

Planning and Zoning Commission Meeting Minutes September 5, 2023

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, September 5, 2023, at the Town of Chino Valley Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present: Chair Chuck Merritt; Vice-Chair Gary Pasciak, Commissioner Teena Meadors, Commissioner Ron Penn, Commissioner Robert Switzer, Commissioner William Welker; Commissioner Richard Zamudio.

STAFF MEMBERS present: Laurie Lineberry, Development Service Director; Will Dingee, Assistant Director; Frank Marbury, Public Works Director; 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 Commissioner Penn.

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

PUBLIC HEARING #D.1 – Case# 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. (Continued from August 1, 2023)*

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

Assistant Director Will Dingee presented the staff report, stating the 64-units on the property were built in 2003, under different zoning district provisions. Changes to the code made the apartments non-conforming. The owner needed to rezone to Multiple Family in order for the property to be in conformance with the zoning code. Staff recommended approval.

Merritt opened the meeting for public comments.

There were no comments from the public and Merritt closed the public hearing.

Motion was made by Switzer, seconded by Meadors to approve ZC-2023-02, as presented, subject to the staff report and information provided during the hearing, and the Conditions of Approval in Attachment A. A voice vote was taken and the motion passed with a 7-0 vote. No explanations of the votes were requested by the Chair.

PUBLIC HEARING #D.2 – CASE# ZC-2023-04 - *This is a request by Weston Gibson to rezone approximately 14 acres of land from Agricultural Residential 5-Acre (AR-5) to Single Family Residential 1-Acre (SR-1). The property is located approximately 1,000 feet north of the intersection of N Road 1 West and W Road 4 North on the west side, Chino Valley, Arizona.*

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

Dingee presented the staff report, identifying concerns from the neighborhood meeting. The applicant was in attendance.

Merritt opened the public hearing for public comments.

Carol Webber, 3942 Cole Lee Court, shared that she lived downstream from this project and was concerned about additional run-off from more impervious surfaces. She asked what would be done for mitigation.

Patricia Rendon expressed concern about more wells being drilled, more development and less country/farming community, which was the reason that she moved here.

Lester Oster, 3610 Yo He Wah Drive, said that more development reduces the farming community that attracted him here. He stated that the roads are bad and that local wells are pumping sand. He stated opposition to the project.

Claudia McGilvray, 997 West Road 5 North, shared about the impacts of the recent rains to the street conditions and neighboring properties that took the water overflow from the streets. Her parcel and neighboring parcels were flooded. She was unhappy with how the Town fixes potholes (two-man crew shovels asphalt into holes and lets cars driving the road compact it). She opposed the project.

Donna Armstrong, 2160 Mohave Street, asked if the units would be manufactured or site-built.

Merritt closed the public hearing.

In response to the questions/comments from the public, **Dingee** stated that the homes would be site-built. **Merritt** shared that the water approvals were handled by the State. **Marbury** added information about drainage, sharing that an engineering drainage study was required to look at before and after development flows, with the applicant restricted from increasing the after-development flow from the site. **Merritt** confirmed that the release of water can not be more than what happened before the development. **Marbury** added that the Town did not currently have drainage plans for Road 1 West. He added that sheet flow happened in this area of town. He shared that there are more mitigations put in place for subdivisions than for lot splits. He also stated that the Town is currently working on a Town water/sewer/drainage master plan.

Merritt asked about water usage. **Marbury** stated that generally houses use less water than landscaping and agriculture, depending on the type of landscaping and agriculture. Typically, the higher the density, the less water per unit is used because lawns and landscaping and open spaces are reduced.

Merritt asked the audience to not have side conversations during the hearing.

Switzer clarified that development does not cause more water on the ground but speeds up the water flow on the ground as a result of less permeable ground area to absorb the water, causing the water to flow faster. Drainage plans work to slow the flow off-site.

Merritt added that subdivisions must contain the water to release it at the rate of flow prior to the subdivision. **Marbury** stated drainage plans for subdivisions slow down the release of the water not soaking into the ground. The code does not improve the run-off pre vs. post development.

Weston Gibson, the applicant, said he knew there was a risk when they purchased the land, that they might not be able to rezone the property. He did his due-diligence and met with the Town to discuss his plan. He worked with an engineering company to address the drainage. He wanted to build homes that he and his contractors could afford for their younger families.

Merritt again interrupted the audience demanding that they be respectful of the speaker and the process.

Gibson acknowledged the existing poor condition of the road. He would make improvements to the road around his subdivision. He identified over an acre of land in the subdivision dedicated to drainage.

Switzer asked if the lots would be landscaped. **Gibson** stated that he couldn't answer that question until the final plat. The house footprints shown on the site plan were 2100 square feet and he believed he would need to reduce the size to somewhere around 1500-1900 square feet, with a 1000 square foot 3-car garage, in order to make them more affordable. He stated he was aiming for a sales price of around \$500,000-\$560,000. The design for the house was still in the works.

Merritt asked if he would be amenable to low water plants in the project. **Gibson** said he would.

Meadors asked if he would have CC&R's and an HOA. **Gibson** said he would have CC&R's but no HOA.

Merritt recapped that the Town had no jurisdiction on the water approvals and that the drainage from the site was required to be no worse than it was without the development.

The **Chair** entertained a motion. The Commission discussed the need for a time frame for the rezone. They agreed with a five-year time limit.

Motion was made by Switzer, seconded by Pasciak to approve ZC-2023-04, as presented, subject to the staff report and information provided during the hearing, and the Conditions of Approval in Attachment A, with the addition of condition of approval #7, that placed a 5-year time limit on the rezone. A roll-call vote was taken and the motion passed with a 7-0 vote.

PUBLIC HEARING #D.3 – ZC-2023-05 – *This is a request by Julie Tarpley to rezone approximately 5 acres of land from Agricultural Residential 5-Acres (AR-5) to Single Family Residential 2-Acre (SR-2). The property is located at 833 W Road 1 South, Chino Valley, Arizona.*

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

Dingee presented the staff report and stated that no public comments were received regarding this case. The Commission had no questions for staff or the applicant.

Chair Merritt opened the public hearing and asked if anyone present wished to speak on the proposal. No one came forward. **Merritt** closed the public hearing.

Meadors asked about access to the property. **Dingee** shared an aerial photo and identified existing access points.

Motion was made by Switzer, seconded by Meadors to approve ZC-2023-05, as presented, subject to the staff report and information provided during the hearing, and the Conditions of Approval in Attachment A. A roll-call 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** updated the Commission about prior cases heard by Town Council on August 22, 2023: ZC-2023-01 Red Cinder, ZC-2023-03 Palomino Apartments, and CUP-2023-03 Stor-It Arizona.

INFORMATION ITEMS – FROM THE COMMISSIONERS: Commissioner **Pasciak** discussed past road tax efforts that failed to gain support of the voters in the Town. He stated that he had been in Arizona for 40 years and the wells had always dropped 2 feet per year – that is just what happens. Commissioner **Switzer** shared that he was pleased with recent road improvements within the Town and felt that the staff did a good job working with what they were given, to improve roadways.

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INFORMATION ITEMS – FROM THE CHAIRMAN: Merritt shared that the meeting summarized the issue facing the town: using too much water, roads that need major repairs, demand for a second grocery store, opportunities to bring funds into the town, and the people always saying 'no'. People want things in the Town but are not willing to pay for them. He continued by sharing that the Commission was not able to resolve any of those issues and that the Commission votes on the facts.

The General Plan election is coming up in November. The Chair encouraged everyone to get out and vote, noting that both the Planning Commission and Town Council had approved the General Plan. He stated that it was in the Town's best interest to have a good General Plan in place.

INFORMATION ITEMS – FROM THE PUBLIC: NONE.

ADJOURN – A motion was made by Pasciak and seconded by Meadors to adjourn the meeting at 7:02 p.m.



Charles Merritt - Chair



Prepared By: Laurie Lineberry