

Planning and Zoning Commission Meeting Minutes

March 5, 2024

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, March 5, 2024, 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 and Commissioner Richard Zamudio.

STAFF MEMBERS present: Laurie Lineberry, Development Service Director, Will Dingee, Assistant Director, Jessica Barragan, Senior Planner, Gerreann Froberg, Senior Processing Coordinator, Lawrence Digges, 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 Switzer.

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

PUBLIC HEARING #D.1 – Case # ZC-2024-01 — This is a request by Travis and Lisa Bates, to rezone approximately 14.23 acres from Commercial Light (CL) to Agricultural/Residential-Minimum 4 acres (AR-4) at 700 W Road 5 1/2 North, Chino Valley, Arizona. APN# 306-46-003F.

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

Senior Planner Jessica Barragan presented the staff report and stated the applicant was in attendance. The applicant was asking for a rezone of subject property, currently zoned CL. The Applicant had come before the Commission in April 2023 for a CUP to allow the construction of a single-family home. In November 2023 the General Plan was passed which designated the land as Ranch Agricultural (RA) with AR-4 as the minimum zoning district, which the Applicant is requesting in order to bring it in conformance with the General Plan. There was no opposition to the rezone and no comments were received from the public. Staff recommended approval.

Chair Merritt asked if anyone had questions for staff. There were none.

Travis Bates – Applicant stated that they built a home on the property and they would like to change the zoning to comply with the General Plan.

Chair Merritt asked if Commission had any questions for the applicant.

Switzer asked Bates why he chose AR-4 zoning instead of AR-5 zoning.

Bates stated staff recommended the zoning.

Barragan stated the zoning was most consistent with surrounding districts which are lower density. The General Plan minimum zoning district was AR-4, and staff recommended minimum to be consistent with surrounding parcels.

Bates stated that if at a later date they decided to split into three parcels, AR-5 would not allow for them to do so.

Chair Merritt opened the meeting for public comments. There were none.

Chair Merritt closed the public hearing.

Motion was made by Meadors, seconded by Pasciak to approve ZC-2024-01, as presented, subject to the staff report and information provided during the hearing, and the Conditions of Approval in Attachment A. A vote was taken and the motion passed with a 7-0 vote.

PUBLIC HEARING #D.2 – Case # FP-2021-05-R, FP-2021-06-R and FP-2022-04-R – This is a request by Adam Haywood on behalf of Right Homes LLC, for approval of an amendment to the Del Sol Minor Subdivision Final Plats to include a new 30-foot utility easement along the western boundary of the approved Subdivisions located at the western end of Salida Del Sol, Chino Valley, Arizona.

Assistant Director **Will Dingee** stated there had been a request by the Applicant to withdraw the creation of the 30-foot easement from the Agenda. He requested a Motion to approve the withdrawal for the creation of the 30-foot easement.

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

Chair Merritt called for a Motion to amend the request and accept the withdrawal for the creation of the 30-foot easement. **Motion was made by Switzer and seconded by Commissioner Meadors. A vote was taken and the motion passed with a 7-0 vote.**

PUBLIC HEARING #D.2 – Case # FP-2021-05-R, FP-2021-06-R and FP-2022-04-R – MODIFIED REQUEST: The applicant is now applying only for the minor lot line adjustment between Lot 6R (APN 306-18-165) and Lot 7R (APN 306-18-166) of the Del Sol South Subdivision to accommodate a well.

Senior Planner **Jessica Barragan** presented the staff report and stated the applicant was in attendance. The applicant was asking for a lot line adjustment between Lot 6R and Lot 7R in Del Sol South Subdivision. Staff recommended approval of the Final Plat Amendment for the Del Sol South Minor Subdivision only (FP-2021-06-R) for a lot line adjustment to accommodate a well, subject to revised conditions of approval.

Merritt asked by adjusting the lot line, would the property still meet the lot sizes of the subdivision?

Barragan stated the Applicant would be making a modification before the final plat gets recorded, for minor adjustments to meet minimum criteria. The request was being brought to Commission because a well was erroneously installed on Lot 6R, so as not to impose the financial burden of relocating the well that they had already installed.

Jay Bates – Applicant asked if the commission had any questions. He stated that the well was put in the wrong spot.

Chair Merritt opened the meeting for public comments.

Wanda Cole stated they just purchased Del Sol North Lot 6. She was trying to determine if the easement had been changed on the rear of her property.

Merritt stated the easement was not going to happen. The only thing being brought to Commission was the relocating of the lot line so the well services the correct property.

Cole stated she signed an addendum about the easement and asked if there was going to be any other addendum showing that the easement request had been removed.

Bates stated the properties that were impacted by the easement that had closed escrow will be notified by the title company with a revised plat eliminating the easement from their property.

Merritt stated the easement was not there tonight and was a non-issue.

Lineberry stated there was no easement on the plat, that is why it was brought to Commission to put the easement on the plat, so staff is not touching the plats at all by adding an easement.

Bates stated some properties were sold previously to this item being brought to Commission, so property owners were notified that the easement was being submitted. **Bates** stated the affected property owners would be notified.

Cole stated they heard verbally from Mr. Bates that the easement had been removed. **Cole** contacted the Title company for a letter showing that the easement had been removed, and the Title company had not responded. If they sell their lot later on, **Cole** needed to know the easement was no longer there.

Merritt stated the easement was never instituted.

Lineberry stated that the developer had the buyers sign a private easement at closing, that put an easement on the six parcels, but the Town did not recognize the private easement and it is not on the Plat.

Merritt asked **Bates** if he would agree to provide the property owners in writing a statement that the easement had been removed.

Bates stated that the Title company had the information and that they would be available the next day.

Chair Merritt closed the public hearing.

Merritt asked if anyone had questions for Town staff.

Switzer asked if the property owners were aware of the lot line adjustment.

Barragan stated the lots affected had not yet been sold and were still owned by the developer.

Merritt stated that it should be made clear to the new owners at the time of sale and closing.

Barragan stated it is the applicant's responsibility to update the conveyance documents accurately and reflect the most recent change.

Merritt stated that would be done through the Title company.

Motion was made by Pasciak, seconded by Meadors to approve FP-2021-06-R as presented, subject to the staff report and information provided during the hearing, and the revised Conditions of Approval in Attachment A. A vote was taken and the motion passed with a 7-0 vote.

PUBLIC HEARING #D.3 – Case # TA-2024-01 — Metal Storage Containers - A request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154 Section 4 General Regulations, to create Section 4.32 – Metal Storage Containers.

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

Development Service Director, **Laurie Lineberry** presented the staff report and stated that the Commission discussed this item at their February 6, 2024 study session and had been discussed for a number of years. Staff had researched minutes from all the Planning & Zoning Commission meetings, Town Council study sessions, and UDO Sub Committee meetings and provided the full range of comments and suggestions made at all of those meetings. They were reflected in the bullet points on page 1 and 2 of the staff report. Staff looked at Yavapai County standards per zoning designations. Counties generally have lesser standards than Towns and Cities. Staff's recommendations, considering all the comments on page 1 and 2 of the staff report, were shown on the chart. What was being proposed by staff was more lenient than the County standards. There were two directions the Town could take in considering the approval of cargo containers: 1. Consider them a structure and permit them like any other building in the Town, allowing alterations to the containers, or, 2. Consider them solely a metal storage container and not allow alterations. If not altered, building permits would not be needed. If someone were to alter the container, they would need a building permit, and the container

would then be required to meet all building codes, engineering standards, electrical, etc. If allowed just as a metal storage container the request for a container would be processed by a simple land use permit, an over-the-counter process and staff would go out and check for setbacks and painting after 15 days. **Lineberry** went over the development standards on the staff report and stated the item would go to Town Counsel at end of the month.

Chair Merritt asked if the Commission had any questions for staff.

Switzer stated he had a recommendation, since the County normally has less restrictions, that on 1-acre and 1.6-acre parcels within the Town, to only allow one 10 or 20-foot container. He felt that a 40-foot container was pretty big for a one-acre lot.

Lineberry stated it could be a motion the Commission could make to change that standard and that staff would pass it on to the Town Council as the Commission's recommendation.

Penn stated he believed for 1-acre lots, no storage container should be allowed.

Lineberry stated that the Commission needed to discuss it, and whatever the Commission agreed to as a group, that would be what the staff would bring forward to Town Counsel.

Penn stated he believed even on a 2-acre lot, two containers was overkill; one container was more than sufficient, aesthetically, he felt two containers was too much.

Switzer stated he would adjust his as well, one 10-foot container on 1-acre, one 20-foot container on 1.6-acre and one 40-foot on 2-acres.

Meadors stated she liked the draft as written.

Chair Merritt opened the meeting for public comments. There were none.

Chair Merritt closed the public hearing.

Motion was made by Meadors, seconded by Pasciak to approve TA-2024-01, as presented, subject to the staff report and information provided during the hearing.

Merritt recapped the changes proposed earlier in the meeting: SR-1 one 10-foot container, SR-1.6 one 20-foot container, SR-2 one 40-foot container.

Switzer stated if Commission agreed with those, then he would propose altering AR-4 as well.

Merritt suggested a maximum of three containers, and more would need to be discussed before allowed.

Switzer stated more than these could ask for a CUP.

Lineberry concurred about the CUP.

Merritt stated he agreed but does not like a lot of CUP's. To recap the discussion, SR-1 would get one 10-foot container, SR-1.6 would get one 20-foot container, SR-2 would get one 40-foot container, SR-2.5 would get two max 40-foot containers, SR-4 would get three max 40-foot containers, higher acres would get a maximum of five containers with possibility of more through a CUP. The Commission agreed.

Lineberry stated she made notes of all the changes.

Meadors stated she wanted the discussion as an amendment and wanted a vote on the amendment.

Merritt called for a Motion on the amendments as listed.

Switzer stated he believes the SR-1 and SR-1.6 should be allowed one 20-foot container.

Merritt - to recap again, SR-1 would get one 20-foot container, SR-1.6 would get one 20-foot container, SR-2 would get one 40-foot container, SR-2.5 would get two max 40-foot containers, SR-4 would get three max 40-foot containers.

Pasciak stated he believed what staff originally proposed was adequate.

Merritt asked for a consensus.

Zamudio stated he liked what was written by staff, that it should stay the same.

Switzer stated he liked the amendments.

Meadors stated as presented by staff.

Pasciak stated as presented by staff.

Penn stated on SR-2.5, he would like to see one 40-foot container max.

Welker stated as presented by staff.

Merritt stated he believed what staff presented was adequate.

Merritt suggested sticking with the staff proposal and to let the Town Counsel massage it more, if they chose.

A vote was taken and the motion passed with a 5-2 vote with Switzer and Penn voting nay, for reasons stated in the discussion of the case.

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

INFORMATION ITEMS – FROM STAFF: COUNCIL ACTION OF PRIOR P&Z CASE: **Dingee** updated the Commission about prior case heard by Town Council on January 23, 2023. ZC-2023-06 & CUP-2023-05 – Toy Storage Partners, was approved by Town Council. The April Commission meeting would be a study session on non-domestic animals and dark sky.

INFORMATION ITEMS – FROM THE COMMISSIONERS: no comment.

INFORMATION ITEMS – FROM THE CHAIR: **Merritt** – no comment.

INFORMATION ITEMS – FROM THE PUBLIC: there were no comments from the public.

ADJOURN – A motion was made by **Pasciak** and **Meadors** and seconded by **Zamudio** to adjourn the meeting at 6:54 p.m.

Charles Merritt - Chair

Prepared By: Gerreann Froberg