



A G E N D A

Town of Chino Valley
Planning & Zoning Commission

May 7, 2024



Commissioner's Agenda
Planning & Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
May 7, 2024, 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 – MARCH 5, 2024 REGULAR MEETING
 - C.2. APPROVAL OF MINUTES – APRIL 2, 2024 STUDY SESSION
 - C.3. WITHDRAWALS BY APPLICANT – NONE
 - C.4. TIME EXTENSIONS – NONE
 - C.5. APPROVALS – NONE
- D. PUBLIC HEARINGS – ONE
 - D.1 **ZC-2024-02 and CUP-2024-01** — This is a request by Cristian Ayala, on behalf of C&M's Landscaping LLC, for a Rezone of approximately six (6) acres of land from Industrial (I) to Commercial Light (CL) with a Conditional Use Permit to allow for a contractor's yard and single-family residence with future greenhouses. The property is located at 2745 Arizona Trail, Chino Valley, Arizona (APN 306-17-001C).
- E. ACTION ITEMS - None
- F. INFORMATION ITEMS
 - F.1 Staff -
 - 1. Prior Cases to Town Council:
 - ZC-2023-01 – Travis Bates Rezone
 - FP-2021-06-R – Modified Request – Del Sol South Lot Line Adjustment
 - TA-2024-01 – Metal Storage Containers
 - 2. Information for Case Process
 - F.2 Commission
 - F.3 Chairman
 - F.4 Public
- G. ADJOURN

Zoom Instructions: Please use the link to join the webinar: <https://us02web.zoom.us/j/87273067654>, or by phone: 1 888 788-0099 (Toll Free) or 1 877 853-5247 (Toll Free); Webinar ID: 872 7306 7654

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

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

Planning and Zoning Commission Meeting Minutes

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. A quorum was declared. 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

Planning and Zoning Commission Study Session Minutes

Study Session – April 2, 2024

A study session of the Town of Chino Valley Planning and Zoning Commission was held at 6:00 p.m. on Tuesday, April 2, 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 Services Director; Will Dingee, Assistant Director, Jessica Barragan, Senior Planner, Gerreann Froberg, Senior Processing Coordinator.

CALL TO ORDER: Chair Merritt called the study session meeting to order at 6:00 p.m. Commission meeting began with the Pledge of Allegiance led by Commissioner **Zamudio**.

The following topics were discussed at the April 2, 2024 Study Session:

Discussion: TA-2024-02 - Keeping of non-domestic animals – This was the second discussion on this topic, the Planning and Zoning Commission discussed this at the February 6, 2024 Study Session. **Will Dingee**, Assistant Director, shared that further research had been done by staff and staff found out that Federal regulations did not exist. Staff then looked to University level case studies and found more useful information. **Dingee** shared these articles with Commission for discussion.

Discussion was held by Commission members and staff which included:

- Animal units per type of animal to clarify how many animals per usable acre would be allowed, animal units would be cumulative per acre, not stacked
- Grandfathering in homeowners who currently owned non-domestic animals
- CUP's provided when necessary (e.g. horse rescues)
- Definition of pasture, paddock and stable sizes and locations and whether to regulate

Commission agreed on the following standards for units of animals per usable acre:

Equivalent Animal Unit

For each acre and/or portion of an acre you can have one Equivalent Animal Unit (EAU).

1 EAU	½ EAU	¼ EAU	⅛ EAU	1/32 EAU
1 Swine	1 Donkey	1 Goat	1 Turkey	1 Hen
1 Cow	1 Horse	1 Sheep	1 Goose	1 Chicken
1 Rooster, not silenced and contained		1 Alpaca	1 Peacock (silenced)	1 caged Rabbit
		1 Llama	1 Guinea Hen	1 Duck
		1 Ostrich		1 silenced Rooster
		1 Emu		

Discussion: General Plan implementation – Laurie Lineberry, Director, shared the General Plan implementation booklet which contained five elements with list of goals and policies and implementation tool at the end. **Lineberry** stated it would be the workbook for the next ten years. **Lineberry** shared that for land use staff put in the Development Services budget to hire a consultant to help rewrite the entire zoning code, including taking out the Public Works section, organize and define definitions and adding zoning districts. Ten people from the Town, including Vice-Chair **Pasciak** and Commissioner **Penn** from the Planning and Zoning Commission, have volunteered for the Zoning Committee to help shape Code.

Lineberry shared that Parks and Recreation put in their budget to develop a parks, trails and open space master plan, and Public Works had ongoing integrated water master plan for flooding, flood hazards and reclaiming water.

Lineberry shared in the Circulation Element there was a provision to beautify the SR89 corridor and staff would continue to work with ADOT, however it was not in the budget this year.

Discussion: Dark Sky Ordinance – This was the second discussion on this topic, the Planning and Zoning Commission discussed this at the February 6, 2024 Study Session. **Jessica Barragan**, Senior Planner, gave a recap on compliance for existing and future developments, both residential and commercial. **Barragan** shared bullet points: shielded light fixtures, warm color temperatures, low-intensity lighting, motion sensors and timers, promoting community education, implementing guidelines, considering Dark Sky-friendly alternatives and encouraging retrofits. **Barragan** also shared that the new Verde River Headwaters State Park (Del Rio Springs) could meet the criteria to become Dark Sky certified.

Merritt asked if anyone had any other comments or concerns.

Meadors asked about the new soccer field.

Lineberry stated that the item wasn't on the Agenda so staff was unable to talk about that subject this evening.

Zamudio asked whether the pot farms would be required to comply with the Dark Sky Ordinance.

Barragan stated that code enforcement staff were already working with the pot farms. Once the new Ordinance was in place, it would be much easier to get them to conform.

Switzer asked about regulating the number of dogs and cats a homeowner would be allowed to own.

Dingee stated that they were only talking about non-domestic animals at this time.

ADJOURN – Motion was made by **Pasciak** and seconded by **Zamudio** to adjourn the meeting at 7:35 p.m.

Charles Merritt - Chair

Prepared By: Gerreann Froberg



TOWN OF CHINO VALLEY
Planning Commission Staff Report
May 7th, 2024
File Number ZC-2024-02 and CUP-2024-01
Rezone and Conditional Use Permit

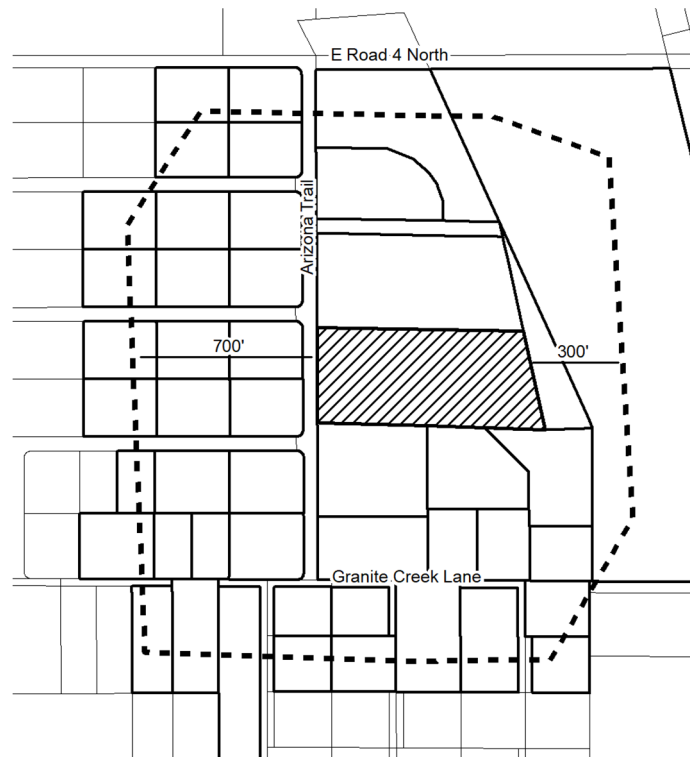
PROJECT DESCRIPTION

This is a request by Cristian Ayala, on behalf of C&M's Landscaping LLC, for a Rezone of approximately six (6) acres of land from Industrial (I) to Commercial Light (CL) with a Conditional Use Permit to allow for a contractor's yard and single-family residence with future greenhouses. The property is located at 2745 Arizona Trail, Chino Valley, Arizona (APN 306-17-001C).

LOCATION DATA

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	"I" -Industrial	Single Family Residential	HMU – Horizontal Multi-Use
North	"I" -Industrial	Vacant Land	HMU – Horizontal Multi-Use
South	"SR-1" –Single Family Residential	Single Family Residential	HMU – Horizontal Multi-Use
East	"I" -Industrial	Vacant	HMU – Horizontal Multi-Use
West	"SR-1" –Single Family Residential	Single Family Residential "Sunrise Subdivision"	RR – Rural Residential (1 du/ac)

LOCATION MAP:



PRIOR SITE ACTIONS:	February 16, 2024 – Pre-Application Meeting for proposed contractors’ yard and an existing single-family residence, with future greenhouses.
STAFF RECOMMENDATION:	Staff recommends that the Planning and Zoning Commission forward to the Town Council a recommendation of APPROVAL for the rezoning of approximately six (6) acres of land from Industrial (I) to Commercial Light (CL) along with a conditional use permit to allow for the operation of a landscape business in conjunction with the existing single family residence to remain and future greenhouses ZC-2024-02 and CUP-2024-01 at 2745 Arizona Trail, Chino Valley, Arizona with Conditions of Approval found in Attachment A.
SUGGESTED MOTION:	Move to APPROVE Rezone ZC-2024-02 and Conditional Use Permit CUP-2024-01 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 Rezone, the Planning and Zoning Commission is recommending approval to Town Council to approve the rezoning of approximately 6 acres of land from Industrial (I) to Commercial Light (CL) to allow for a landscape contractors yard with future greenhouses. By approving the Conditional Use Permit, the Planning and Zoning Commission is recommending approval to Town Council to approve the Conditional Use (CUP) in order to allow for the existing single-family residence to remain in conjunction with the contractor’s yard operation and future greenhouses at 2745 Arizona Trail, Chino Valley, Arizona, subject to the staff report and information provided during this hearing, and affirmatively finds that the requests are in conformance with the General Plan.

Staff Analysis:

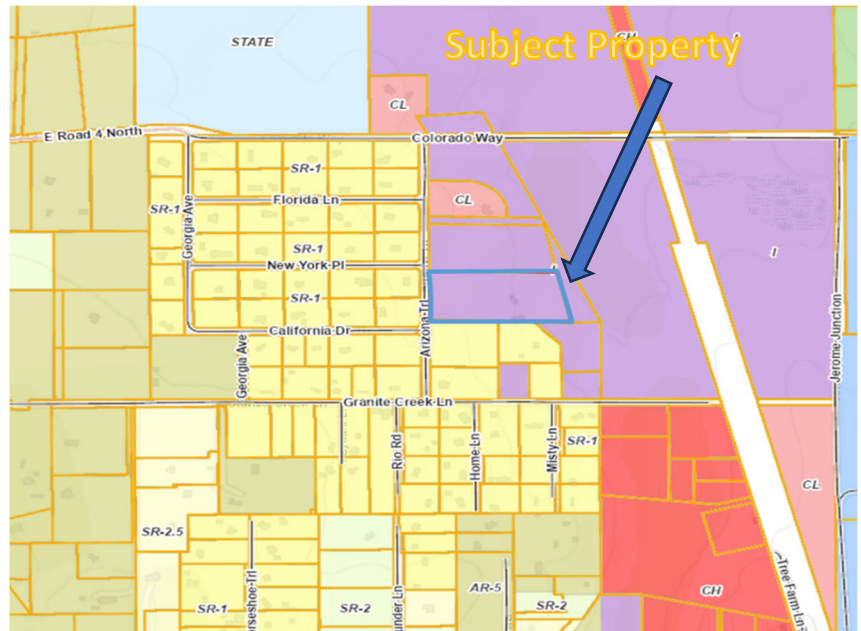
This is a request by Cristian Ayala, on behalf of C&M’s Landscaping LLC, for a Rezone of approximately 6 acres of land from Industrial (I) to Commercial Light (CL) and a Conditional Use Permit (CUP) for approximately 6 acres of land for a landscape contractor’s yard operation with an existing single-family residence to remain and construction of future greenhouses. The property is located at 2745 Arizona Trail, Chino Valley, Arizona.

The site plan exhibit illustrates the layout for the proposed development. Phase 1 includes an existing manufactured home, which will continue to serve as a single-family residence for the owners, alongside the family-owned and operated landscape business. All current structures on-site will be retained for use as contractors’ office space and equipment storage. Additionally, the applicant is requesting the use of two shipping containers for the property to help with the secure storage of tools and equipment. In consideration of nearby single-family residences, the contractor’s yard business will operate from 7:00 a.m. to 6:00 p.m. and will not be accessible to the public. Phase 2 of the site plan outlines the future

construction of two commercial greenhouses, each approximately 1,200 square feet in size, within the next five years.

Zoning

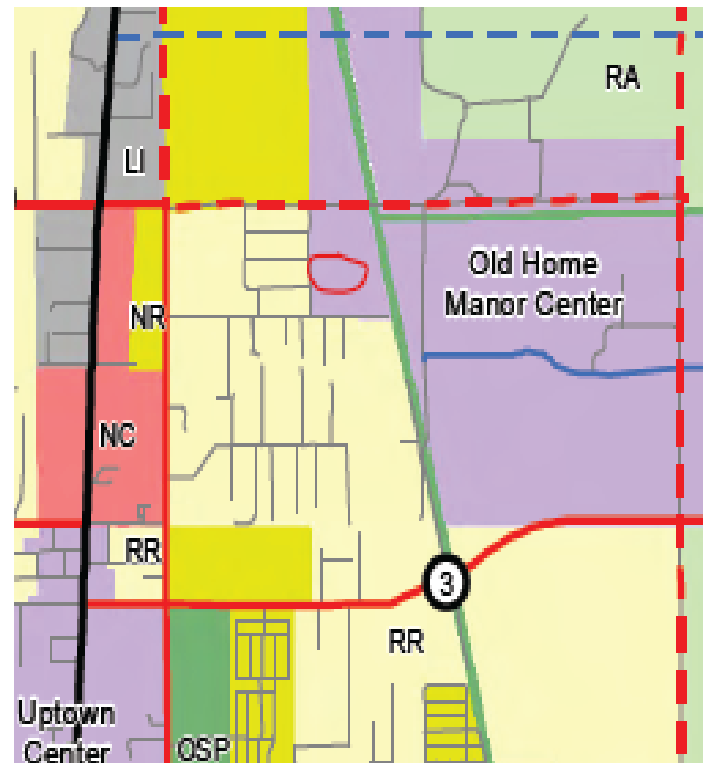
The proposed commercial landscape business includes a contractors' yard and plans for future greenhouse construction. This use requires a zone change from Industrial (I) to Commercial Light (CL), introducing a less intensive land use to the neighborhood, compared to what is allowed under the current zoning classification. This corrects previous poor land use planning practices that placed higher intensity industrial uses next to single family residences. This rezone aids the surrounding community in transitioning to less intensive uses.



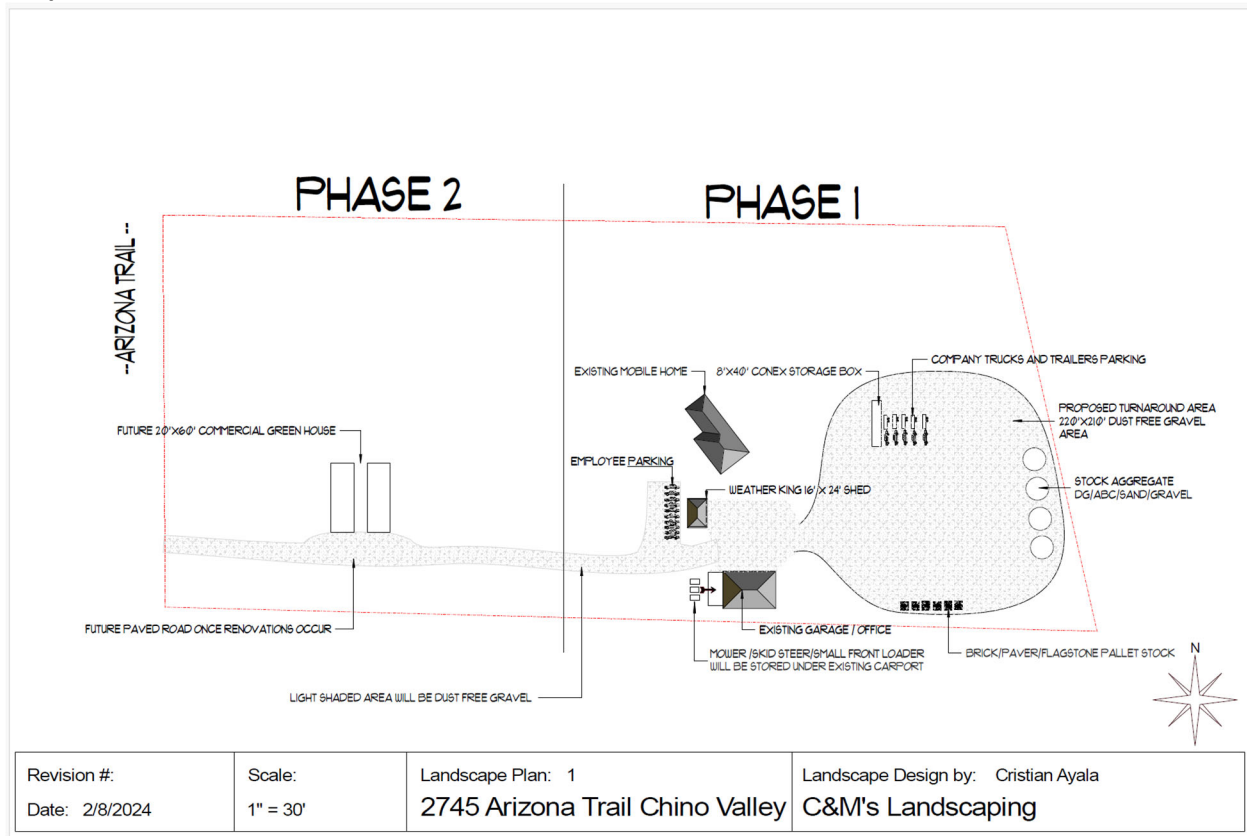
General Plan

The zoning request of Commercial Light (CL) Zoning District conforms with the General Plan land use designation of Horizontal Multi-Use (HMU), for the subject property.

"The HMU Land Use Category applies to areas that are master planned and include a compatible and integrated mix of uses from low-intensity business parks, offices, medical services, and municipal government functions to regional and neighborhood commercial, parks, tourism, and multifamily residential. The placement of additional manufactured homes is not allowed. Development subareas within the HMU category are interconnected by public and private streets, utilities, paths, parks, and shared parking areas, and are designed with common architectural and material characteristics. This category allows a mix of base zoning districts and requires a Development Agreement that specifically defines the goals and character of the development and comprehensively addresses use impacts through buffer and transitioning between dissimilar uses. It is a flexible category that supports entertainment centers, tourism activities, town centers, master-planned communities, campus plans, and economic/employment centers. Multistory buildings are permitted. Areas that are HMU are intended to be predominately non-residential and no more than 25% of any HMU Center can be residential uses." Source: 2040 General Plan



Proposed Site Plan



Conditional Use Permit

A Conditional Use Permit is a use that because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the Commission and Council, and the imposing of conditions that are necessary to make the use compatible with other uses permitted in the same zoning district or vicinity. Conditional uses run with the land.

The Conditional Use Permit is subject to discretionary approval if the location and proposed use are seen as compatible with the site and neighboring uses. The family-owned and operated landscape business will also be occupied by the owner/applicant residing in the existing house on site. The proposal will include two shipping containers for the storage of tools and equipment. The hours of operation are typically Monday through Friday, 7:00am to 6:00pm. The applicant states that the occasional Saturday is only worked as needed. The business employees, a total of 16 people, including the owners, operate two half-ton and five three quarter ton trucks and estimate a total of four trips per day for the transportation of equipment and materials. The properties topography features a hill with its peak at the phase line indicated on the site plan, as you move to the east, where the contractor's yard is being proposed, the property slopes naturally into the wash which allows for the use to essentially be hidden from Arizona Trail and Sunrise subdivision. To help mitigate the noise and visual impacts to the north and south neighbors, the applicant is proposing to utilize natural screening by planting shrubs and trees along the perimeter of the property to not only enhance the visual aesthetics but also provide sound insulation. Staff recommends approval of the Rezone with the CUP, subject to compliance with the Conditions of Approval found in Attachment A.

**NEIGHBORHOOD MEETING
COMMENTS:**

Staff notified the surrounding property owners of the date and location of the Planning and Zoning Commission Meeting and Town Council Meeting by postcard on April 4th, 2024.
See Attachment C

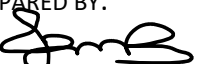
PROPOSED CONDITIONS DELIVERED April 4th, 2024
TO APPLICANT ON:

☒	Applicant agreed with all of the conditions of approval on (April 4 th , 2024)
☐	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	E	F
Conditions of Approval	Neighborhood Meeting Comments	External Agency Comments	Site Plan & Exhibits	Staff Research & Drafts	Applicant Submittals

PREPARED BY:


JESSICA BARRAGAN, SENIOR PLANNER
928 636-3473

DATE:

APRIL 4TH, 2024

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 applicant shall comply with all conditions listed below, along with all applicable State, County, and Town codes, rules, fees, and regulations that are applicable to this action.
2. The applicant shall sign a Waiver of Claims form, which the Town will provide and record with the Yavapai County Recorder's Office, prior to the public hearing and final decision of this item by the Town Council.

Development Services Comments: Jessica Barragan, Senior Planner, 928-636-3473

3. The applicant shall make the necessary site improvements and shall submit landscaping, fencing, lighting, and signage plans for review and approval by the Development Services Department.
4. The applicant agrees that the contractor's yard hours of operation shall be limited to Monday thru Friday, 7:00 a.m. to 6:00 p.m. with occasional Saturdays, as proposed by applicant, in consideration of surrounding residential uses.
5. The applicant shall implement and maintain adequate security measures to ensure the safety and security of the facility, users, and neighbors.
6. The applicant agrees that deviations to the plan or non-compliance with any of the prescribed conditions of the conditional use permit shall be grounds for revocation of the CUP.

Public Works/Engineering: Steve Sullivan, Assistant Town Engineer, 928-636-7140

7. The applicant shall satisfy Yavapai County for sewer and ADWR for water.
8. The applicant shall satisfy Central Arizona Fire and Medical Authority (CAFMA) for fire protection, access, and maneuvering requirements.
9. Prior to commencement of phase 2, the applicant shall procure review and approval by town staff of all required parking and loading spaces, maneuvering areas, driveways, and fire lanes shall be paved with asphaltic concrete over an A.B. base, concrete or masonry to a thickness and structure that will support the type and intensity of vehicular traffic generated by the proposed use.
10. Prior to commencement of phase 2, the applicant shall procure review and approval by town staff of grading plans and a drainage report signed and sealed by an Arizona Registered Civil Engineer in accordance with Town code and all other applicable rules and regulations. The project shall detain to historic rates and discharge at the same location. Off-site flows on-site need to be accommodated.

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: APRIL 4TH, 2024

LOCATION: ON SITE – 2745 ARIZONA TRAIL

ATTENDEES:

AGENT/DEVELOPER: CRISTIAN AYALA

TOWN STAFF: JESSICA BARRAGAN, SENIOR PLANNER

NEIGHBORS IN ATTENDANCE (16)

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

The majority of attendees identified themselves as residents of the Sunrise Subdivision located directly to the west of the subject property. The public expressed a favorable perspective on the applicant's proposal and were generally supportive of the request, since it would bring a much less intensive use than what would be allowed by right under the current zoning. Two emails related to this project were also received. The topics discussed with the applicant(s) at the Neighborhood Meeting included:

- Questions surrounding the applicant's daily business operations: number of employees, types of trucks, house of operation, etc.
- Concerns over impact on water availability and potential impacts on surrounding water tables.
- Concerns over dust, noise, and light pollution.
- Concerns over increase in traffic and negatively impacting road quality.

ATTACHMENT C
EXTERNAL AGENCY COMMENTS

Central Arizona Fire and Medical Authority

Carrie Johnson, Fire Inspector II, 928-379-9597, cjohnson@cafire.gov

From: [Carrie Johnson](#)
To: [Jessica Barragan](#)
Subject: CUP-2024-01 C&M's Landscaping Rezone
Date: Thursday, March 28, 2024 2:00:07 PM

Dear Jessica,

CAFMA currently has no comments for: ZC-2024-02 - CUP-2024-01 _ C&M's Landscaping -Rezone and CUP 306-17-001C _ 2745 Arizona Trail. Once they start construction there will likely be comments for road widths and water supply.

Sincerely,

Carrie Johnson

Arizona Public Services (APS)

Samantha Alvarez, Project Rep, 602-371-7171, samantha.alvarezz@aps.com

From: [Alvarez, Samantha](#)
To: [Jessica Barragan](#)
Subject: RE: ZC-2024-02 - CUP-2024-01 _ C&M's Landscaping -Rezone and CUP 306-17-001C _ 2745 Arizona Trl
Date: Monday, March 25, 2024 9:23:13 AM
Attachments: [image001.png](#)

Hello Jessica, with this being just a rezone APS will not have any comments and I likely will not be on the call. Should they need anything from APS please feel free to pass along my information.

Thank you,
Samantha Alvarez

ATTACHMENT C
EXTERNAL AGENCY COMMENTS

Arizona Department of Environmental Quality (ADEQ)

Lauren Hildebran, Community Liaison, 928-920-1700, allison.lauren@azdeq.gov

From: [Lauren Allison](#)
To: [Jessica Barragan](#)
Subject: Re: PA-2024-10 _ Meadows View North SD _ 306-18-017C_ 306-18-017D
Date: Friday, April 5, 2024 4:37:51 PM
Attachments: [Permit\(s\) needed for Land Development Subdivisions ADEQ Arizona Department of Environmental Quality.pdf](#)
[Permit\(s\) needed for a Real Estate Development ADEQ Arizona Department of Environmental Quality.pdf](#)

Hi Jessica,

Thank you for sending this over. ADEQ has a [webpage](#) for permits typically needed for certain businesses. Please have the applicant review the following web pages for the following business types:

- Land Development/Subdivisions: <https://azdeq.gov/node/448>
- Real Estate Development: <https://azdeq.gov/node/478>

The website is currently undergoing maintenance, so the webpage may display incorrect text and missing links at the moment. I have attached PDFs of what the old web pages looked like for reference while the website is being updated.

Please let me know if you have any questions and feel free to share my contact information with the applicant.

Kind regards,

Lauren Hildebrand (Allison), RS

Community Liaison for Coconino, Mohave, and Yavapai Counties

ATTACHMENT C
EXTERNAL AGENCY COMMENTS

Water Advisor

Mark Holmes, Mark Holmes LLC, 928-277-5253, mark.holmes.llc@gmail.com

From: mark.holmes.llc@gmail.com
To: [Jessica Barragan](#)
Subject: RE: FW: ZC-2024-02 - CUP-2024-01 _ C&M's Landscaping -Rezone and CUP 306-17-001C _ 2745 Arizona Trl
Date: Monday, April 1, 2024 6:13:07 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hello Jessica,

I am good with their responses and have no issues and I have no further comments.

Thank you very much.

Cheers,

Mark

From: C&M's Landscaping <cmslandscaping.20@gmail.com>
Sent: Thursday, March 28, 2024 5:11 PM
To: Jessica Barragan <jbarragan@chinoaz.net>
Subject: Re: FW: ZC-2024-02 - CUP-2024-01 _ C&M's Landscaping -Rezone and CUP 306-17-001C _ 2745 Arizona Trl

Hello,

Below are our answers to the questions you have sent over. Please let us know if you have additional questions or concerns. Thank you!

1.

1. What is the water supply for the property?

We get our water supply through the private well that is on the property.

2. Will landscaping materials be grown onsite? If so, how will plant materials be grown, in pots or raised beds within a greenhouse or are there concepts of raising plants within the land?

Yes we do intend to put in some greenhouses in order to grow decorative plants. These plants will be kept inside pots.

3. If there will be plant chemicals used for growing plants, how will water discharges be handled with water containing chemicals i.e., herbicides, fertilizers, and etc.

We will be using a granular fertilizer. All discharges will be kept within the greenhouse to avoid any runoff.

ATTACHMENT C
EXTERNAL AGENCY COMMENTS

From: mark.holmes.llc@gmail.com <mark.holmes.llc@gmail.com>
Sent: Monday, March 25, 2024 9:03 AM
To: Will Dingee <wdingee@chinoaz.net>; Jessica Barragan <jbarragan@chinoaz.net>
Cc: Steven Sullivan <ssullivan@chinoaz.net>
Subject: RE: ZC-2024-02 - CUP-2024-01 _ C&M's Landscaping -Rezone and CUP 306-17-001C _
2745 Arizona Trl
Importance: High

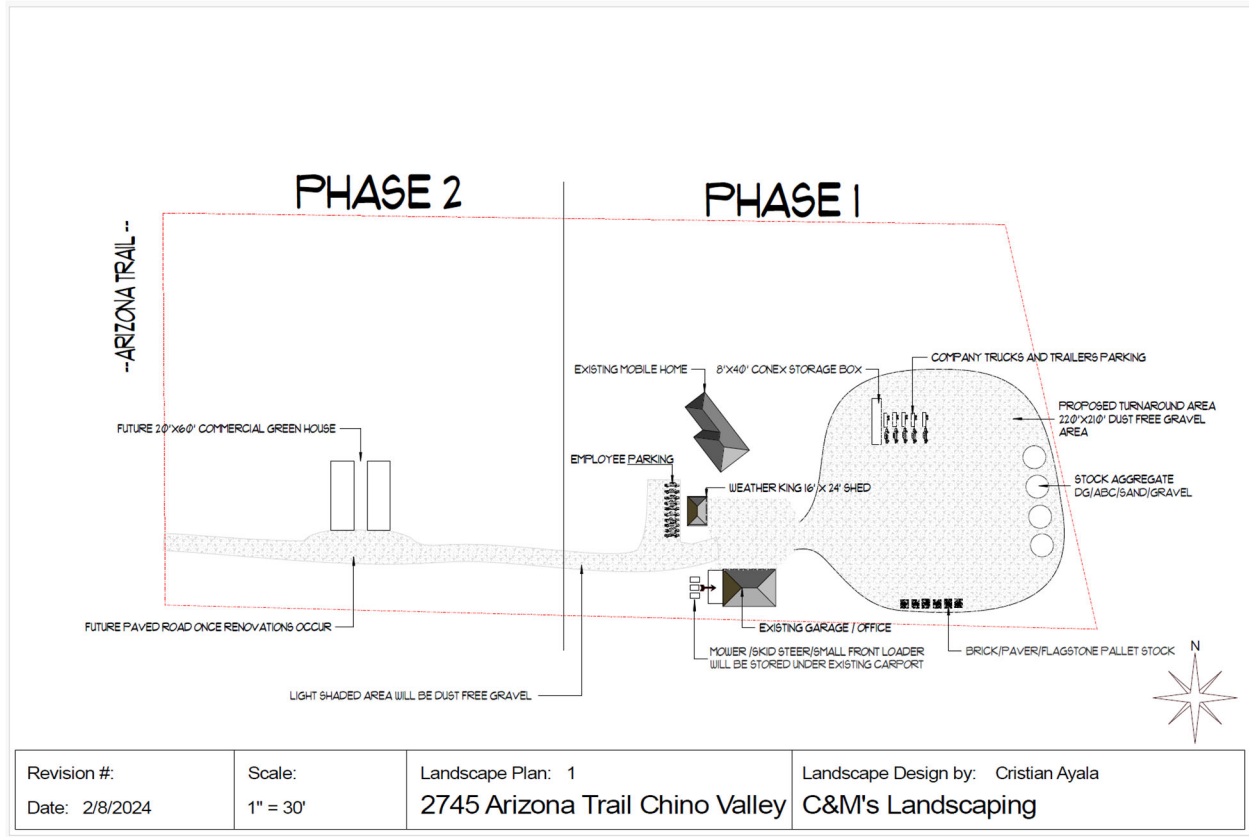
Greetings,

While water is not required for a rezone or hearing I do have some preliminary questions for the application to address as part of the business model to ensure no water challenges in the future.

1. What is the water supply for the property?
2. Will landscaping materials be grown onsite? If so, how will plant materials be grown, in pots or raised beds within a greenhouse or are there concepts of raising plants within the land?
3. If there will be plant chemicals used for growing plants, how will water discharges be handled with water containing chemicals i.e., herbicides, fertilizers, and etc.

ATTACHMENT D
SITE PLAN AND EXHIBITS

PROPOSED SITE PLAN



ATTACHMENT E

STAFF RESEARCH



STAFF RESEARCH – ZONE CHANGE & CONDITIONAL USE PERMIT

CASE #: ZC-2024-02 and CUP-2024-01

CASE PLANNER: JESSICA BARRAGAN

PROJECT NARRATIVE: This is a request by Cristian Ayala, on behalf of C&M's Landscaping LLC, for a Rezone of approximately six (6) acres of land from Industrial (I) to Commercial Light (CL) with a Conditional Use Permit to allow for a contractor's yard, single-family residence, and future greenhouses. The property is located at 2745 Arizona Trail, Chino Valley, Arizona (APN 306-17-001C).

I. PROJECT DATA

Project Location:	2745 Arizona Trail				
Parcel Number(s):	306-17-001C				
Parcel Size(s):	261,795.6 square feet				
Total Acreage:	6.01				
Proposed Dwelling Units:	0				
Address:	2745 Arizona Trail				
Applicant:	Cristian Ayala				
Applicant's Agent:	none				
Conforms to G.P. Land Use Conformity Matrix:	Yes		No	X	Rezoning for conformity
Zoning Overlay	PAD	N/A			
Within ½ Mile of SR89?	Yes		No	X	If yes, restricted to site-built only
	Existing Zoning	Use(s) on-site			General Plan Designation
Site	"I" - Industrial	Single Family Residential			HMU – Horizontal Multi-Use
North	"I" - Industrial	Vacant Land			HMU – Horizontal Multi-Use
South	"SR-1" – Single Family Residential	Single Family Residential			HMU – Horizontal Multi-Use
East	"I" - Industrial	Vacant			HMU – Horizontal Multi-Use
West	"SR-1" – Single Family Residential	Single Family Residential "Sunrise Subdivision"			RR – Rural Residential (1 du/ac)
Prior Cases or Related Actions:					
Type					Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	X	
Annexation	Yes	X	No		Original Town – 09/21/1970
General Plan Amendment	Yes		No	X	
Development Agreement	Yes		No	X	
Rezone	Yes		No	X	
Subdivision	Yes		No	X	
Conditional Use Permit	Yes		No	X	
Pre-Application Meeting	Yes		No	X	
Enforcement Actions	Yes		No	X	
Land Division Status:	Yes		No	X	
Irrigation District:	n/a				

Staff Research – CUP Case

Updated April, 2024

Case #ZC-2024-02 and CUP-2024-01

May 7, 2024

Page 13 of 17

ATTACHMENT E

STAFF RESEARCH

II. TOWN OF CHINO VALLEY GENERAL PLAN

Land Use Element:						
Land Use Designation:	HMU – Horizontal Multi-Use					
Is Project larger than 25 AC or 50 d.u.?	LU Policy 2.1	n/a	PRN Policy 2.8	n/a		
Issues:	No					
Circulation Element:						
Road Classification	Local-Arizona Trail	Existing Row	50'	Required Row	50'	
Issues:						
Parks, Recreation, and Natural Resources Element:						
Closest Park:	Forgotten Park					
Within 1 mile of the Peavine Trail?	Yes					
Flooding?	FEMA Flood Plain Designation	n/a	Town Flood Map	n/a		
Issues:	No					
Community Services and Facilities Element:						
Water Source:	Town		Well	X	Prescott	Private System:
Sewer:	Town		Septic	X		
Issues:	None					
Economic Development Element:						
SR-89 Corridor?	No	Enhancement: Goal ED-6	n/a			
Old Home Manor?	No	Goal ED-2	n/a			
Issues:	No					

NOTIFICATION

- Legal Ad Published: (03/18/2024)
- 300 to 700' Vicinity Mailing: (03/18/2024)
- Reviewing Agencies Noticed: (03/18/24)
- Neighborhood Meeting: (04/04/2024)
- Hearing Dates: (05/08/2024 & 05/28/2024)
- Comments Due: (03/28/24)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Samantha Alvarez – APS	Y	3/28/2024	X		X
Richard Perez - A.D.O.T.	NR				
Ralph Baker – C.V.I.D.	NR				
Darrell Tirpak - CAFMA	Y	3/25/2024	X		X
Suzanne Ehrlich – YC ENV	NR				
Monica Kriner – YC Health	NR				
SparkLight Cable	NR				
LUMEN (Previously Centurylink)	NR				
Unisource Gas	NR				
CVUSD	NR				
United States Postal Service	NR				
Mark Holmes – Water Advisor	Y	3/25/2024		X	X
Lauren Hildebrand – ADEQ	Y	4/5/2024		X	X

ATTACHMENT E

STAFF RESEARCH

<i>Town of Chino Valley Internal List (Conditions)</i>	Response Received	Date Received	"No Conditions "	Written Conditions	Comments Attached
Jessica Barragan – Senior Planner – Development Services	Y	3/28/2024		X	X
Will Dingee – Assistant Director – Development Services	NR				
Laurie Lineberry – Director – Development Services	Y	3/28/2024		X	X
Frank Marbury – Engineer/ Public Works Director	NR				
Steve Sullivan – Assistant Engineer – Public Works	Y	3/28/2024		X	X
Dan Trout – Chief Building Official – Development Services	NR				
Frank Snowney or Keith Hurtt – Code Enforcement – Development Services	NR				
Chuck Winn – Chief of Police - Police	NR				

ATTACHMENT F
APPLICANT SUBMITTALS

THE FOLLOWING PAGES WERE SUBMITTED BY THE APPLICANT.

NARRATIVE

C&M's Landscaping
2745 Arizona Trl
Chino Valley AZ 86323
(928)963-4705



Description of Proposed Use:

We are a family-owned and operated landscape contractor business offering services such as lawn maintenance, landscaping design, and gardening. The existing zoning of the property is Industrial "I" which allows for more intensive uses. We are requesting a rezone to the property to Commercial Light (CL) to operate our family owned business to construct greenhouses in future in conjunction with a Conditional Use Permit "CUP" to conduct our business while maintaining the existing single-family residence.

Our Hours of Operation:

Our hours of operation shall be limited to Monday thru Saturday 7:00am-6:00pm. Saturdays vary and sometimes we do not operate on Saturdays. Work slows down during winter time so hours decrease during that season.

Number of Employees:

16 including owners.

Number and types of Trucks:

Two ½ ton trucks and five ¾ ton trucks (for transportation of equipment and materials)

Number of Daily Trips: Estimated 4 trips per day for transportation of equipment and materials.

Fencing and Screening Methods:

Natural screening such as shrubs and trees will be planted along the perimeter to enhance visual aesthetics and provide further sound insulation.

Justification:

- The proposed landscape business will be more compatible with the surrounding area and will contribute positively to the neighborhood's aesthetics and property values versus.
- The operation will be conducted in compliance with all applicable regulations and will prioritize environmental sustainability and community well-being.

Impact Assessment:

ATTACHMENT F
APPLICANT SUBMITTALS

- The proposed hours of operation and limited number of employees and vehicles will minimize traffic congestion and noise disturbances in the area.
- Fencing and screening methods will effectively mitigate visual and noise impacts on neighboring properties.

Compliance with Conditions:

- We are committed to adhering to any conditions imposed by the reviewing authority, including those related to hours of operation, noise control, and site maintenance.

Statement:

We believe that the establishment of our family-owned and operated landscape business will be a valuable addition to the community, and we are dedicated to ensuring its responsible and sustainable operation while maintaining the residential character and positive relationship with surrounding neighbors.