be brought back to the commission as an action item.

The proposed text amendment is reflected in Attachment A

Staff Recommendation:

Staff recommends **APPROVAL** of the text amendment amending section 4.5 of the Chino Valley Unified Development Ordinance revising the flag lot provisions to allow for flag lots with shared access under certain conditions.

**SUGGESTED COMMISSION
MOTION:**

Move to **APPROVE** Text Amendment TA-2023-01 as reflected in Attachment A, 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 Town Council approve the text amendment to amend Section 4.5 of the UDO revising the flag lot provisions to allow for flag lots with shared access under certain conditions.

Attachments

A
Text Amendment Language

By:

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Assistant Director
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(928)636-4427, x1233

Date: February 22, 2023

Attachment A
Text Amendment Language

Proposed Changes

4.5 YARD, LOT AND AREA REQUIREMENTS

10. Notwithstanding other provisions of this code to the contrary, flag-shaped or panhandle **lots** ("**flag lots**") may be created by **land split** in any **zone**, with the exception of **zones** with a minimum required acreage of less than one (1) acre in size, if all of the following requirements are met:

a) The **lot** has at least fifty (50) feet of frontage on a dedicated **public street** or a **private street** established in a **final plat**; and

b) The entire flagpole/panhandle portion of the **lot** shall be at least fifty (50) feet in width;

c) A maximum of two (2) flagpoles/panhandles adjacent to each other may share access between the two (2) lots. Shared access is defined by each flagpole/panhandle having a minimum width of 25 feet, for a total of 50 feet minimum frontage between the two (2), in conjunction with a recorded shared access agreement which shall be reflected on the land split's Record of Survey.

e) d) Except where exempted in c. above, there shall be a minimum separation between the edges of flagpoles/panhandles that equals or exceeds the minimum **lot** width for the respective **zone** in which the property is located; and

e) e) The length of the flagpole or panhandle shall not exceed three hundred thirty (330) feet as measured from the **right-of-way** line or street chord upon which the flagpole/panhandle fronts on a **public street** or final platted **private street** to the front line of the body of the **lot**; and

e) f) The flagpole or panhandle portion of a **flag lot** shall be included in calculating gross square footage of a **lot** where the flagpole/panhandle is **contiguous** to the **lot** in question and is owned by the owner of the **lot** in question or was owned by the owner of the **lot** in question at the time the flagpole/panhandle or portion thereof was accepted for ownership by the **Town** pursuant to a **dedication** made by the owner in order to create, using all or part of the flagpole/panhandle and, if applicable, other property, a **public street**; and

f) g) Existing **lots** that would otherwise meet the definition of a **flag lot** but for the width or length of the flagpole/panhandle used as **access** to the **lot** shall be considered non-conforming **flag lots**.