



A G E N D A

Town of Chino Valley
Planning & Zoning Commission

August 1, 2023

REVISED AGENDA



Commissioner's Agenda
Planning and Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
August 1, 2023, 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 – JUNE 6, 2023 REGULAR MEETING, JUNE 26, 2023 SPECIAL MEETING, AND JULY 18, 2023 SPECIAL MEETING
 - C.2. WITHDRAWALS BY APPLICANT – NONE
 - C.3. TIME EXTENSIONS – NONE
 - C.4. CONTINUANCES – NONE
 - C.5. APPROVALS – ONE – **ZC-2023-02** - This is a request by Chris Fergus, on behalf of Antelope Valley Chino Valley LP, to rezone approximately 4.52 acres of land from Commercial Light (CL) to Multiple Family Residential (MR) for an existing apartment complex. The property is located at 1555 S. State Route 89, Chino Valley, Arizona. .
- D. PUBLIC HEARINGS – THREE
 - D.1 **CUP-2023-03** - This is a request by Brian Greathouse, on behalf of Stor It Arizona LLC, for a Conditional Use Permit for a Mini-Storage and RV Storage Facility with a Commercial Retail Component on a parcel zoned Commercial Light (CL). The property is located on the east side of State Route 89, approximately a quarter mile north of the intersection of State Route 89 and Road 2 North, Chino Valley, Arizona.
 - D.2 **ZC-2023-03**—This is a request by Luis Pescador, on behalf of Equity Trust Company, to rezone approximately 1.5 acres from Commercial Light (CL) to Multiple Family Residential (MR) for the construction of an apartment complex containing 14 units. The property is located at 443 West Palomino Road, Chino Valley, Arizona
 - D.3 **CUP-2022-01** – This is the reconsideration of Planning Commission action on July 18, 2023 for the six-month review of the Conditional Use Permit, CUP-2022-01, for an Equine Rescue Center owned and operated by Derek and Luiz Pereira on a 5-acre parcel zoned SR-2.5, located at 680 S. Firesky Lane, Chino Valley, Arizona
- E. INFORMATION ITEMS
 - E.1 Staff – Prior Cases to Town Council – ZC-2023-01 – Red Cinder Estates
 - E.2 Commission
 - E.3 Chairman
 - E.4 Public
- F. ADJOURN

Planning and Zoning Commission Meeting Minutes

June 6, 2023

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, June 6, 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 Robert Switzer, Commissioner William Welker; Commissioner Richard Zamudio. Alternate Commissioner Rachelle Fernow was in attendance.

STAFF MEMBERS present were Laurie Lineberry, Development Service Director; Will Dingee, Assistant Director; 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. Commission meeting began with the Pledge of Allegiance led by Vice-Chair Pasciak.

CONSENT CALENDAR – A motion was made by Commissioner Meadors to accept the consent agenda as presented with a correction as noted by Pasciak on page 3 to change the \$1 million to \$1,742,400. The motion was seconded by Commissioner Pasciak and passed unanimously by a 7-0 vote.

PUBLIC HEARING #E.1 - CASE# ZC-2023-01 — *This is a request by Adam Haywood to rezone approximately 21 acres of land from Agricultural Residential 5-Acre (AR-5) to Single Family Residential 1-Acre (SR-1). The property is located at the southeast corner of N Road 1 East and Red Cinder Road, Chino Valley, Arizona.*

Meadors recused herself from the dais declaring she attended the neighborhood meeting as an interested party and clarified that she had received the public postcard notification. Meadors left the Council Chambers at 6:07pm. Chair Merritt noted in the staff report that Alternate Commissioner Fernow was also listed as attending the neighborhood meeting and asked her if she participated as a voice for the public. Fernow indicated that she did share her opinions as a member of the public.

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

Will Dingee, Assistant Director presented the staff report for case ZC-2023-01 and stated that staff recommended approval. He also provided a modified street layout showing a second exit on Red Cinder Road to the north.

Switzer asked about the proximity of water and sewer to this area when utilities are completed in the Perkinsville 44 subdivision. Marbury stated water connection is at Adams, sewer is at Perkinsville. Marbury stated that the code identifies that if a subdivision of parcels is less than 1-acre must connect to the town water system. Lots one acre or larger must connect if within 300 feet of the Town water system. This is not the case with this property as the lots are not within 300 feet. For sewer, if a subdivision contains lots 1 acre or greater they may install septic tanks if sewer is not available within 300 feet. Water infrastructure costs are around \$350/foot.

Merritt estimated that the cost for water could be \$200,000, plus the cost to hook-up the individual lots. The cost to bring water and sewer to the property would be \$600,000, not including the \$1 Million cost of a lift station. He asked if there could be a stipulation to bring water to the property. Marbury stated that there could be some type of development agreement between the developer and the Council to share costs of installation. The council could make that decision for water and sewer. Pasciak asked if the town had an agreement to pay for the water line up to the 300' limit, in a partnership with the

development, that it would cost the Town to participate. **Marbury** agreed and said the money would have to come from somewhere in the Town budget.

There were no further questions from the commission for staff at this time.

Applicant Adam Haywood, of Borderland LLC, stated that Will covered everything that he was going to cover from the staff report, agreed with the conditions, which included a deed restriction for site-built homes, dedications to reach the town required right-of-way width, and road improvements, including pavement and drainage along the sides (pending engineering drainage review). He stated he was flexible with the road layout and connections to existing roadways. **Haywood** said they were open to participation in extending the water line and connecting. The improved roads will be dedicated to the town during the subdivision process.

Penn pointed out that the current drawing shows 16 lots, which would mean 16 individual well sites. He also asked about landscaping and the maintenance of common areas. **Switzer** asked if **Haywood** would be amenable to talk about extending the water line from Adams up to this property. **Haywood** stated that he would be agreeable to speak with Public Works to consider what the cost may be and how much the town would be willing to participate. **Haywood** stated that they are currently pursuing approval for the wells from Arizona Department of Water Resources (ADWR) and septic approvals.

There were no other questions from the commission for the applicant at this time.

Merritt opened the public comment period.

Diane Norberg stated she and her husband moved to Chino Valley because of the rural feel with farm animals and expressed concern about this development changing the character of her neighborhood. This change doesn't benefit current neighbors. Traffic will increase on the bad roads. She requested that the Commission restrict the new homes to one-story in order to preserve the current views existing property owners have. She requested the Planning and Zoning Commission deny the rezone.

Rachelle Fernow of 2949 N Road 1 East, questioned previous meetings where discussion regarding counting the right-of-way as part of the parcel would allow those parcels to be less than one acre in size. She felt there were inconsistencies that the Town needed to figure out. Also, she mentioned, as an alternative, using the current easement located on Road 3 North and continuing that road to allow the main access to this proposed plan. She felt that these homes would sell at \$585,066 on average and that the total profit would be around \$9.3 Million. The developer should use some of that profit to improve the infrastructure extension.

Toni Graybill of 1022 Granite Creek Lane, agreed with **Norberg** and shared that she appreciated the developer being flexible and willing to work with the town on utilities. She supported the access proposed by Rachelle Fernow, on Road 3 North. She questioned the possibility of regrading to accommodate sewer lines.

James Olson of 2117 N Road 1 East questioned water and sewer credits and how that works for the Town. He agreed with what all his neighbors had previously said. Using Road 3 North would be preferable.

Tom Trucba of 1130 Red Cinder stated that he lived on Red Cinder and there was a lot of traffic already on that road, so he was concerned about having an additional road access from this proposed development. He added that Red Cinder Road is in terrible disrepair and that more traffic will just cause additional deterioration. The Town needs to start working on the roads in Town.

Ralph Wilckin of 2044 N Road 1 East, stated that he lives on Road 1 East and his driveway is directly across from the proposed access to this development which creates safety issues. He also shared that he has lived here for 20-plus years and that the rural setting is why he moved here. These types of developments should not happen at the expense of the existing landowners.

James Holt, Water Consultant for applicant, he shared that the applicant will still need an assured water supply even if the State decides there is sufficient water to approve the 100-year supply. This ADWR paperwork is in progress and should be completed in 4-8 weeks. He agreed with Attachment B, comments from the Town's Water Consultant. He shared that the water quality in this area is extraordinarily good. He added that the overall impact to the water will remain the same if there are individual wells or the water is provided by the Town. **Pasciak** asked if the town was under agreement to provide water to this project, that means the Town would be guaranteeing the 100-year water supply to this project and be depleting the towns overall water supply. **Holt** agreed.

Nancy Thomas of 1166 Red Cinder, stated she also lives on Red Cinder and that having an additional road intersection will compound the already blind corner. She also liked the idea of having the main access off of Road 3 North. She added that the roads aren't wide enough and there are not enough sidewalks. She stated she was against this project. Perkinsville 44 was already approved by this body, with no road improvements. The area roads are in horrible shape and there is no safe place to walk. The Commission should support the neighbors. She felt the neighbors on Red Cinder should have their road improved.

There were no further comments from the public and **Merritt** closed the public portion of the meeting.

Merritt identified the various items of concerns. These included density, different sewer route, water recharge credits, possible access via Road 3 North and overall road improvements.

Marbury addressed the recharge credits first. He stated if you hook up to town water and not to town sewer, septic tanks do not recharge into the aquifer. That is the advantage of connecting homes to town sewer which does recharge to the aquifer; it adds to the towns paper water portfolio.

Merritt asked if the town uses the developers water assurances does it affect the town portfolio. **Marbury** stated that he would not recommend paying for the developers' water credits. He added that the town has the right to sell water credits out of its portfolio at a cost of \$25,000 per acre foot per 100-year supply. The town can supply water to developments with 660' of an existing line. The Town wells are around 1000' deep. Individual wells are around 400 feet deep. **Switzer** asked about water credits for Town water. **Marbury** shared the Town can supply water to the subdivision or sell the developer water credits. There is "legal" water and "physical water. **Merritt** asked if the developer agreed to bring town water to his development, could his assured water supply credit be signed over to the town. **Marbury** stated yes.

Mr. Holt had mentioned in his comments that whether it is town water or private wells, the water is being drawn from the same aquifer at different levels beneath the surface. **Marbury** shared that generally a home on a meter uses less water as they are paying water costs each month. **Pasciak** thanked Public Works for the thorough list of roadway improvements required. **Merritt** asked when the roads and infrastructure in Perkinsville 44 would be completed. **Marbury** stated he does not have a completion date. He added that Perkinsville 44 is obligated to improve both Road 1 East and Perkinsville Road adjacent to their project, including a 10' pathway.

Merritt asked if this project was required to provide the same dedications and assurances. **Marbury** stated yes. This project would provide 19-feet of asphalt on Road 1 West, curb, gutter, and sidewalk and also on Red Cinder if access should be approved. **Merritt** asked about the Road 3 North right-of-way concerns. **Marbury** shared that Road 3 North did not have a continuous right-of-way along the south property line of this development. This road was not scheduled to become an arterial, since it could not cross the wash. **Switzer** asked which type of roadways the town prefers, cul-de-sacs or loops. **Marbury** shared that a loop with two exits is the best scenario for larger vehicles, such as buses, fire equipment, garbage trucks, etc. He also confirmed that Red Cinder would require 12-foot minimum pavement per lane width, plus a 5-foot shoulder with a roadside ditch.

Merritt asked about a public suggestion for an alternate sewer route to the north through grading the area. **Marbury** shared that the topography of the area flows from southwest to northeast. A lift station would be required at the low point of the subdivision to pump to the existing sewer line in Perkinsville. There is no sewer to the northeast and there is no continuous right-of-way available to provide a sewer connection to the north.

Merritt asked **Marbury** to comment on the amount of traffic that 16 lots would generate. **Marbury** stated the standard traffic for single family residential use is considered an average of 10 trips per day per unit. This includes, postal office, garbage trucks, emergency vehicles, UPS, FedEx, deliveries, residents, etc. A Traffic Impact Statement could be required to provide more specific details.

Merritt felt it was important to share with the group where he lived in relation to the proposed development. He walked over to the map and pointed out his house, the two curves on Red Cinder, the trees that block visibility, along with the location of several speakers' homes. He returned to the dais.

Dingee shared that the amended circulation map shown tonight was conceptual only, to illustrate that the applicant is open to revisions and to creating a safe environment. **Merritt** agreed that the alternate circulation plan was not very safe. He felt the two cul-de-sacs wasn't safe either. He felt it was worth exploring the possibility of access on Road 3 North. **Switzer** also felt that the Road 3 North option made sense based on the primary direction people would drive to leave the Subdivision.

Pasciak directed the questions back to the slide showing the notification radius and the subsequent map showing where the neighborhood meeting attendees actually lived. He noted that there were multiple attendees that were outside of the notification radius.

Marbury interjected to clarify the provision of allowing certain properties less than 1-acre in size, to be served by well and septic. **Marbury** asked **Dingee** to supplement his response. Then **Merritt** asked **Dingee** to explain Prop 207 as it applies to these lots. **Merritt** asked about buffer zones. **Dingee** agreed that this parcel, as 1-acre lots, serves as a buffer between Perkinsville 44 Subdivision and properties to the north of this propose rezone.

Switzer asked about water (and not sewer) being supplied to the property. **Marbury** reiterated prior statements. For the record, **Switzer** shared that he voted "no" twice on the Perkinsville 44 project.

Haywood returned to the podium and responded to neighbors questions. He shared that if the access was on Red Cinder the road improvements are required. If there is an alternative access along Road 3 North, that also will be improved per the town requirements. He shared that they agreed the trees on the corner were a hazard. **Haywood** discussed extinguishment credits for water, which would cost him \$400,000. **Merritt** asked **Haywood** if he objected to exploring Road 3 North as an access. **Haywood** agreed to explore Road 3 North for access to the subdivision.

Merritt addressed a prior comment regarding the profit for this project. He stated that total sales does not equal profit to the developer. Profit is only determined after all the building costs are deducted, which include building design, roads, sidewalks, wells, septic installation, landscaping, etc.

Marbury asked to clarify that currently there is only one parcel that does not have right-of-way provided along Road 3 North, which is the parcel on the corner of Road 1 East and Road 3 North.

Merritt shared that all of the 1-acre parcels in the area of this project, started out as a great big parcel, those properties were divided and then split again as people wanted to move here and have a place to live. If you look at the area map, you can see 0.9-acre lots, 0.36-acre lots, 0.55-acre lots that are a result. This whole area is surrounded by a majority of 1-acre parcels with mobile homes – they all started out as parts of larger parcels. He stated that he has lived at his current location for 20 years, he liked his property and the location, but this town is going to develop to a certain degree for the same reason that others had moved to Chino Valley. He mentioned that the developer has agreed to build site-built homes rather than manufactured homes. He stressed that in his opinion, the density is a non-issue.

The commission discussed the possibility of adding a time limit to the rezone and the possibility of adding stipulations to staffs recommendations for approval.

MOTION - A motion was made by Commissioner Switzer and seconded by Vice-Chair Pasciak to approve ZC-2023-01, as presented by staff, with the following two stipulations :

- 8. The developer shall enter into discussions with the Town about:**
 - a. possible connection to Town Water service,**
 - b. alignment of Road 3 North for possible access to the project**
 - c. providing a Traffic Impact Statement.**

- 9. The rezone is effective for 5 years from the date of Town Council Approval**

A roll call vote was taken with the following votes: **Welker–Yes, Penn–No, Zamudio–Yes, Switzer–Yes, Pasciak–Yes, Merritt–Yes.** The motion passed with a 5-1-0 approval, with Teena Meadors recusing herself.

Merritt asked each of the commissioners to explain their vote. They are as follows:

- **Welker** – voted yes. The subject property fits as a buffer between the 7,000 square foot lots and the surrounding properties.
- **Penn** – voted no. More consideration should be given to people that have purchased property over the years, knowing what the zoning was of the various lots in the area, and in most cases that is why they purchased their lots. Perkinsville 44 received zoning approval in April 2018. Chino Valley is a very different town from 2018 and I think property should be looked at differently today.
- **Zamudio** voted yes. The applicant satisfies the requirements for the land and when you buy property, nothing is guaranteed. You do not control someone elses property, and you don't tell them what to do with it. This proposal fits within what development is currently, and so I feel that he is correct and he should move forward with the way his plans are.

- **Switzer** – voted yes. He felt that the zoning fit with the surrounding properties/zoning. He felt the zoning change fit the surrounding property. If does fit with the current General Plan and it also fits with the potentially upcoming General Plan, with the stipulations of the proper preliminary plat comes forward, it could be a good project for the surrounding area and even for the folks on Red Cinder without impacting their properties to a great extent.
- **Meadors** - recused herself
- **Pasciak** – voted yes. He agreed with everything that had been said for this development, but in addition to that he added that the view you get with your property only extends to your property line. The fact that you might have 20-acres in front of you that has nothing on it, isn't going to be there forever and if you want that view to stay, you need to buy that 20-acres. A view is not guaranteed with your property. Comments about the conditions of the road – the Town has been aware of the road conditions since 2014 when there was an opportunity to develop a priority of roadway improvements and additionally in 2019, a tax was floated to the voters, with the voters voting “NO”. **Pasciak** felt that the developer improving their half of the road was good for the Town and hopefully the Town can maintain it because nobody wants to vote for an increase in tax.
- **Merritt** – voted yes. **Merritt** agreed with everything that everybody else said, except for the no vote. He felt it was unreasonable to expect large parcels of land to stay undeveloped. This project is surrounded by 1-acre parcels or less in size. Those people moved here, just like current property owners did and the new people have a right to do the very same thing. If the citizens of Chino Valley do not want any more development in town, then they need to own or control the property. As far as the roads, tax money is what makes the roads get improved. The Town Engineer fights a losing battle every year to keep up with road maintenance that no one wants to pay for but everyone wants to complain about. We hear it every zoning meeting. This is a great project with site-built homes, a possibility of Town water and **Merritt** just didn't know what else, other than spending an extraordinarily large amount of money to put sewer there, the guy could have done any better than he did, especially with, the stipulations that were placed on the project. **Merritt** shared where he lived because he was putting his mouth where his wallet was.

Meadors returned to the dais at 7:35pm

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

INFORMATION ITEMS – FROM STAFF: COUNCIL ACTION OF PRIOR P&Z CASES: **Dingee** informed the Commission that the Preliminary Plat for Homestead Subdivision received a 3-3 vote and the motion died. **Pasciak** asked whether the 7th vote was pending. **Lineberry** stated that even with the 7th person leaving the meeting prior to the vote, a quorum was still present and the vote stands. **Merritt** asked if there were any options available to the applicant. **Lineberry** stated that the applicant could address the council members that voted no and could ask if one of them would be willing to bring it back for reconsideration. Then the case could go back to council for reconsideration at their next meeting.

Dingee shared that the CUP-2022-01 – Equine Rescue on Firesky is up for review on June 13, 2023 for review of their compliance with their CUP conditions of approval. He stated that as of this meeting, the applicant was not in compliance. He is lacking shade structures and manure control. **Merritt** asked if he is able to sit on the commission for this review because he was not in attendance at the previous meeting. **Lineberry** stated he could if he reviewed the previous meeting (P&Z and Town Council) videos and minutes and documentation. Staff will coordinate a date with the Commission and schedule the public hearing.

Lineberry provided meeting dates in June 2023 for the General Plan.

Tuesday – June 7th, 2023 – 6pm – Steering Committee

Monday – June 12th, 2023 – 6pm - PZ & TC Joint Study Session

Monday – June 26th, 2023 – 6pm - Planning and Zoning Special Meeting

Tuesday – June 27th, 2023 – 6pm - Town Council Meeting

INFORMATION ITEMS – FROM THE COMMISSIONERS: **Switzer** thanked the audience for showing up and providing their input. Public participation is critical. He said that this is the type of dialogue that must happen. **Zamudio** shared that he would miss the meeting on the 26th.

INFORMATION ITEMS – FROM THE CHAIRMAN: **Merritt** shared comments about the reference to profits and people making money with these projects. He mentioned that making a business successful is measured in profit and jobs, and that's how taxes are paid in the country. Profit is good if made in a reasonable and legal manner. This is the American way and what makes this country strong.

INFORMATION ITEMS – FROM THE PUBLIC: There were no comments from the Public.

ADJOURN – A motion was made by **Meadors** and seconded by **Pasciak** to adjourn the meeting at 7:47 p.m.

Charles Merritt - Chair

Prepared By: Dee Dee Moore

Planning and Zoning Commission Special Meeting Minutes June 26, 2023

A special meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, June 26, 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; Commissioner Teena Meadors, Commissioner Robert Switzer (Video Call), Commissioner William Welker; Absent Commissioner members were; Vice-Chair Gary Pasciak; Commissioner Ron Penn; Commissioner Richard Zamudio. Alternate Commissioner Rachelle Fernow was in attendance

STAFF MEMBERS present were Laurie Lineberry, Development Service Director; Will Dingee, Assistant 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. Commission meeting began with the Pledge of Allegiance led by Merritt.

PUBLIC HEARING #C.1 - 2040 GENERAL PLAN *The special meeting of the Planning and Zoning Commission to discuss and forward a recommendation to the Town Council regarding the state mandated requirement to have in place a Town General Plan. The 2040 General Plan is a rewrite of the 2014 General Plan currently in place and due to expire next year.*

In attendance from the General Plan Consultant Team was; Celeste Werner, FAICP – Project Director; Bren Cox, AICP – Project Manager; Ed Boik, AICP – Deputy Project Manager; Heather Garbarino – Lead Planner attended electronically. **Werner** presented the overview of the re-written 2040 General Plan. The three primary components that make up the General Plan are Future Land Use Map, Goals and Policies, and an Implementation Plan. She identified that the General Plan is: Long-term, comprehensive and general, and that it is not zoning, is not regulatory in nature, and does not modify existing uses. **Werner** identified the components of engagement that were used for this plan.

The areas that the public were focused on were: 1. Land Use, 2. Circulation, 3. Parks, Recreation, and Natural Resources, and 4. Economic Development. Also included in the General Plan is a Future Land Use Map. **Werner** highlighted proposed rewording for Policy LU-8,.4 for clarification.

There were no questions from the commission for the consultant. **Merritt** shared that no comments from the Commission should not be taken as a negative because the information presented here had been heard numerous times throughout the general plan re-write process.

Merritt opened the public comment period. There were no comments from the public and the public portion of the meeting was closed..

Merritt also wanted to offer up compliments to the Steering Committee for all their hard work. The proposed plan has more components in it than the previous plan, in part because of the public participation in the process. **Merritt** added that he felt that that participation reduced the need for the public to attend this meeting and share their voice.

Switzer stated that he too wanted to thank the Matrix Team, town staff, the council, the members of the Steering Committee, Planning & Zoning Committee, and all the citizens that got involved. He felt that this was a well thought out plan and he is looking forward to being a commissioner because with this new plan in place, it will make the commissioner job easier. He felt this would be a great asset to the town. **Merritt** added that he believed **Switzer's** comments were reflected by the other commissioners as well.

MOTION - A motion was made by Commissioner Meador and seconded by Commission Switzer to forward a recommendation of approval to the Town Council for the 2040 General Plan, including the rewording of Policy LU-8.4 as presented by the Matrix Consultant Team.

A roll call vote was taken with the following votes: **Welker–Yes, Switzer–Yes, Meadors–Yes, Chair Merritt–Yes.** The motion passed with a 4-0 approval. Three commissioners were absent.

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

INFORMATION ITEMS – FROM STAFF: There were no information items from staff.

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

INFORMATION ITEMS – FROM THE CHAIRMAN: **Merritt** had no information to share.

INFORMATION ITEMS – FROM THE PUBLIC: There were no comments from the Public.

ADJOURN – A motion was made by **Meadors** and seconded by **Welker** to adjourn the meeting at 6:47 p.m.

Charles Merritt - Chair

Prepared By: Dee Dee Moore

Planning and Zoning Commission Special Meeting Minutes July 18, 2023

A special meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, July 18, 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; Alternate Commissioner Rachelle Fernow; Commissioner William Welker and Commissioner Richard Zamudio. Absent Commissioner members were; Commissioner Robert Switzer and Commissioner Ron Penn.

STAFF MEMBERS present were Laurie Lineberry, Development Service Director; Will Dingee, Assistant Director; Jessica Barragan, Senior Planner and Laurence Diggs, Audio/Video.

CALL TO ORDER: Chair Merritt called the meeting to order at 6:00 p.m. Commission meeting began with the Pledge of Allegiance led by Vice-Chair Pasciak.

PUBLIC HEARING #C.1 - CUP-2022-01 – *This is the six-month review of the Conditional Use Permit, CUP-2022-01, for an Equine Rescue Center owned and operated by Derek and Luiz Pereira on a 5-acre parcel zoned SR-2.5, located at 680 Firesky Lane, Chino Valley, Arizona*

Merritt shared that he reviewed all the prior meeting minutes and stated that he is informed on this case.

Merritt asked if any commissioner had any interactions needing disclosure since the previous Planning and Zoning Commission meeting. No commissioner responded.

Dingee gave an overview of the case process to date and shared the Council-approved Conditions of Approval from the December 13, 2022 Town Council meeting. Condition #4 was discussed and corrected with a maximum of 30 animals during a natural disaster or emergency.

Merritt felt that it would be wise to see the applicants back in 2 ½ years for an update instead of the 5-year period with no contact.

Fernow asked how compliance would be checked going forward. **Dingee** responded that staff would make regular checks and would respond to code complaints. If there is a significant issue, the CUP would be brought back to the P&Z for review.

Zamudio asked about the time limit on the CUP and if five years was a standard time frame. **Dingee** replied that it depended on the use. Five years was not unusual.

Merritt asked the applicant if he wanted to address the Commission. He declined but stated he would respond to questions. **Merritt** asked the Commission members if they had questions for the applicant.

Zamudio asked the applicant about volunteers on-site and if they had a consistent schedule of volunteers to the site. The applicant, **Pereira**, replied that there was not a consistent schedule. **Merritt** asked about the average number of volunteers he had per week to help. **Derek Pereira** said it varied.

Chair Merritt opened the public hearing.

Uziel Sotalo, a next-door neighbor, spoke about the need for a proper bull pen. He stated that Derek was spreading manure, not picking it up. He did not believe that there was enough shade for the animals on-site. He felt that the owner was not consistent in the cleaning of the property. He felt that Derek should hire staff if he did not have enough volunteer help. **Sotalo** also stated that there was a lot of hay on-site and he felt it was a fire hazard.

James Anderson spoke about how he consistently helps Derek and his father with the maintenance of the site and stated that he is Derek's back-up plan. He shared that he has walked behind the tractor with a pitchfork, filling up the bucket with manure, not spreading it. The hay is not a fire hazard.

Ana Sotalo, a next-door neighbor, said that there needs to be a proper fence along the property and the animals need proper and regular feeding times, so the animals do not go hungry. **Sotalo** continued that manure travels to her property and generates flies.

Anahi Sotalo said that the cows moved close to her fence. She deals with flies in and on her house constantly. She claimed that Derek works past the 7:00 p.m. time limit required by the CUP and still takes hay deliveries at 2:00 a.m. She also believes that they have too many animals: sheep, goats, chickens.

Martha Anderson stated that this enterprise was a 501(c)3 and hiring employees was more complicated with the non-profit.

Merritt closed the public hearing.

Zamudio shared concerns about fencing, manure, and working at night. **Dingee** responded to the questions sharing that he had received a complaint in April about the applicant working after hours.

Fernow said she was concerned about fly abatement and asked what staff observed about the condition of the fencing and the number of additional animals, noting that goats and sheep were not limited by code.

Merritt asked about the fencing and if any of the animals had wandered off. **Dingee** said that in the last 6-months, no animals had broken through the fencing. **Merritt** asked about the number of animals (cows and horses) on-site. **Dingee** stated there were 20. **Merritt** asked if manure was going on to any other neighboring property. **Dingee** stated only to the neighbor to the north. **Merritt** asked about town staff's observation about the improvements made by the applicant. **Dingee** shared that the applicant had made significant strides and believed that the owner is able to keep up with the maintenance of the property with just the two (father and son) working it.

Fernow asked about hay and potential fire issues. **Pasciak** asked how far the hay was from the nearest residence. **Dingee** showed a map reflecting the visual distances.

Fernow was concerned about the flow of manure to the neighboring property to the north. **Dingee** suggested some screening along the fence to keep the manure on the applicant's property. **Merritt** added that a tighter-woven fence and more work on cleaning up the manure would solve this issue.

Meadors asked if there was a fire extinguisher on the property near the hay. **Derek** said yes.

Merritt asked if the applicant was spreading manure. **Derek** said that he was not dragging manure, only the field. **Merritt** asked about a barrier for manure along the fence. **Derek** agreed to install a tighter weave along the fence. **Merritt** asked how often the animals were fed. **Derek** stated two times a day, consistently. **Merritt** stated he had a suggestion for the elimination of flies and told the applicant they could talk after the meeting.

Motion was made by Pasciak, seconded by Meadors to approve the CUP with the amended report, 2 ½ year update to P&Z, installation of a tighter weaved fencing to alleviate run-off (manure) to the neighbor's property and the correction of number of animals in condition #4.

A role call vote was taken: Zamudio – No, Fernow – No, Meadors – No, Welker – Yes, Pasciak – yes, Merritt – Yes. Motion died with a vote of 3-3.

The motion died. Lineberry explained how the item could be reconsidered by the Commission, with a no-voting commissioner agreeing to reconsider the item at the next meeting. **Meadors** stated that she would like to have the item reconsidered at the next meeting, August 1, 2023.

The Commissioners explained their votes:

Zamudio – stated that he voted no because he had a neighbor with many animals, and it is kept under control. He felt that if approved, this property would not be maintained to the standards required.

Fernow – stated she voted no also because of concerns about the upkeep. She also had concerns about the five-year time frame and about the ability of staff to monitor the applicant's ability to meet the requirements. She also stated that she felt the concerns voiced at the meeting were valid and affect the neighbor's quality of life.

Meadors – stated she also voted no and noted that when she drove by, she felt that there was inadequate shade for the horses. She also felt that the fence line on the north of the property was inadequate to hold cattle and that they could push through the bottom. She stated she would like to see the case continued for another 6 months to see how the winter months affect the maintenance, but she was willing to take another look at this case at the P&Z meeting next month.

Welker – voted yes. He felt that the property looked good and that fences were something that could be replaced over time.

Pasciak – voted yes because there was currently no restriction as to the number of hooved animals that anyone can have on their property. Approving this CUP would allow the town to have some control over the number of animals on the property. If this CUP is denied, the applicant could have as many animals as he wanted, 20, 30, 40, 50. Approving the CUP allows the Town to have some control over the equine center.

Merritt – Voted yes. His horse had the same type of shade, but he had seen it standing out in the middle of the yard, no clue to tell why animals choose to stand where they do. Regarding the fence, there had been no new complaints about the animals getting out. The 501c3 is non-profit and their ability to purchase infrastructure, fencing, buildings, etc is limited to the donation that they receive. He felt that the two owners had done a good job of keeping up with the property, without a consistent flow of volunteers. He added that he has seen many places within Chino Valley that look like this property and some that are much worse. He also drove by and felt that the conditions were being met. He added that where there were animals, there would also be flies.

He stated that Chino Valley is an agricultural community which consists of horses, barns fences and buildings of all sizes, shapes, and types. I believed the applicant was keeping up his end of the deal.

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

INFORMATION ITEMS – FROM STAFF: There were no information items from staff.

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

INFORMATION ITEMS – FROM THE CHAIRMAN: **Merritt** had no information to share.

INFORMATION ITEMS – FROM THE PUBLIC: There were no comments from the Public.

ADJOURN –A Motion to adjourn the meeting was made by **Meadors** seconded by **Pasciak**.

The meeting was adjourned at 7:27pm.

Charles Merritt - Chair

Prepared By: Dee Dee Moore



TOWN OF CHINO VALLEY
Planning Commission Staff Report
August 1, 2023
File Number ZC-2023-02
Rezone

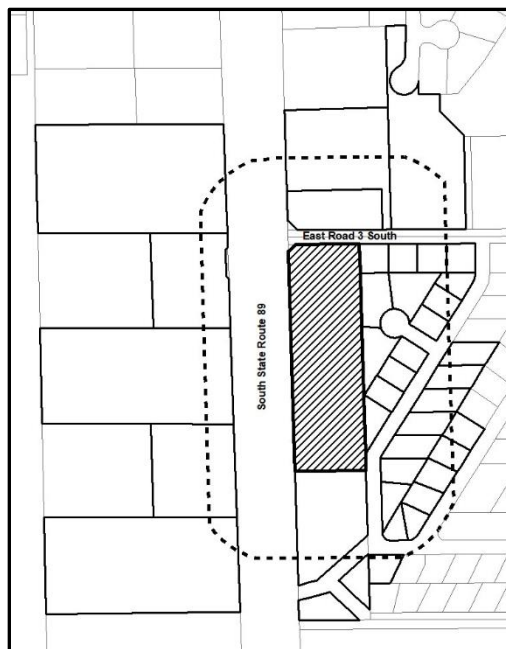
PROJECT DESCRIPTION

This is a request by Chris Fergus, on behalf of Antelope Valley Chino Valley LP, to rezone approximately 4.52 acres of land from Commercial Light (CL) to Multiple Family Residential (MR) for an existing apartment complex. The property is located at 1555 S. State Route 89, Chino Valley, Arizona.

LOCATION DATA

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Commercial Light (CL)	Antelope Valley Apartments	Multifamily/Commercial
North	Commercial Light (CL)	American Legion Post 40	Multifamily/Commercial
South	Commercial Light (CL)	Gabby's Rustic Eats	Multifamily/Commercial
East	Single Family Residential 0.16-acre (SR-0.16)	Yavapai Mobile Home Estates Subdivision	Medium Density Residential (2-acre or less)
West	Commercial Heavy (CH)	Alvarez Tire	Multifamily/Commercial

LOCATION MAP



PRIOR SITE ACTIONS:

Building Permits

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission forward to the Town Council a recommendation of **APPROVAL** for the Antelope Valley Apartments Rezone with Conditions of Approval found in Attachment A.

SUGGESTED MOTION:

Move to **APPROVE** Zone Change ZC-2023-02 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment A

EFFECT OF THE APPROVAL:

By approving this Zone Change, the Planning and Zoning Commission is recommending approval to Town Council for the ~~Red Cinder Estates Rezone, located at the southeast corner of N. Road 1 East and Red Cinder,~~ Antelope Valley Apartments Rezone, 1555 S. State Route 89 subject to the staff report and information provided during this hearing, and affirmatively finds that the request is in conformance with the General Plan.

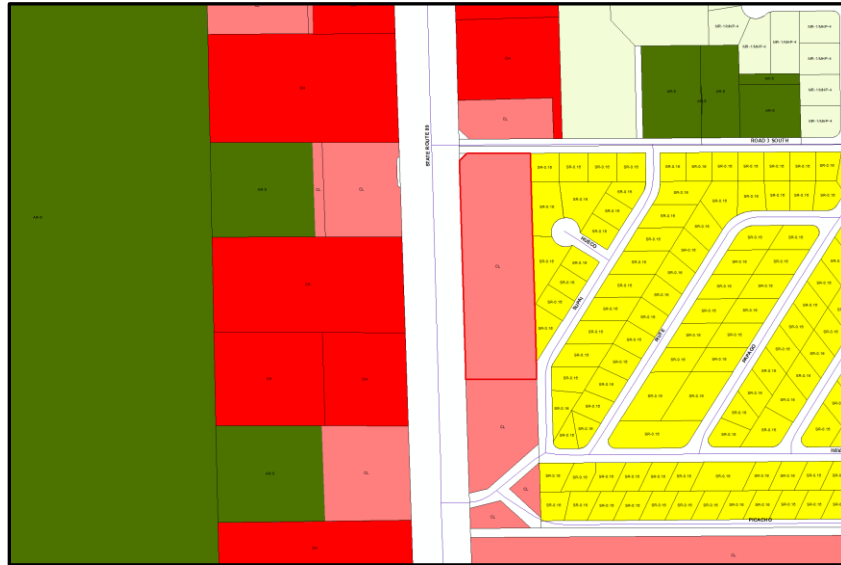
Staff Analysis:

The applicant is applying to rezone approximately 4.5 acres of land that contains an existing apartment complex from Commercial Light (CL) to Multiple Family Residential (MR). The property is currently considered legal non-conforming as the use of Apartment is not a permitted use within the CL zoning district. Rezoning this property to the MR district will bring the property into conformance. The applicant did have the option to apply for a Conditional Use Permit, however, with the use already established, a rezone is more appropriate.



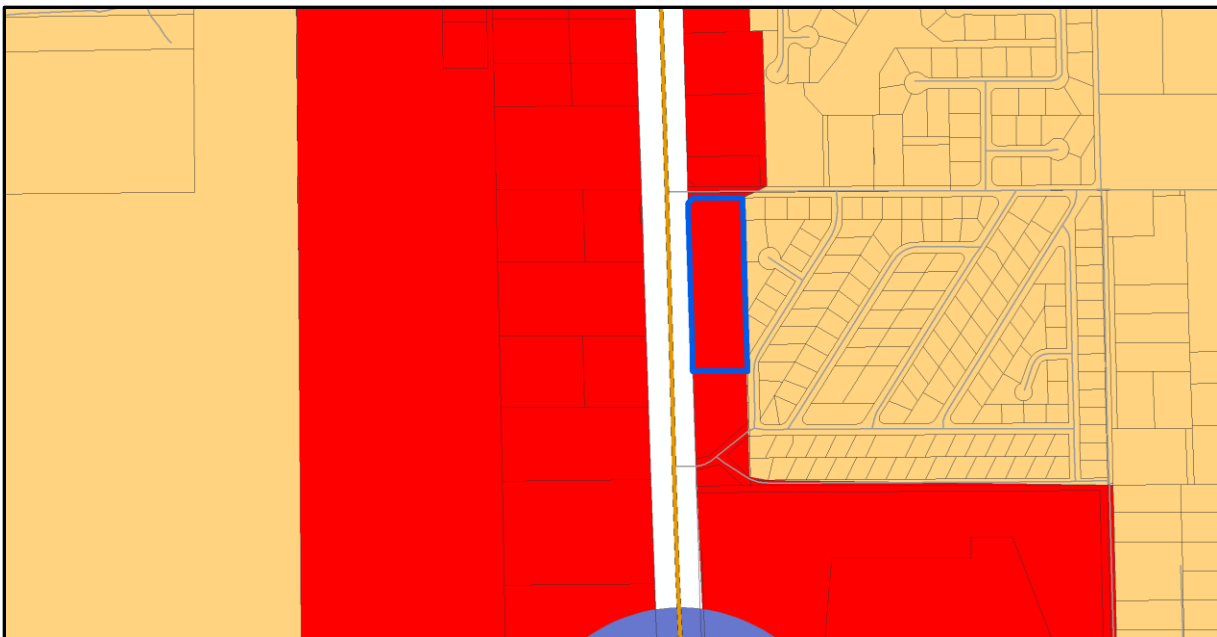
Zoning

Section 3.13 of the Unified Development Ordinance lists “Multiple family dwellings” as Permitted Use in the MR zone. The properties existing use of an apartment complex conforms with the requested zoning district.



General Plan

The General Plan designates the subject property as Commercial/Multi-Family Residential, the requested zoning district of MR conforms with the General Plan.



PUBLIC COMMENTS RECEIVED: NO PUBLIC COMMENTS RECEIVED

EXTERNAL AGENCY COMMENTS: NO EXTERNAL AGENCY COMMENTS RECEIVED

NEIGHBORHOOD MEETING COMMENTS: A NEIGHBORHOOD MEETING WAS NOT REQUIRED DUE TO NO CHANGE OF USE.

PROPOSED CONDITIONS DELIVERED July 8, 2023
TO APPLICANT ON:

☒	Applicant agreed with all of the conditions of approval on 7/12/2023
☐	Applicant did not agree with the following conditions of approval: (list #'s)
☐	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

ATTACHMENTS:

A	B
Conditions of Approval	Staff Research

PREPARED BY:

DATE:

WILL DINGEE – ASSISTANT DIRECTOR
WDINGEE@CHINOAZ.NET
928 636-3472

JULY 12, 2023

APPROVED BY:



LAURIE LINEBERRY, AICP
DEVELOPMENT SERVICES DIRECTOR

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Development Services Comments: Laurie Lineberry, Director, 928-636-3471

1. The conditions listed below are in addition to Town codes, rules, fees, and regulations that are applicable to this action.
2. The Owner shall sign a Waiver of Claims form, which the Town will provide and record with the Yavapai County Recorder's Office, prior to the rezone being heard by the Town Council.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B
STAFF RESEARCH



STAFF RESEARCH – REZONE
CASE #: ZC-2023-02
CASE PLANNER: WILL DINGEE

PROJECT NARRATIVE: This is a request by Chris Fergus, on behalf of Antelope Valley Chino Valley LP, to rezone approximately 4.52 acres of land from Commercial Light (CL) to Multiple Family Residential (MR) for an existing apartment complex. The property is located at 1555 S. State Route 89, Chino Valley, Arizona.

I. PROJECT DATA

Project Location:		SEC of South State Route 89 and East Road 3 South					
Parcel Number(s):		306-33-171N					
Parcel Size(s):		4.52 Acres					
Total Acreage:		S.A.A.					
Proposed Dwelling Units:		N/A		No units are being added or removed.			
Address:		1555 South State Route 89					
Applicant:		Antelope Valley Chino Valley LP					
Applicant's Agent:		Chris Fergus					
Land Use Conformity Matrix:		Conforms:	Yes	X	No		
Zoning Overlay	PAD	N/A					
	Existing Zoning	Use(s) on-site			General Plan Designation		
Site	Commercial Light (CL)	Antelope Valley Apartments			Multifamily/Commercial		
North	Commercial Light (CL)	American Legion Post 40			Multifamily/Commercial		
South	Commercial Light (CL)	Gabbys Rustic Eats			Multifamily/Commercial		
East	SR-0.16	Yavapai Mobile Home Estates Subdivision			Medium Density Residential (2-acre or less)		
West	Commercial Heavy (CH)	Alvarez Tire			Multifamily/Commercial		
Prior Cases or Related Actions:							
<u>Type</u>					<u>Cases, Actions or Agreements</u>		
Pre-Annexation Agreement		Yes		No	X		
Annexation		Yes	x	No		First Annexation – November 13, 1970	
General Plan Amendment		Yes		No	x		
Development Agreement		Yes		No	x		
Rezone		Yes	x	No		Rezoned to Commercial. Ordinance No. 10. September 14, 1970	
Subdivision		Yes		No	X		
Conditional Use Permit		Yes		No	x		
Pre-Application Meeting		Yes	x	No		PA-2023-24	
Enforcement Actions		Yes		No	x		
Land Division Status:		Conforms					
Irrigation District:		N/A					

ATTACHMENT B
STAFF RESEARCH

II. TOWN OF CHINO VALLEY GENERAL PLAN

Land Use Element:		
Land Use Designation:	Commercial/Multifamily	
Issues:		
Public Services Element:		
Water Facility Plan:	Source:	Existing Well with Wilhoit Water
Sewer Facility Plan:	Treatment:	Existing Septic
Issues:	Closest Municipal Sewer is currently being extended to East Road 3 South and South Road 1 East approximately 1/3 of a mile away.	
Safety Element:		
Flood Plain Designation:	N/A	
Issues:		
Transportation Element:		
Road Classification	State Route 89 East Road 3 South – Urban Road	
Issues:		
Parks and Rec Element:		
Closest Park:	Community Center Park	
Within 1 mile of the Peavine Trail?	No	

NOTIFICATION

- | | |
|--|--|
| <ul style="list-style-type: none"> Legal Ad Published: The Daily Courier 7/10/2023 300' Vicinity Mailing: 6/12/2023 19 Commenting/Reviewing Agencies noticed: 6/12/2023 | <ul style="list-style-type: none"> Neighborhood Meeting: N/A Hearing Dates: P&Z 8/1/23 - TC 8/22/23 Comments Due: 6/26/2023 |
|--|--|

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
CAFMA			X		
Samantha Alvarez – APS			X		
Richard Perez - A.D.O.T.			X		
Ralph Baker – C.V.I.D.			X		
Suzann E. – YC ENV			X		
Jose Galvez – YC Health			X		
SparkLite Cable			X		
LUMEN			X		
Unisource Gas			X		
CVUSD			X		
United States Postal Service			X		
Town of Chino Valley Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Will Dingee – Senior Planner (DS)			X		
Laurie Lineberry – DS Director				X	
Frank Marbury – PW Director				X	
Steve Sullivan – Assistant Engineer (PW)				X	

ATTACHMENT B STAFF RESEARCH

Dan Trout – CBO (DS)				X	
Damon Stanley – Code Enforcement				X	
Chuck Winn – Chief of Police (Police)				X	



TOWN OF CHINO VALLEY
Planning Commission Staff Report
July 12, 2023
File Number CUP-2023-03
Conditional Use Permit

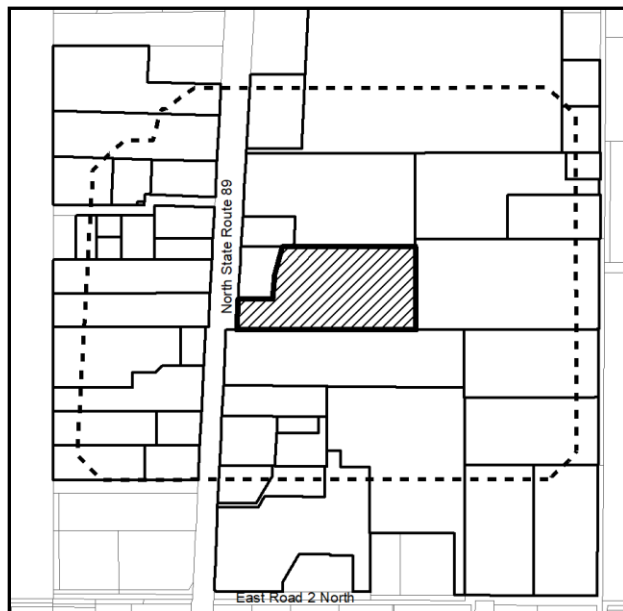
PROJECT DESCRIPTION

This is a request by Brian Greathouse, on behalf of Stor-It Arizona LLC, for a Conditional Use Permit for a Mini-Storage and RV Storage Facility with a Commercial Retail Component, on a parcel zoned Commercial Light (CL). The property is located on the east side of State Route 89, approximately a quarter mile north of the intersection of State Route 89 and Road 2 North, Chino Valley, Arizona.

LOCATION DATA

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Commercial Light (CL)	Vacant	Multifamily/Commercial & Future Community Core
North	Commercial Light (CL) & Commercial Heavy Agricultural Residential 5 Acre (CH/AR-5)	Mary's Furniture, Federwisch Auto sales & Rodgers Automotive	Multifamily/Commercial
South	Commercial Light Agricultural Residential 5 Acre (CL/AR-5)	Residential Agricultural	Future Community Core
East	Commercial Light (CL)	Vacant Land	Multifamily/Commercial & Future Community Core
West	Commercial Light (CL)	Existing Stor-It Ministorage	Future Community Core

LOCATION MAP



PRIOR SITE ACTIONS:	Rezone – Ordinance 15-1793 - AR-5 to CL - February 24, 2015.
STAFF RECOMMENDATION:	Staff recommends that the Planning and Zoning Commission forward to the Town Council a recommendation of APPROVAL for the Stor-It Conditional Use Permit for a mini storage facility with the Conditions of Approval found in Attachment A.
SUGGESTED MOTION:	Move to APPROVE Conditional Use Permit CUP-2023-03 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment A
EFFECT OF THE APPROVAL:	By approving this Conditional Use Permit, the Planning and Zoning Commission is recommending approval to Town Council for the Stor-It Conditional Use Permit, located on the east side of State Route 89, approximately a quarter mile north of the intersection of State Route 89 and Road 2 North, subject to the staff report and information provided during this hearing, and affirmatively finds that the request is in conformance with the previously approved zoning on the parcel.

Staff Analysis:

The developer and staff have been in discussions regarding this project since April of 2021. This project is an expansion to their existing mini storage facility directly west of this site,. Currently zoned Commercial Light (CL) and designated as part of a Future Community Core by the 2014 General Plan, the Subject Property is seven acres in size and has direct access off N. State Route 89. The development has two phases: Phase 1 contains approximately 68,000 square feet of storage and Phase 2 contains approximately 52,000 square feet of storage. It will have a mixture of both air-conditioned and drive-up units that will range in size from 25 to 400 square feet.

For this project to be compatible with the 2014 General Plan, the developer will be constructing approximately 2,000 square feet of Office/Flex space on the western most portion of the property that fronts N. State Route 89. This space is intended to have four individual units with common restroom facilities. In addition to this, the development will share a modern architecture style that closely resembles the newly constructed Police Station.

The perimeter of the development will be completely landscaped at a level that exceeds the minimum zoning code requirements. Between the landscaping and the storage buildings will be a concrete masonry unit wall that will screen and keep the site secure. Both elements will help mitigate the impact(s) to the surrounding property owners.

See Attachment C for the applicant’s supplied narrative, site plan, landscape plan and building elevations.

Conditional Use Permit

The Commercial Light Zoning District, section 3.15.C.12, allows for mini-storage facilities as a conditional use, subject to discretionary approval by Council if the location and development of the site is suitable for the requested use.

PUBLIC COMMENTS RECEIVED: No public comments were received.

EXTERNAL AGENCY COMMENTS: No external Agency Comments were received

**NEIGHBORHOOD MEETING
COMMENTS:** See Attachment B

PROPOSED CONDITIONS DELIVERED July 12, 2023
TO APPLICANT ON:

☒	Applicant agreed with all of the conditions of approval on July 12, 2023
☐	Applicant did not agree with the following conditions of approval: (list #'s)
☐	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

ATTACHMENTS:

A	B	C	D
Conditions of Approval	Neighborhood Meeting Comments	Applicant Supplied Documents	Staff Research

PREPARED BY:

DATE:

WILL DINGEE, ASSISTANT DIRECTOR
WDINGEE@CHINOAZ.NET
928 636-3472

JULY 12, 2023

APPROVED BY:



LAURIE LINEBERRY, AICP
DEVELOPMENT SERVICES DIRECTOR

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed conditional use for the site:

Development Services Comments: Laurie Lineberry, Director, 928 636-3471

1. The conditions listed below are in addition to Town codes, rules, fees, and regulations that are applicable to this action.
2. The Owner shall sign a Waiver of Claims form, which the Town will provide and record with the Yavapai County Recorder's Office, prior to the conditional use permit being heard by the Town Council.

Will Dingee, Assistant Director, 928 636-3472

3. The development shall conform to the applicant supplied site plan, landscape plan and building elevations. Any significant deviations to the plan will require the CUP to be amended by the Town Council.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B
NEIGHBORHOOD MEETING COMMENTS

DATE MEETING HELD: JUNE 29, 2023

LOCATION: CHINO VALLEY TOWN HALL COUNCIL CHAMBERS – 202 NORTH STATE ROUTE 89

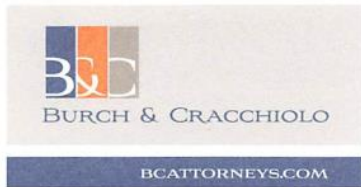
ATTENDEES:

AGENT/DEVELOPER: TIM JONES – STOR-IT ARIZONA, LLC; PHILIP GOLLON – ARC SERVICES; MADISON LEAK – BURCH & CRACCHIOLO; BRIAN GREATHOUSE – BURCH & CRACCHIOLO; LESLI CHATBURN – BURCH & CRACCHIOLO.

TOWN STAFF: WILL DINGEE, ASSISTANT DIRECTOR.

No neighbors or interested parties attended the neighborhood meeting.

ATTACHMENT C
APPLICANT SUPPLIED DOCUMENTS



BRIAN GREATHOUSE
DIRECT LINE: 602-234-9903
EMAIL: BGREATHOUSE@BCATTORNEYS.COM

MADISON LEAKE
DIRECT LINE: 602-234-8791
EMAIL: MLEAKE@BCATTORNEYS.COM

APRIL 4, 2023

Town of Chino Valley
Development Services Department
1982 N. Voss Drive #203
Chino Valley, AZ 86323

RE: Stor-It Arizona
N and E of the NEC of North State Route 89 and East Road 2 North
Conditional Use Permit for Self-Storage and Site Plan Review

On behalf of Stor-It Arizona ("Stor-It"), we request a Conditional Use Permit and Site Plan Review for a self-storage facility that is planned on approximately 6.99 gross acres located north of the NEC of North State Route 89 and East Road 2 North, APN 306-20-035A (the "Site"). A Regional Aerial Map is provided at **Exhibit 1**. The Site is currently vacant.

Requests:

1. Conditional Use Permit to allow self-storage in the Commercial Light (CL) Zoning District. Chino Valley Zoning Ordinance Section 1.9.3.
2. Site Plan Approval. Chino Valley Zoning Ordinance Section 1.9.1.

Property Description

The approximately 6.99-acre Site is currently zoned CL for commercial uses. The property to the north is zoned CH/AR-5 with an existing an auto repair shop, automotive sales, and a residential home zoned CH/AR-5. To the south is an equipment rental agency and vacant land zoned CL/AR-5. To the west is N State Route 89 and a furniture store zoned CL. The property to the east is zoned CL and is vacant.

Proposal and Site Plan

Stor-It's proposed facility will provide a mix of office/flex space, indoor air-conditioned self-storage units, and drive-up storage units. The storage units will range in size from 25 square feet to 400 square feet. See **Exhibit 2** Site Plan. Ingress and egress will be located on the west side

Burch & Cracchiolo, P.A.
1850 N. Central Avenue, Suite 1700
Phoenix, AZ 85004

Main Office: 602.274.7611
Fax: 602.234.0341

ATTACHMENT C
APPLICANT SUPPLIED DOCUMENTS



April 4, 2023

Page | 2

of the Site, off of North State Route 89. Customers and employees can park in the 12 parking spaces conveniently located near the entrance. The self-storage which will have approximately 20 parallel loading spaces. The office/flex space will be situated at the southwest corner of the Site, near the entrance. This will provide additional security and control of cars and individuals entering the storage facility. An additional office space will be situated just east of the office/flex space.

Stor-It proposes two phases. Phase 1 will include the office and flex space as well as self-storage. Phase 2 (the eastern portion of the Site) will include additional drive-up and air-conditioned self-storage. Phase 1 proposes approximately 68,350 square feet of storage, and phase 2 proposes approximately 52,150 square feet of storage.

Stor-It's storage facility will be well screened and buffered from the surrounding properties and streets. The Site has been thoughtfully designed with the storage portion of the Site set back over 200 feet from North State Route 89. In addition to the thoughtful design incorporating the drive-up storage surrounding the centralized indoor air-conditioned storage units, the entire Site will be screened by a large, minimum 10-foot landscape buffer. See **Exhibit 3**, Landscape Plan.

Stor-It has been designed to be an attractive presence in the area and fit the character of the area. See **Exhibit 4**, Elevations. Building elevations include a variety of materials, including CMU and metal, as well as variety in height and projections to help break up the massing of buildings. Colors include a variety of neutral grey and beige tones with the addition of a red shade to create visual interest.

Criteria for Conditional Use Permits

Pursuant to Section 1.9.3 of the Chino Valley Zoning Ordinance, Conditional Use Permits may be granted only when expressly permitted, and only after the Commission has made a recommendation, and Council has approved the request by motion based upon a finding that the authorizing of the Use Permit: (1) will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; and (2) that the proposed use is reasonably compatible with uses permitted in the surrounding area.

This request meets the criteria as follows:

- 1. The use as self-storage will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare.*

Rather than being detrimental to the neighborhood, area, or public welfare, Stor-It will have a positive impact on the community and its residents. The facility will be a quiet neighbor, with proposed operating hours Tuesday to Saturday 10 am to 5 pm. Storage facilities are very low-traffic generating uses and Stor-It will be sufficiently screened from neighboring properties.

Furthermore, Stor-It is an experienced, quality company that maintains high standards related to the maintenance of its buildings, equipment, facility cleanliness, and operations. Stor-It ownership currently operates a facility near the Site and is already a positive impact on the

ATTACHMENT C
APPLICANT SUPPLIED DOCUMENTS



April 4, 2023

Page | 3

community. Finally, development of vacant land will improve the Site and reduce potential concerns of vagrancy and vandalism of the existing vacant land. Therefore, Stor-It will improve and increase the safety of the area while being a good neighbor and asset to the area.

2. *The proposed storage use is reasonably compatible with uses permitted in the surrounding area.*

The Site is zoned CL for commercial uses and is surrounded by other CL and CH zoned sites. Self-storage, a commercial use, is fitting with the uses in the surrounding area. Existing surrounding uses include auto repair, auto sales, and an equipment rental agency. These uses are compatible with self-storage and this quiet and low traffic use will not negatively impact those surrounding uses. Taken as a whole, not only will Stor-It improve the area further by developing an underutilized, vacant site, but it will also provide a necessary commercial service to the area's residents.

We request approval of the above-described Conditional Use Permit and Site Plan Review. If you have questions or want to discuss any of the above, please contact Brian Greathouse (602-234-9903) or Madison Leake (602-234-8791).

Thank you.

Very truly yours,

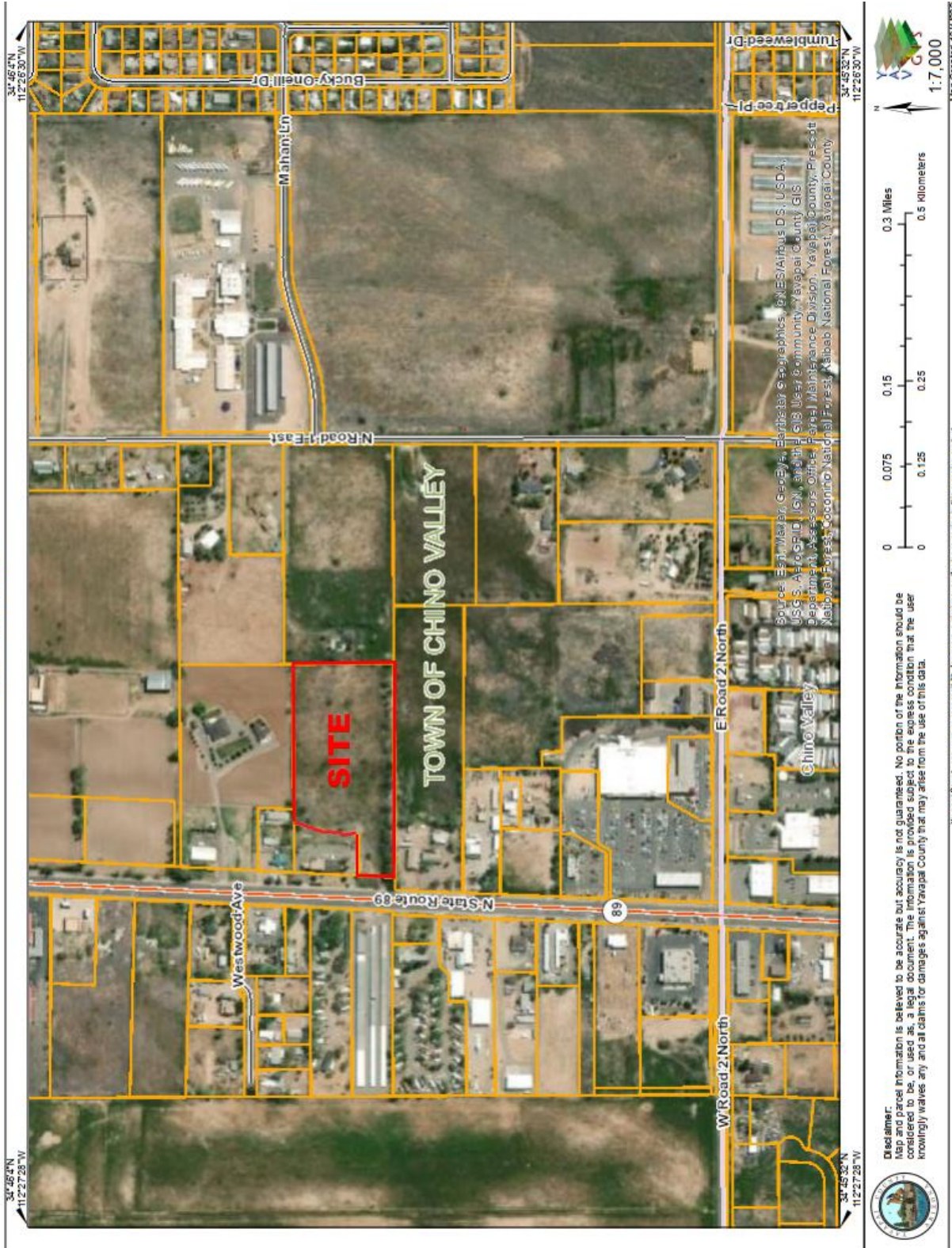
BURCH & CRACCHIOLO, P.A.



Brian Greathouse
Madison Leake
For the Firm

ATTACHMENT C
APPLICANT SUPPLIED DOCUMENTS

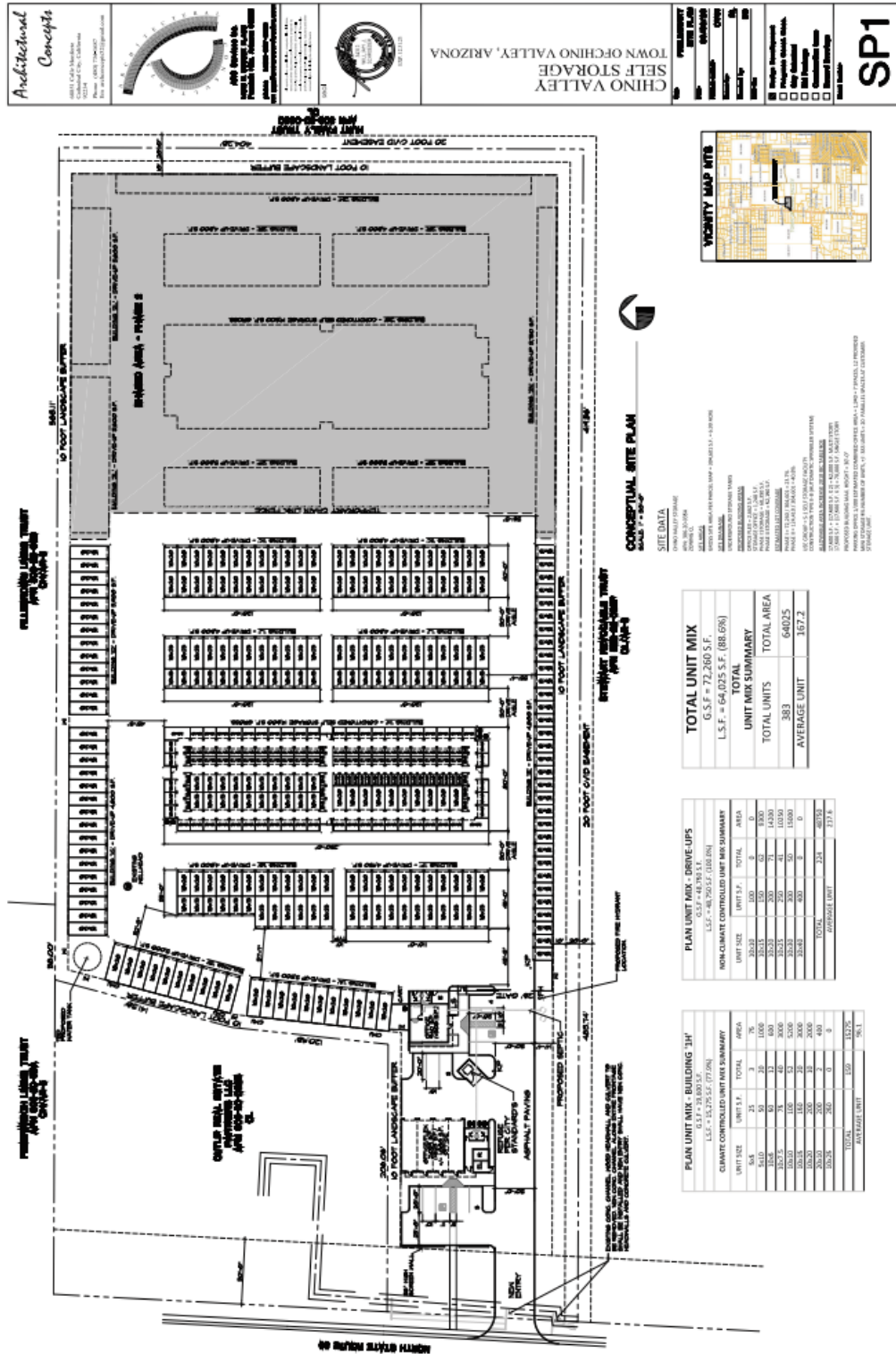
EXHIBIT 1 – Regional Aerial Map



ATTACHMENT C

APPLICANT SUPPLIED DOCUMENTS

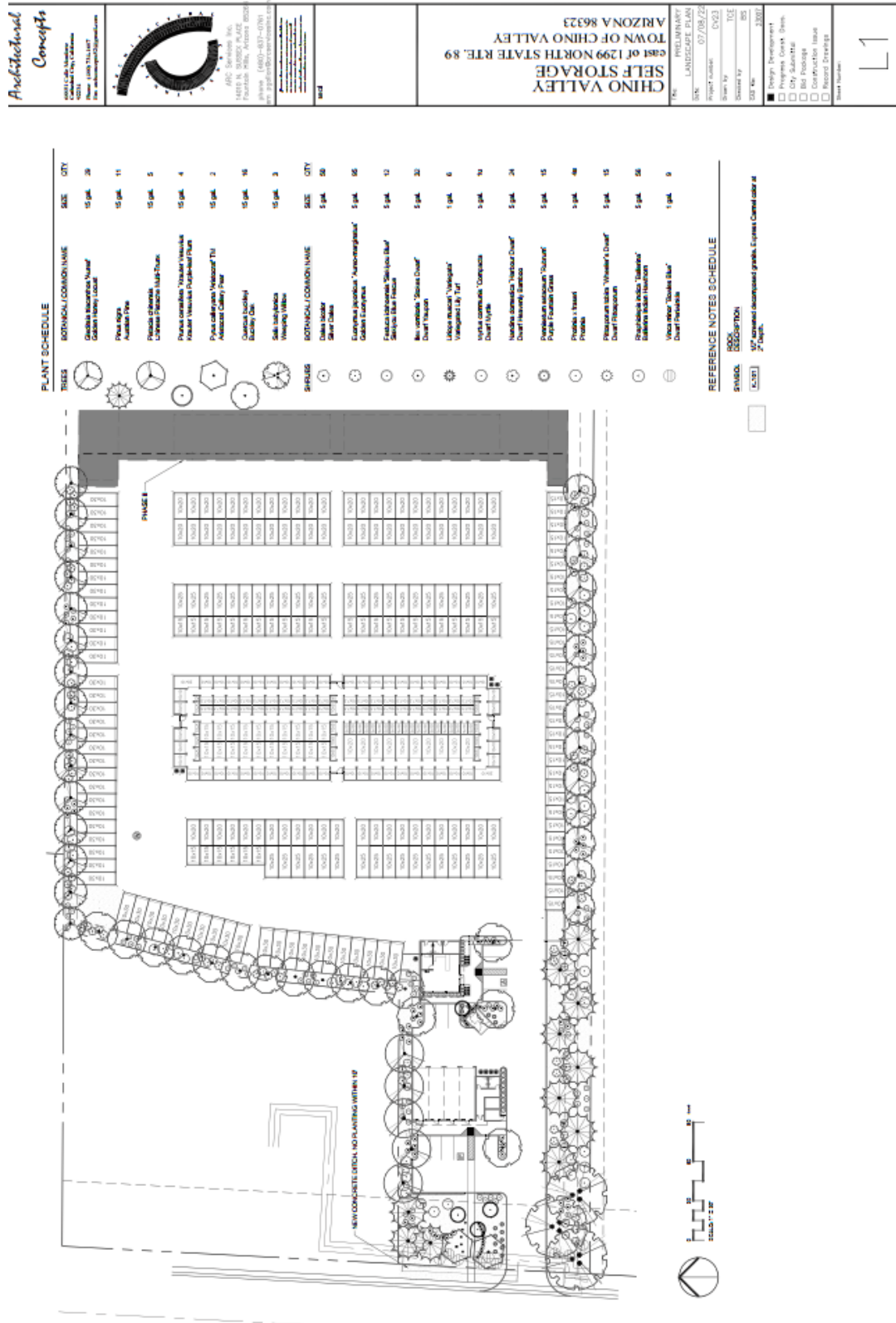
EXHIBIT 2 – Site Plan



ATTACHMENT C

APPLICANT SUPPLIED DOCUMENTS

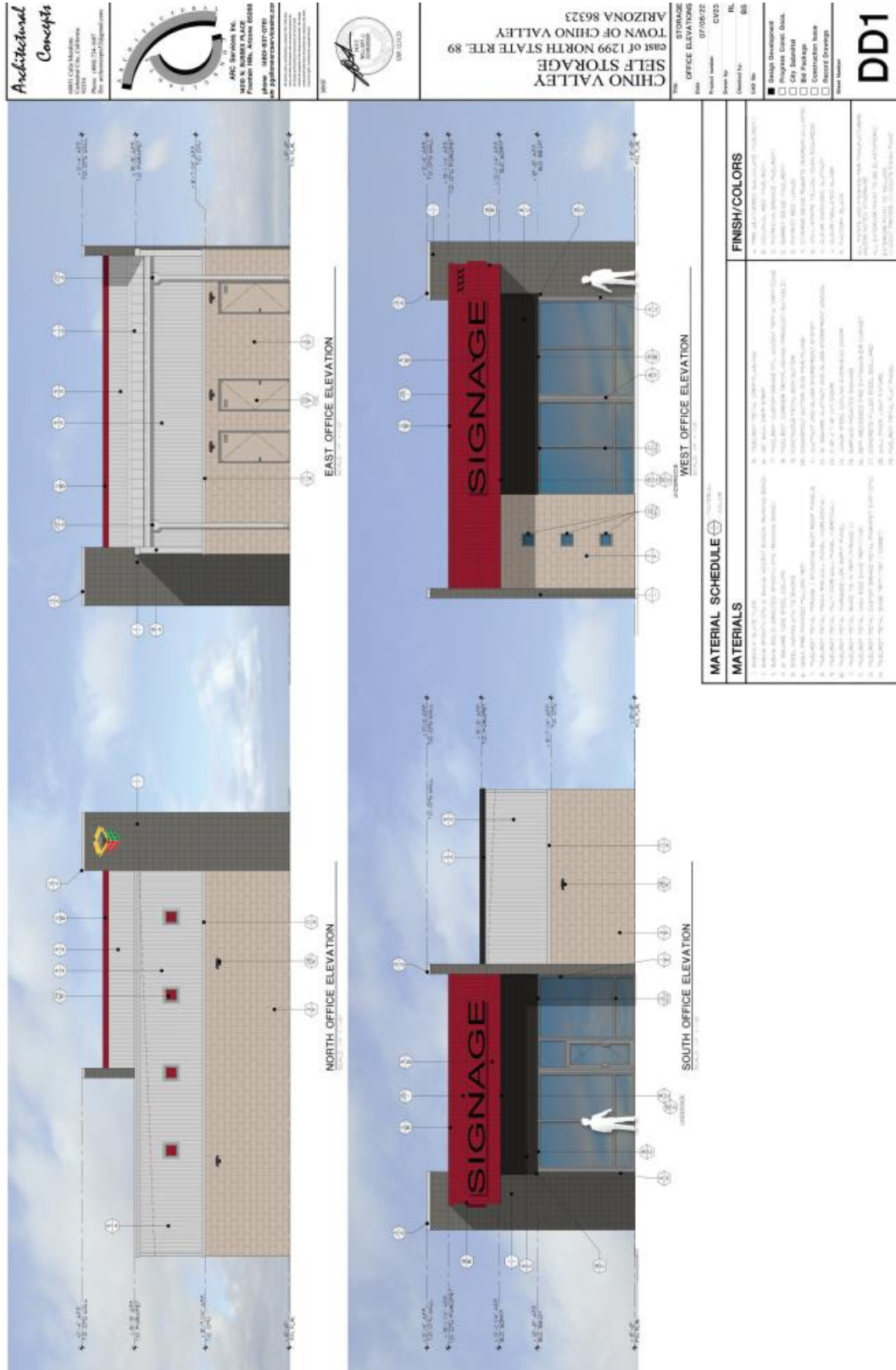
EXHIBIT 3 – Landscape Plan



ATTACHMENT C

APPLICANT SUPPLIED DOCUMENTS

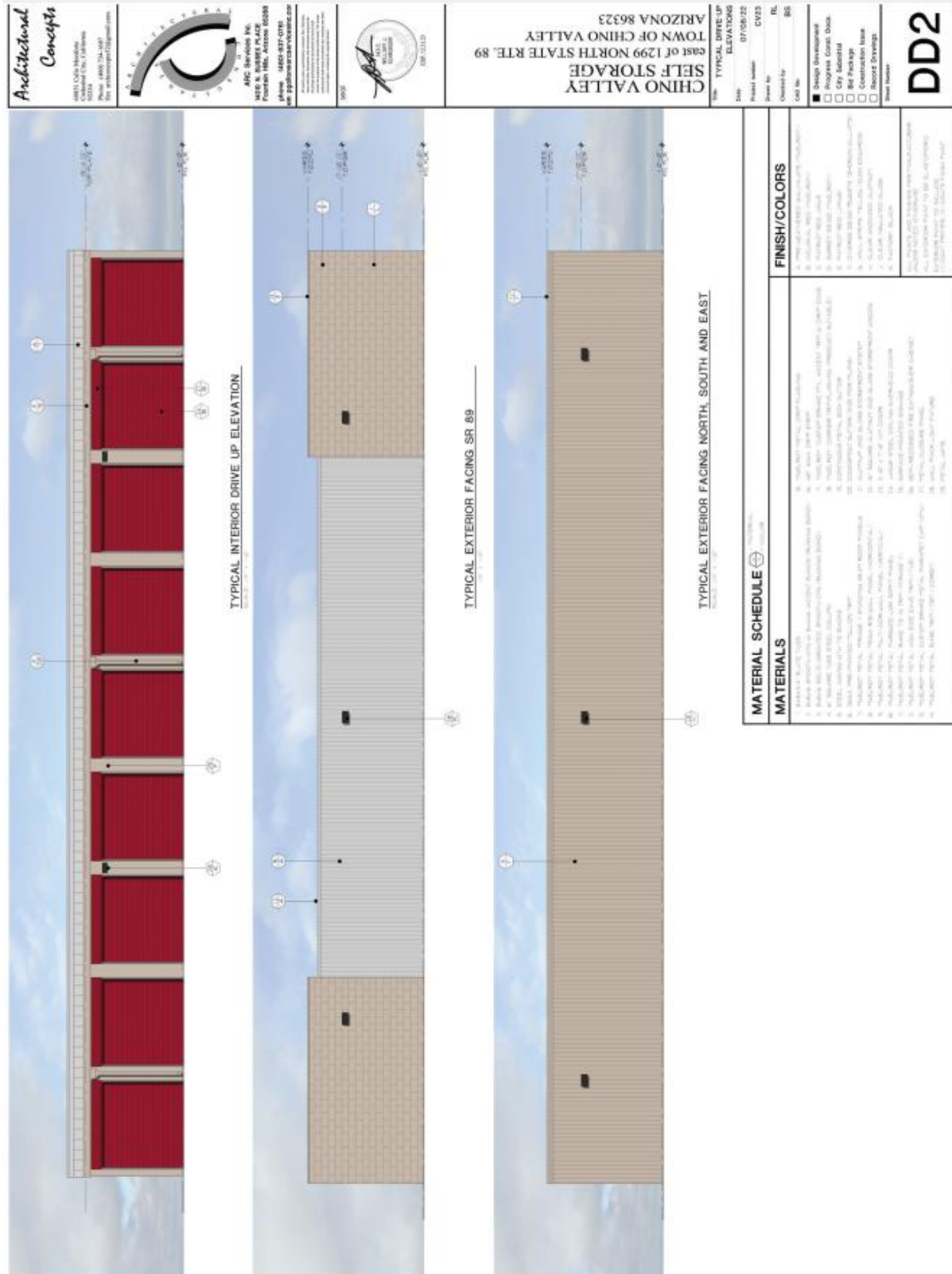
EXHIBIT 4 – Building Elevations



ATTACHMENT C

APPLICANT SUPPLIED DOCUMENTS

EXHIBIT 4 – Building Elevations



ATTACHMENT D
STAFF RESEARCH



STAFF RESEARCH – CONDITIONAL USE PERMIT

CASE #: CUP-2023-03
CASE PLANNER: WILL DINGEE

PROJECT NARRATIVE: This is a request by Brian Greathouse, on behalf of Stor-It Arizona LLC, for a Conditional Use Permit for a Mini-Storage and RV Storage Facility with a Commercial Retail Component on a parcel zoned Commercial Light (CL). The property is located on the east side of State Route 89, approximately a quarter mile north of the intersection of State Route 89 and Road 2 North, Chino Valley, Arizona.

I. PROJECT DATA

Project Location:	Quarter mile north of the intersection of State Route 89 and Road 2 North				
Parcel Number(s):	306-20-035A				
Parcel Size(s):	6.99 Acres				
Total Acreage:	S.A.A.				
Proposed Dwelling Units:	N/A				
Address:	N/A				
Applicant:	Stor-It Arizona LLC				
Applicant's Agent:	Madison Leake				
Land Use Conformity Matrix:	Conforms:	Yes	X	No	
Zoning Overlay	PAD	N/A			

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Commercial Light (CL)	Vacant	Multifamily/Commercial & Future Community Core
North	Commercial Light (CL) & Commercial Heavy Agricultural Residential 5 Acre (CH/AR-5)	Mary's Furniture, Federwisch Auto sales & Rodgers Automotive	Multifamily/Commercial
South	Commercial Light Agricultural Residential 5 Acre (CL/AR-5)	Residential Agricultural	Future Community Core
East	Commercial Light (CL)	Vacant Land	Multifamily/Commercial & Future Community Core
West	Commercial Light (CL)	Existing Stor-It Ministorage	Future Community Core

Prior Cases or Related Actions:					
<u>Type</u>					<u>Cases, Actions or Agreements</u>
Pre-Annexation Agreement	Yes		No	X	
Annexation	Yes	x	No		Original Town – September 21, 1970
General Plan Amendment	Yes		No	x	
Development Agreement	Yes		No	x	
Rezone	Yes	x	No		Rezoned to Commercial. Ord. 15-793. February 24, 2015

ATTACHMENT D
STAFF RESEARCH

Subdivision	Yes		No	x	
Conditional Use Permit	Yes		No	x	
Pre-Application Meeting	Yes	x	No		PA-2022-91
Enforcement Actions	Yes		No	x	
Land Division Status:	N/A				
Irrigation District:	CVID impacted				

II. TOWN OF CHINO VALLEY GENERAL PLAN

Land Use Element:			
Land Use Designation:	Community Core & Commercial/Multifamily		
Issues:			
Public Services Element:			
Water Facility Plan:	Source:	Proposed Well (Potential City of Prescott connection)	
Sewer Facility Plan:	Treatment:	Proposed Septic	
Issues:	Closest Municipal Sewer is Road 2 North approximately ¼ mile away. City of Prescott Water is directly adjacent to the subject property, within State Route 89 right-of-way		
Safety Element:			
Flood Plain Designation:	N/A		
Issues:			
Transportation Element:			
Road Classification	State Route 89		
Issues:			
Parks and Rec Element:			
Closest Park:	Community Center Park		
Within 1 mile of the Peavine Trail?	No		

NOTIFICATION

- | | |
|--|--|
| <ul style="list-style-type: none"> Legal Ad Published: The Daily Courier 7/10/2023 300' Vicinity Mailing: 6/12/2023 19 Commenting/Reviewing Agencies noticed: 6/12/2023 | <ul style="list-style-type: none"> Neighborhood Meeting: 6/29/2023 Hearing Dates: P&Z 8/1/23 - TC 8/22/23 Comments Due: 6/26/2023 |
|--|--|

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
CAFMA			X		
Samantha Alvarez – APS			X		
Richard Perez - A.D.O.T.			X		
Ralph Baker – C.V.I.D.			X		
Suzann E. – YC ENV			X		
Jose Galvez – YC Health			X		
SparkLite Cable			X		
LUMEN			X		
Unisource Gas			X		
CVUSD			X		

ATTACHMENT D STAFF RESEARCH

United States Postal Service			X		
<i>Town of Chino Valley Internal List (Conditions)</i>	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Will Dingee – Senior Planner (DS)				X	
Laurie Lineberry – DS Director				X	
Frank Marbury – PW Director			X		
Steve Sullivan – Assistant Engineer (PW)			X		
Dan Trout – CBO (DS)			X		
Damon Stanley – Code Enforcement			X		
Chuck Winn – Chief of Police (Police)			X		



TOWN OF CHINO VALLEY
Planning Commission Staff Report
August 1, 2023
File Number ZC-2023-03
Rezone

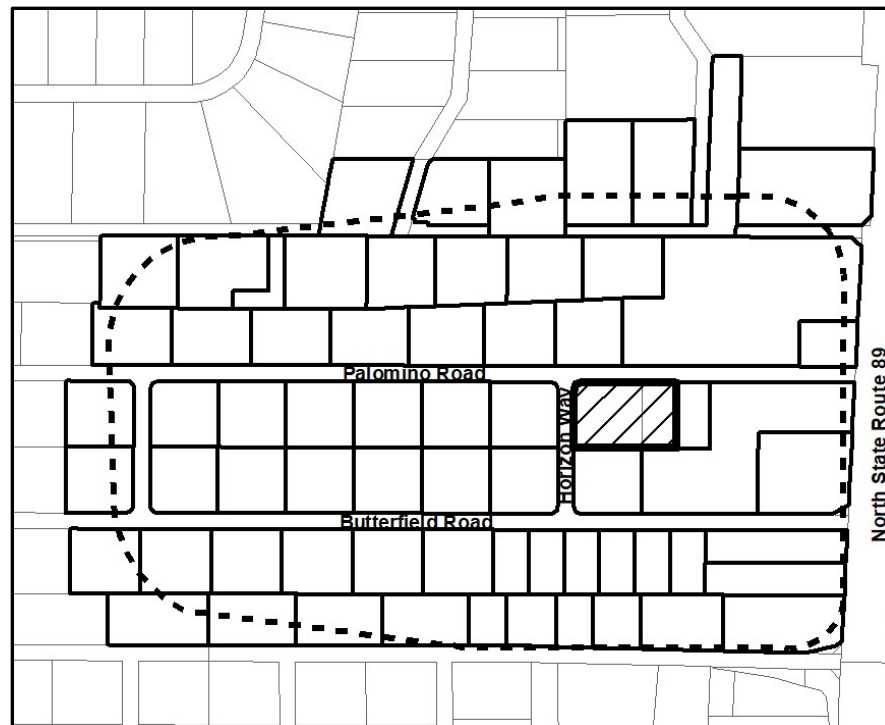
PROJECT DESCRIPTION

This is a request by Luis Pescador, on behalf of Equity Trust Company, to rezone approximately 1.5 acres from Commercial Light (CL) to Multiple Family Residential (MR) for the construction of an apartment complex containing 14 units. The property is located at 443 West Palomino Road, Chino Valley, Arizona.

LOCATION DATA

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Commercial Light (CL)	Vacant	Multifamily/Commercial
North	Commercial Light (CL)	Saving Grace Lutheran Church	Multifamily/Commercial
South	Commercial Light (CL)	Horizon Dental	Multifamily/Commercial
East	Commercial Light (CL)	M&M Eye	Multifamily/Commercial
West	Commercial Light (CL)	Manneken Plaza Apartments	Multifamily/Commercial

LOCATION MAP



PRIOR SITE ACTIONS:

N/A

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission forward to the Town Council a recommendation of **APPROVAL** for the Palomino Apartments Rezone with Conditions of Approval found in Attachment A.

SUGGESTED MOTION:

Move to **APPROVE** Zone Change ZC-2023-03 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment A

EFFECT OF THE APPROVAL:

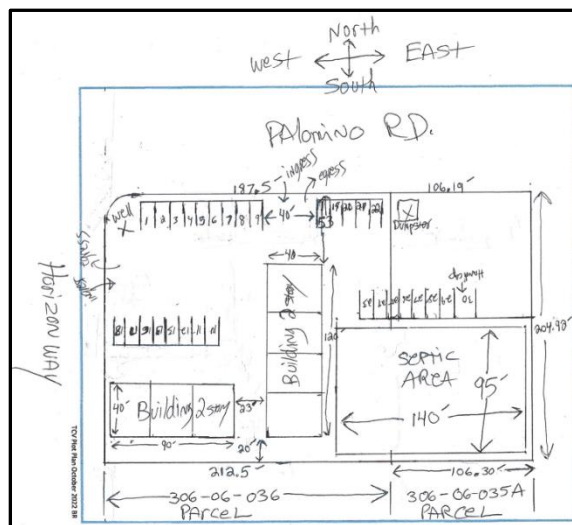
By approving this Zone Change, the Planning and Zoning Commission is recommending approval to Town Council for the Palomino Apartments Rezone, located at 399 West Palomino Road, subject to the staff report and information provided during this hearing, and affirmatively finds that the request is in conformance with the General Plan.

Staff Analysis:

The applicant is applying to rezone two parcels of land, 306-06-036 & 306-06-035A, containing approximately 1.5 acres of land from Commercial Light (CL) to Multiple Family Residential (MR), for a 14-unit apartment complex. The requested use is compatible with the surrounding area, there are apartments directly to west of the subject property and to the south are the only duplexes within Town limits. There are multiple restaurants and retail locations within a walkable distance of the site as well. The project is proposing well and septic which is identical to all the properties in the area.

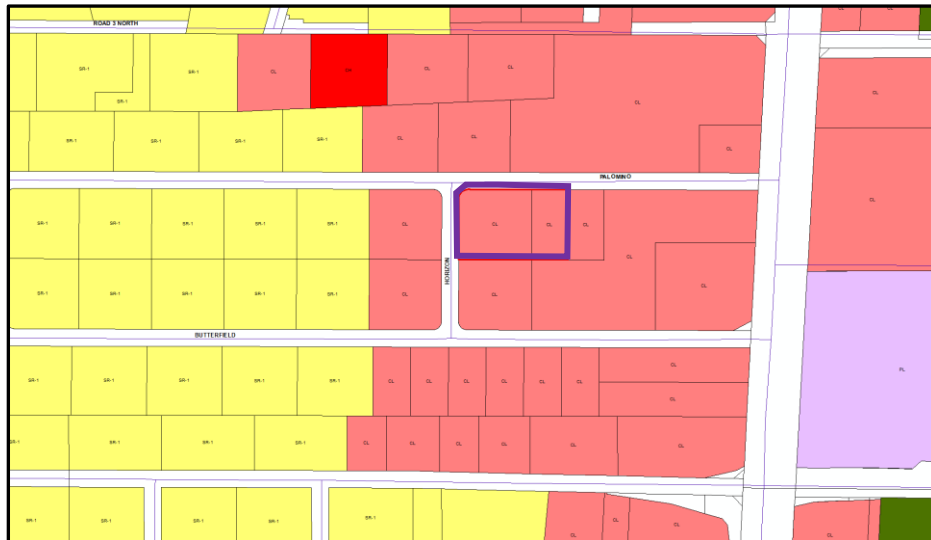
If the requested rezone is approved by Council, the next step for the applicant will be to come through the site plan review process to ensure that all development standards are met.

Proposed Conceptual Layout Submitted by The Applicant at Point of Submittal



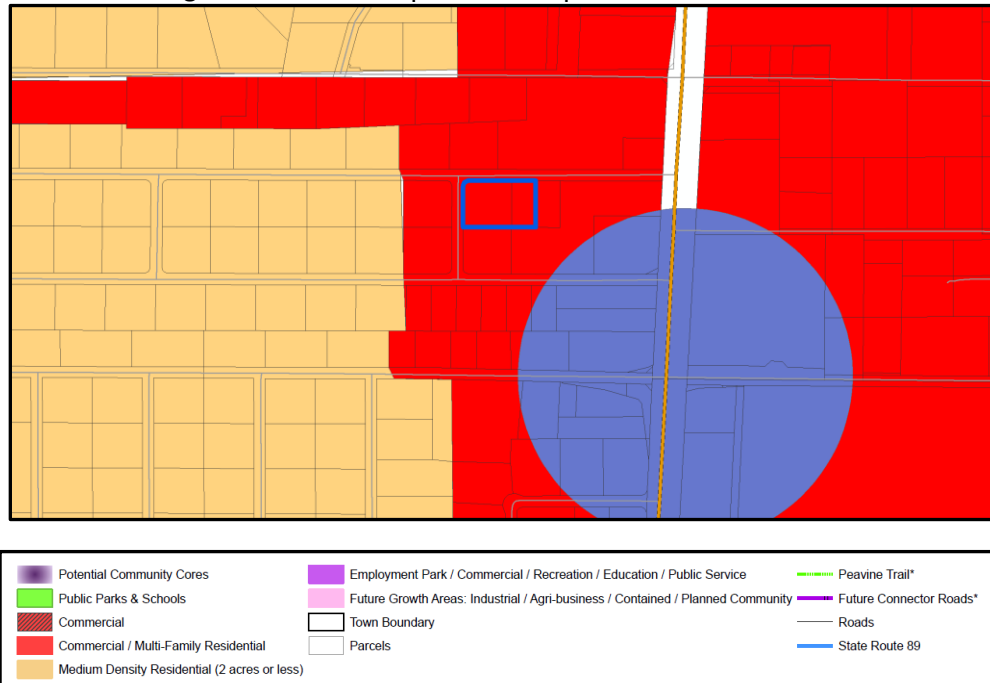
Zoning

Section 3.13 of the Unified Development Ordinance lists “multiple family dwellings” as a Permitted Use in the MR zoning district so long as each unit has a minimum of 3,000 square feet of land area. The applicant is proposing 14 apartment units on 1.5 acres, the MR zoning district would allow up to 22 units on site. This will be the only parcel zoned MR in the area however, there are several established multifamily uses within 300’ of the subject property which includes apartments and duplexes.



General Plan

The 2014 General Plan designates the subject property as Commercial / Multi-Family Residential. The requested rezone of MR is in conformance with the General Plan. The 2040 General Plan designates this area as part of the Up-Town Center Horizontal Multi-Use Area.



PUBLIC COMMENTS RECEIVED: No public comments were received.

EXTERNAL AGENCY COMMENTS: No External Agency Comments were received

NEIGHBORHOOD MEETING COMMENTS: See Attachment B

PROPOSED CONDITIONS DELIVERED July 12, 2023
TO APPLICANT ON:

☒	Applicant agreed with all of the conditions of approval on July 12, 2023
☐	Applicant did not agree with the following conditions of approval: (list #'s)
☐	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

ATTACHMENTS:

A	B	C	D
Conditions of Approval	Neighborhood Meeting Comments	Site Plan & Exhibits	Staff Research

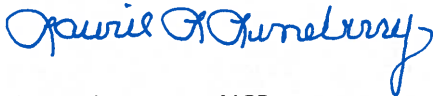
PREPARED BY:

DATE:

WILL DINGEE – ASSISTANT DIRECTOR
WDINGEE@CHINOAZ.NET
928 636-4427 – x3472

July 12, 2023

APPROVED BY:



LAURIE LINEBERRY, AICP
DEVELOPMENT SERVICES DIRECTOR

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Development Services Comments: Laurie Lineberry, Director, 928-636-3471

1. The conditions listed below are in addition to Town codes, rules, fees, and regulations that are applicable to this action.
2. The Owner shall sign a Waiver of Claims form, which the Town will provide and record with the Yavapai County Recorder's Office, prior to the rezone being heard by the Town Council.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B
NEIGHBORHOOD MEETING COMMENTS

DATE MEETING HELD: JUNE 22, 2023

LOCATION: ON SITE (443 PALOMINO ROAD)

ATTENDEES:

AGENT/DEVELOPER: LUIS PESCADOR

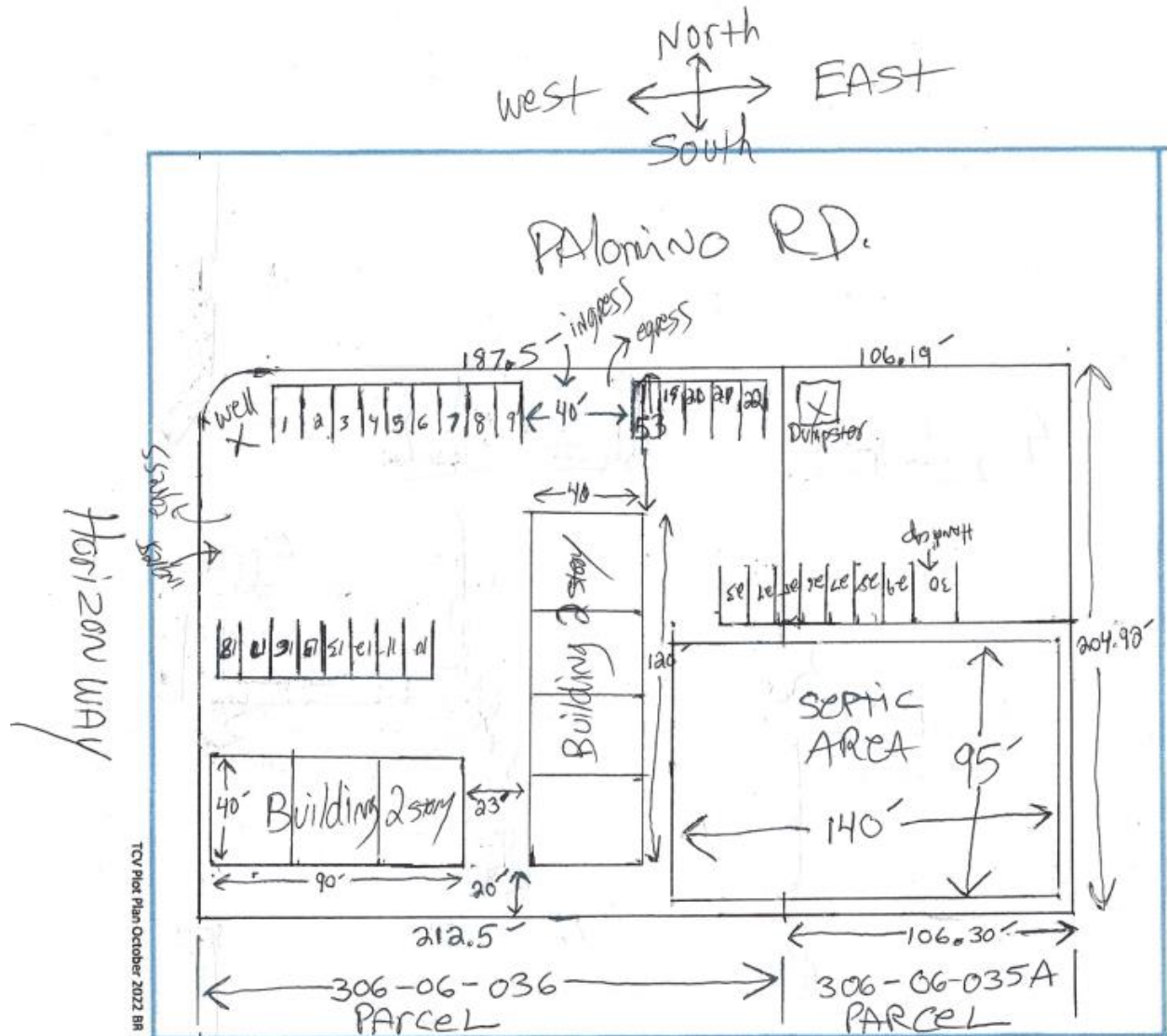
TOWN STAFF: WILL DINGEE, ASSISTANT DEVELOPMENT SERVICES DIRECTOR

NUMBER NEIGHBORS IN ATTENDANCE – NINE NEIGHBORS WERE IN ATTENDANCE

SUMMARY OF ATTENDEE(S') COMMENTS RELATED TO THE PROJECT:

- Questions if the applicant is intending for the apartment to be market rate or low income and how many units were planned.
- Questions if the applicant intended to be on Town water and sewer, or individual wells and septic systems.
- Concerns over impact on water availability.
- Concerns over increase in traffic and negatively impacting road quality.
- Concerns over lighting used for the development.

ATTACHMENT B
NEIGHBORHOOD MEETING COMMENTS



ATTACHMENT D
STAFF RESEARCH



STAFF RESEARCH – REZONE

CASE #: ZC-2023-03

CASE PLANNER: WILL DINGEE

PROJECT NARRATIVE: This is a request by Luis Pescador, on behalf of Equity Trust Company, to rezone approximately 1.5 acres from Commercial Light (CL) to Multiple Family Residential (MR) for the construction of an apartment complex containing 14 units. The property is located at 399 West Palomino Road, Chino Valley, Arizona.

I. PROJECT DATA

Project Location:		SEC of Palomino Road and Horizon Way				
Parcel Number(s):		306-06-036 & 306-06-035A				
Parcel Size(s):		1 Acre (036) & .5 Acre (035A)				
Total Acreage:		1.5 Acres				
Proposed Dwelling Units:		14		Total number will ultimately depend on septic approval. MR zoning allows for one unit per 3,000 square feet of land (max of 22)*		
Address:		443 Palomino Road				
Applicant:		Equity Trust Company				
Applicant's Agent:		Luis Pescador				
Land Use Conformity Matrix:		Conforms:		Yes	X	No
Zoning Overlay		PAD	N/A			
	Existing Zoning		Use(s) on-site		General Plan Designation	
Site	Commercial Light (CL)		Vacant		Multifamily/Commercial	
North	Commercial Light (CL)		Saving Grace Lutheran Church		Multifamily/Commercial	
South	Commercial Light (CL)		Horizon Dental		Multifamily/Commercial	
East	Commercial Light (CL)		M&M Eye		Multifamily/Commercial	
West	Commercial Light (CL)		Manneken Plaza Apartments		Multifamily/Commercial	
Prior Cases or Related Actions:						
Type					Cases, Actions or Agreements	
Pre-Annexation Agreement		Yes		No	X	
Annexation		Yes	x	No		Original Town – September 21, 1970
General Plan Amendment		Yes		No	x	
Development Agreement		Yes		No	x	
Rezone		Yes	x	No		Rezoned to Commercial. Ordinance No. 10. September 14, 1970
Subdivision		Yes	x	No		Luna Estates – June 15, 1973
Conditional Use Permit		Yes		No	x	
Pre-Application Meeting		Yes	x	No		PA-2023-30 & PA-2023-37
Enforcement Actions		Yes		No	x	

ATTACHMENT D
STAFF RESEARCH

Land Division Status:	Legal Non-conforming, 306-06-035A was split without a Subdivision Plat Amendment.
Irrigation District:	N/A

II. TOWN OF CHINO VALLEY GENERAL PLAN

Land Use Element:		
Land Use Designation:	Commercial/Multifamily	
Issues:		
Public Services Element:		
Water Facility Plan:	Source:	Proposed Well
Sewer Facility Plan:	Treatment:	Proposed Septic
Issues:	Closest Municipal Water and Sewer is ¾ of a mile away at the intersection of Perkinsville Road and North Road 1 East	
Safety Element:		
Flood Plain Designation:	N/A	
Issues:		
Transportation Element:		
Road Classification	Horizon Way – Local Road Palomino Road – Local Road	
Issues:		
Parks and Rec Element:		
Closest Park:	Memory Park	
Within 1 mile of the Peavine Trail?	No	

NOTIFICATION

- Legal Ad Published: The Daily Courier 7/10/2023
- Neighborhood Meeting: 6/22/2023
- 300' Vicinity Mailing: 6/12/2023
- Hearing Dates: P&Z 8/1/23 - TC 8/22/23
- 19 Commenting/Reviewing Agencies noticed: 6/12/2023
- Comments Due: 6/26/2023

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
CAFMA			X	x	
Samantha Alvarez – APS			X		
Richard Perez - A.D.O.T.			X		
Ralph Baker – C.V.I.D.			X		
Suzann E. – YC ENV			X		
Jose Galvez – YC Health			X		
SparkLite Cable			X		
LUMEN			X		
Unisource Gas			X		
CVUSD			X		
United States Postal Service			X		

ATTACHMENT D
STAFF RESEARCH

<i>Town of Chino Valley Internal List (Conditions)</i>	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Will Dingee – Senior Planner (DS)			X		
Laurie Lineberry – DS Director				X	
Frank Marbury – PW Director			X		
Steve Sullivan – Assistant Engineer (PW)			X		
Dan Trout – CBO (DS)			X		
Damon Stanley – Code Enforcement			X		
Chuck Winn – Chief of Police (Police)			X		