

Planning and Zoning Commission Meeting Minutes May 7, 2024

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, May 7, 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 **Zamudio**.

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-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).

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 approximately 6 acres from Industrial (I) to Commercial Light (CL) and a Conditional Use Permit to allow for the existing single-family residence to remain in conjunction with the family's future business, a landscape contractor's yard operation. She stated the requested rezone would be in conformance with the General Plan. **Barragan** showed images of surrounding areas and shared that a neighborhood meeting was held on April 4, 2024 at the subject property with 16 neighbors in attendance. The neighbors supported the rezone to the lesser intensity, Commercial Light zoning but had some concerns with potential traffic, noise, water and light pollution. **Barragan** stated the applicant would be submitting a complete technical, landscape and lighting plan for review and approval prior to building permit issuance for Phase 2. Staff recommended approval.

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

Mario Ayala, one of the owners, stated they intended to use the property for storage, equipment and trucks mainly pulling in and out during morning and evenings.

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

Zamudio asked if their business landscaped residential or commercial properties.

Ayala stated they mainly did residential properties.

Zamudio asked what they planned on planting in the future greenhouses.

Ayala stated decorative plants commonly seen around residential houses.

Chair Merritt opened the meeting for public comments.

Sharon Riley stated she lived across the street and came to learn more about what was happening. She

had concerns with light pollution, water usage and the road conditions with trucks going in and out. She stated she is not against businesses coming in but wanted to see the neighborhood protected.

Nancy Diffendaffer, 1485 New York Place, stated she had lived in the area for 47 years and was not opposed to the rezone. She saw the benefit to the neighborhood but would like to see a stipulation that they were not able to change the type of plants they are growing to marijuana down the road. She stated she had concerns with water and believed all greenhouses in Town should be on the Chino Valley water system to protect the private wells. She stated she had concerns about lighting and wanted to see a stipulation that there were no lights on in the greenhouses from dusk to dawn. She asked if there were more than one residence on the property.

Chair Merritt closed the public hearing.

Merritt stated that the Town of Chino Valley, the Planning and Zoning Commission and the Town Council did not have control of the water, it was all handled through ADEQ, the State of Arizona regulates all the water. He confirmed that no Town water was in the subject area, that all properties were on private wells and water was not in the Town's jurisdiction.

Barragan confirmed the applicant had already been in touch with ADEQ for any water concerns. She stated that before entering into Phase 2, the applicant would be required to submit a professional lighting plan to be in accordance with the new Dark Sky Ordinance which would be in place by that time. **Barragan** stated that the roads were addressed at the neighborhood meeting and not much could be done at this point. However, prior to Phase 2, the applicant would be required to submit a traffic impact statement and/or study and potentially have to improve the adjacent roadway. She confirmed that the second existing building was to be used as an office and garage, in compliance with the Conditional Use Permit.

Merritt stated that the greenhouses that have lighting issues are the marijuana facilities and they have screening they are required to use and Code Enforcement was working on facilitating implementation of the screening.

Assistant Director, **Will Dingee** confirmed marijuana, recreational and medical, can only be cultivated in the Industrial zoning district, so this rezoning request actually eliminates that possibility from this property. He stated that Town Code prohibits cultivation of marijuana within 500 feet of a residence, so no medical or recreational cultivation or dispensary would be allowed along Arizona Trail.

Merritt reiterated that if the property were to remain Industrial zoning, a marijuana grow facility could be brought in and by changing the zoning to Commercial Light it would eliminate that possibility.

Zamudio asked what was the timeframe between Phase 1 and Phase 2.

Barragan stated the applicant gave a 3 to 5-year timespan for commencement of Phase 2.

Zamudio stated the roads would continue to deteriorate in 3 to 5 years.

Merritt stated the road use was already there by right because it was zoned Industrial, it was an existing condition. During Phase 2 the applicant could be required to improve the roads.

Barragan confirmed that there were not development plans currently, but during Phase 2, if more than 50% development is planned, the applicant would be required to make road improvements. **Barragan** let the Commission know that the Town Council hearing date for this case had been changed to June 11, 2024.

Switzer asked what the parcel was being used for currently, was there an Industrial business there now.

Barragan stated that it was a single-family residence, the previous business had moved and that the applicant had cleaned up the property and lived there.

Merritt stated he believed the property used to be a junkyard and was an eyesore for the community.

Ayala stated that the plants they are planning to grow do not require any night time lighting. He shared the

water irrigation system they planned on installing would be that each plant would be compensated for gallons per minute so no excessive water would be used. He explained that they would have no vehicles over 10 thousand pounds and would be using ½ ton or ¾ ton trucks for their trailers to carry about 3 tons of materials maximum. He stated he believed the road conditions should not change too much as they would not have heavy equipment going in and out.

Merritt asked if it was their intent to be operating dump trucks or hand dumps etc.

Ayala replied they would not be operating heavy vehicles or machinery.

Switzer stated that a greenhouse for those kinds of plants used less water than an outdoor nursery.

Merritt asked if they would be using a drip system instead of spraying the plants.

Ayala confirmed they planned on emitter lines which would be controlled with no excessive water used.

Merritt closed the public hearing portion of the meeting.

Motion was made by Pasciak, seconded by Meadors to approve ZC-2024-02 and CUP-2024-01, as presented, subject to the staff report and information provided during the hearing, and the Conditions of Approval in Attachment A.

Merritt asked if a sunset clause on the project would be applicable if the applicant did not move to Phase 2.

Lineberry stated there could be a time limit by which the applicant would have to do Phase 2, perhaps 5 years to add the greenhouses. She stated that if a sunset clause were added, the Conditional Use Permit would expire.

Merritt stated he would like to see the applicant come before the Commission in 5 years, to update the Commission on how the business was going which could affect the outcome of his Conditional Use Permit. He added that stipulation as a condition. The Commission agreed.

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 CASE: **Dingee** updated the Commission about prior cases heard by Town Council on March 26, 2024. ZC-2024-01 – Travis Bates Rezone, was approved by Town Council; FP-2021-06-R – Modified Request – Del Sol South Lot Line Adjustment, was approved by Town Council; TA-2024-01 Metal Storage Containers was tabled until September.

Lineberry handed out a prior Town Council agenda item to show the Commissioners what Town Council received from the Commission. She explained Development Services Department included minutes from the Planning Commission meeting. If the Town Council did not watch the Planning Commission meeting, they could read the minutes and understand what transpired. The Town Clerk produced the Council agenda packet with their own formatting and Development Services provided the minutes and staff report to include in the packet.

INFORMATION ITEMS – FROM THE COMMISSIONERS:

Pasciak wanted to remind the public that in 2019 a property tax was proposed to develop road conditions and it was voted down 2:1 ratio. The roads don't get fixed for free, there is only so much money. He shared that tomorrow's edition of Chino Valley Review had an article on voting for home rule to exceed the allocation for the budget. The Town of Chino Valley cannot run a deficit.

INFORMATION ITEMS – FROM THE CHAIR: **Merritt** shared the Commission was going into a study session on non-domestic animals following the meeting. He stated he believed it was important for the public to participate, and encouraged people to come to the meetings and speak out.

INFORMATION ITEMS – FROM THE PUBLIC:

Al Gibbons stated he would like to speak at the study session.

ADJOURN – A motion was made by **Pasciak** and seconded by **Meadors** to adjourn the meeting at 6:35 p.m.



Charles Merritt - Chair



Prepared By: Gerreann Froberg