



A G E N D A

Town of Chino Valley
Planning & Zoning Commission
Special Meeting

August 27, 2024



Commissioner's Special Meeting Agenda
Planning & Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
August 27, 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 – AUGUST 6, 2024 REGULAR MEETING
 - C.2. WITHDRAWALS BY APPLICANT – NONE
 - C.3. TIME EXTENSIONS – NONE
 - C.4. APPROVALS – NONE
- D. PUBLIC HEARINGS – ONE
 - D.1 **TA-2024-01** — Metal Storage Containers - A request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, to create regulations for Metal Storage Containers.
- E. ACTION ITEMS - NONE
- F. INFORMATION ITEMS
 - F.1 Staff – Solar Update
 - 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 August 6, 2024

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, August 6, 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 (via Zoom), 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. The 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 Vice-Chair **Pasciak** and passed unanimously by a 7-0 vote.

PUBLIC HEARING #D.1 – Case # ZC-2024-03 — This is a request by Bill Villani, on behalf of Lazar-Villani Living Trust, for a rezone of approximately 1.5 acres of vacant land from Commercial Light/Agricultural Residential, minimum 5 acres (CL/AR-5) to Commercial Heavy (CH). The property is located at 3381 N State Route 89, Chino Valley, Arizona.

Chair Merritt stated that he knew the applicant, recused himself, and turned the hearing over to Vice-Chair Pasciak, as he left the chambers.

Vice-Chair Pasciak 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 recommended approval.

Vice-Chair Pasciak asked if anyone had questions for staff. There were none.

Bill Villani – The applicant stated that he did not have anything else to add and would be available for questions.

Vice-Chair Pasciak asked if Commission had any questions for the applicant. There were none.

Vice-Chair Pasciak opened the meeting for public comments. There were none.

Vice-Chair Pasciak closed the public hearing.

Motion was made by Meadors, seconded by Switzer to approve ZC-2024-03, 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 6-0 vote (with Merritt recusing). Merritt returned to the chambers.

PUBLIC HEARING #D.2 – Case # ZC-2024-04 – This is a request by Augustin Baugier, on behalf of Meadowview North LLC, for a rezone of approximately 10 acres of land from Agricultural Residential, minimum 5 acres (AR-5) to Single Family Residential, minimum 12,000 square feet (SF-12,000). The property is located on the north side of E. Road 2 North, between Peppertree Place and James Drive, Chino Valley, Arizona. APN: 306-18-017C and 306-18-017D

Chair Merritt asked if anyone on the commission had a disclosure to declare regarding this project. Merritt stated that he had discussed it with Switzer wondering why the Commission was hearing the case again.

Senior Planner **Jessica Barragan** presented the staff report and recommended approval.

Merritt asked if anyone had questions for Town staff.

Penn asked if the applicant would be connecting to Town water and sewer.

Barragan replied yes.

Switzer asked if the applicant would be widening Road 2 North.

Barragan responded that the Conditions of Approval stated that there would be some widening of Road 2 North and the plans would be presented at the preliminary plat stage.

Meadors asked about Condition 11 and observed major power lines going through the area, and asked if the applicant would be moving the power lines or putting them underground.

Barragan replied that the applicant would be working with APS to determine what would be needed to be done with the power lines and that APS' recommendation and conclusion would be presented at the preliminary plat stage.

Switzer asked if the land to the West of the subject property was a City of Prescott well facility.

Dingee stated that there was a City of Prescott small utility well house on the property directly to the North including vacant land owned by the City of Prescott, which was zoned public land.

Augustin Baugier - the applicant stated that he had nothing further to add and was available for questions.

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

Switzer stated that one of the concerns from the neighbors was if there would be an HOA for maintaining open spaces and landscaping and asked if the applicant had any plans for facilities in the retention basins and would they be open or fenced.

Baugier replied yes, there would be an HOA and they had no plans for facilities in the basins, and that they would be open.

Switzer asked if the HOA would include road maintenance and stated he would like to see the HOA include road maintenance inside the subdivision.

Baugier replied that the plan would be for the roads inside the subdivision to be made public roads.

Pasciak stated a point of order that the Commission cannot require an HOA to maintenance roads.

Switzer replied that the developer could require the HOA to maintain the roads.

Pasciak stated it would then need to be a private road.

Switzer agreed.

Merritt stated that when the Town dedicated a road it must meet the Town standards. He asked if there would be a way for the developer to be responsible for the maintenance of the roads inside the subdivision.

Dingee replied that it would be a question for the Public Works Department during the preliminary plat stage.

Meadors asked the brand of mobile home the developer and the starting price for homes.

Baugier replied they typically used Cavco or Fleetwood. They hoped the price would start in the 300,000 range and be affordable.

Meadors asked when the developer planned on starting the project if it passed.

Baugier replied that if it passed and they could get through Final Plat by January or February, they would start right away.

Switzer asked if there was a sunset clause in the Conditions of Approval and stated he would like to see a sunset clause in the Conditions of Approval and asked what a reasonable timeframe would be.

Dingee replied that Staff did not recommend one because the project conformed to the Town General Plan, however the Commission could include one if they chose.

Baugier replied they would agree to whatever is recommended.

The Commission agreed on a 4-year time limit for the rezone.

Meadors asked about the improvements to Merritt Lane.

Dingee showed a slide of the Conditions of Approval, and replied the improvement was 25', with a total of 50' for the right-of-way.

Merritt stated it would be decided in final plat and that all roads would meet civil engineer specifications.

Switzer asked if the developer planned low water use landscaping.

Baugier replied yes, most likely front yards would be gravel and not too many plants, but with HOA rules on types of plants.

Penn asked if the open space would benefit people, with a playground for kids or places to walk dogs.

Baugier showed a slide of the walking path and sidewalk, which would include benches, pet disposal station, and promote pedestrian circulation. The had no plans for open parks.

Chair Merritt opened the meeting for public comments.

Mark Stokes stated he was new to Chino Valley and lived on Tumbleweed. He was concerned with the groundwater and flooding. He asked if the collection ponds would be adequate for the water run-off. He stated the water pressure in his house was low.

Andi Strange stated she was concerned that the construction would close off the access to Safeway and Route 89 and was concerned with the traffic it would cause, and asked if the developer was widening only in front of the subdivision.

Merritt stated the developer would only be required to widen one side of the road in front of the area to be developed.

Strange asked how many homes were planned.

Meadors replied 23.

Strange reiterated that the roads were very narrow, and she was concerned about traffic detours during construction that could last two to five years.

Chair Merritt closed the public hearing.

Merritt asked the Staff to talk about the drainage issue.

Barragan stated the drainage concerns would be addressed during the Final Plat stage. The applicant had been working with the Town Staff, and a detention basin had been added to the plan.

Merritt stated that for any new subdivision, all drainage, roads and infrastructure are designed by a licensed civil engineer and approved by the Town engineer.

Dingee stated correct, water comes in and leaves at the traditional spot and at the traditional capacity.

Meadors questioned the drainage flow of water on the site, noting a low point at Road 2 North.

Baugier stated the developer would be mass grading the entire site, and a house had been replaced on the plans with a detention basin and open space to hold water.

Merritt stated that the two open spaces shown on the plans were for the primary function of retention areas.

Dingee reiterated that the hearing tonight was for the zoning entitlement and the technical aspects would be addressed with the platting process.

Switzer asked if the retention basins would serve as a reclamation source for water.

Dingee replied that reclamation could be discussed at the platting process.

Baugier added the developer planned on building 1000 linear feet of line to attach to the Town water and sewer. The subdivision to the South was supplied by a private water company, so the new subdivision would not affect the water pressure of that development.

Merritt stated that most of the traffic during construction would not be in the road right of way, but on the strip in front of the subdivision to bring utilities up with daily traffic until completed.

Baugier replied that the developer would have all necessary traffic control practices in place so it would have the least impact as possible.

Motion was made by Switzer, seconded by Pasciak to approve ZC-2024-04, as presented, subject to the staff report and information provided during the hearing, and the revised Conditions of Approval in Attachment A to include a four-year sunset clause. A roll-call vote was taken, and the motion passed unanimously with a 7-0 vote.

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

INFORMATION ITEMS – FROM STAFF: **Dingee** reminded the Commission there would be a Special Meeting on Tuesday, August 27, 2024, **TA-2024-01** - Metal Storage Containers/Conex Boxes. **Dingee** shared information on the Draconis Interconnection solar project and stated that it was not a Town led initiative or project but was between Draconis and APS. The Town was not involved at this stage. He shared the Solar Advisory Committee would continue to meet and hoped to get a proposal to the Commission by the end of 2024.

Meadors asked if the solar facility would be located in the Town limits.

Dingee replied yes, that was their understanding.

Merritt cautioned the Commission to receive information on this project only from the Town staff and to avoid any conflict of interest. The Town staff would provide all legal and accurate information on the project

Pasciak commented that if a quorum of the Commissioners were to show up at any of these meetings, it would be a violation of open meeting law. (Pasciak acted as the Commission Parliamentarian).

Dingee stated that the Staff would be attending these meetings and reporting to the Commission.

Merritt stated the Commission expected the Town Staff to come to the Commission and report accurate information, so the Commission would be fully prepared when the item was presented to the Commission.

INFORMATION ITEMS – FROM THE COMMISSIONERS: no comment.

INFORMATION ITEMS – FROM THE CHAIR: **Merritt** – stated that Commissioner **Switzer** was elected to Town Council, and that being on the Planning and Zoning Commission was a good path towards Council. He shared he felt **Switzer** had done an excellent job on the Planning and Zoning Commission and would do an excellent job as Town Councilmember. **Merritt** congratulated him on his new position.

INFORMATION ITEMS – FROM THE PUBLIC:

Barbara Savia asked if this meeting had to do with house solar and stated she had concerns.

Merritt stated she should speak with Town Staff regarding solar, that the Commission would not be able to answer any of her questions. He directed her to speak with **Dingee** or **Barragan**.

ADJOURN – A motion was made by **Meadors** and seconded by **Pasciak** to adjourn the meeting at 6:45 p.m.

Charles Merritt - Chair

Prepared By: Gerreann Froberg

DRAFT



TOWN OF CHINO VALLEY
Planning Commission Staff Report
August 27, 2024
File Number TA-2024-01
Text Amendment

PROJECT DESCRIPTION

A request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by adding a definition of Metal Storage Containers; Metal Storage Containers as an Accessory Structure in select zoning districts and Section 4.32 Metal Storage Containers.

The Unified Development Ordinance states that the UDO “may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the Town.” This current text amendment request from staff, is deemed necessary to best serve the public convenience and property safety. The proposal is to add a section to the General Regulations that defines metal storage containers and identifies which zones permit metal storage containers, how many containers are allowed on each lot, and other required provisions to ensure compatibility on-site and with neighboring properties.

The Planning Commission last reviewed this item on March 5th, 2024, at which time a recommendation for approval was forwarded to the Town Council with a 5-2 vote. This item was presented to the Town Council on March 26th and continued to April 4th, when the Council directed staff to collect additional public input on the proposed amendment. In response, two open houses were held by staff on June 5th: one focused on the residential aspects of the proposed amendment, and the other on the commercial aspects.

The findings from these open houses were presented to the Town Council on July 9th (residential findings) and July 10th (commercial findings). As a result, the Council directed staff to return the proposed text amendment to the Planning Commission to forward a recommendation to the Council after discussing the following:

In Residential and Agricultural Zoning Districts:

- Quantity of containers on a single property.
- Placement of the containers, specifically in the rear yard.
- Compliance of containers with the applicable zoning district's rear and side yard setbacks.
- Requirement for containers to be free of graffiti and logos.
- Requirement for containers to be painted a single color.
- Grandfathering of all containers existing at the time of the ordinance's adoption.

In Commercial and Industrial Zoning Districts:

- Single color (no graffiti and logos)
- Maximum height and potential stacking of containers.
- Setbacks for Metal Storage Containers
- Grandfathering of all containers existing at the time of the ordinance's adoption.

In addition, Council questioned how to make containers comply with the new direction given by the 2040 General Plan for State Route 89.

The changes requested by Council can largely be summarized in the below table:

Table 4.32-1

ZONING DISTRICT	CONTAINERS* PER ACRE	MAX. #	PAINT	ADJACENT TO SR-89? – SCREENING OR PAINTING
AR-36	1	5**	X	X
AR-5	1	5**	X	X
AR-4	1	4**	X	X
SR-2.5	1	2**	X	X
SR-2	1	2**	X	X
SR-1.6	1	1**	X	X
SR-1	1	1**	X	X
PL	1	1**	X	X
SR-0.16	Prohibited			
SF-24,000	Prohibited			
SF-12,000	Prohibited			
PAD	Prohibited			
MR-1	CUP			X
MHP-4	CUP			X
OS	CUP			X
CL	No Limit		Along 89	X
CH	No Limit		Along 89	X
I	No Limit		Along 89	X

* All containers are limited to 40' in length. Two 20' containers can be used in place of one 40' container in all zones where containers are permitted.

** For properties larger than the minimum acreage in the zone: for every five acres above the base acreage in the zone, an additional 40' container is allowed.

For all zones: Contractors and Homeowners may use metal storage containers in any zone for temporary storage of construction equipment, materials, or personal household items during construction that is authorized by a Town of Chino Valley building permit. The containers are allowed for the duration of the building permit

Property owners requesting more than the maximum number of containers may apply for a CUP.

No new Metal Storage Containers permitted in HMU designated areas of the 2040 General Plan.

As a primer for our discussion, staff have edited the previous language in response to the opinions expressed by the Town Council during the July 9th and 10th meetings and found in Attachment 1. During staffs presentation, we will clarify the changes from the original language to the language being presented. Additional attachments include:

- The Town Council Staff Report that was presented on March 26th
- The original unedited text amendment language presented to the Commission on March 5th
- The original Planning and Zoning Staff Report presented on March 5th.

Staff Recommendation:

Staff recommends **APPROVAL** of the text amendment to. amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by adding a definition of Metal Storage Containers; Metal Storage Containers as an Accessory Structure in select zoning districts and Section 4.32 Metal Storage Containers.

**SUGGESTED
COMMISSION MOTION:**

Move to **APPROVE** Text Amendment TA-2024-01 as reflected in Attachment 1 as amended by the Commission, subject to the staff report, information provided during this hearing, and the Planning Commission discussion.

Effect of the Approval:

By approving the Text Amendment, the Planning and Zoning Commission is recommending that the Town Council approve the text amendment to provide the ability to place metal storage containers (cargo containers/conex boxes) on certain zoned and sized parcels of land in Chino Valley, subject to specific criteria.

Prepared By:

Date: August 14, 2024



Will Dingee
Assistant Director
Development Services
wdingee@chinoaz.net
(928)636-3472

ORDINANCE NO. 2024-943

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE CHINO VALLEY TOWN CODE, TITLE XV, LAND USAGE, CHAPTER 154, UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, BY ADDING A NEW SECTION 4.32, METAL STORAGE CONTAINERS.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Chino Valley Town Code, Title XV, Land Usage, Chapter 154, Unified Development Ordinance of the Town of Chino Valley (the “UDO”), by adding a new section 4.32, Metal Storage Containers, as set forth herein (the “Text Amendment”); and

WHEREAS, the Town Council has determined that the Text Amendment is not in conflict with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or any other plan; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, the Town Council has determined that this ordinance, although a “zoning ordinance text amendment of general applicability” as described in A.R.S. § 9-462.01(J), does not, because of its limited applicability to metal storage containers, have any relationship to, or impact on, housing; therefore, the Town Council has determined it is not possible to prepare or consider a housing impact statement regarding the impact of the Text Amendment that includes the information required by A.R.S. § 9-462.01(J)(1)-(3).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The above recitals are hereby incorporated as if fully set forth herein.

Section 2. The UDO is hereby amended to add: a definition of Metal Storage Containers; Metal Storage Containers as an Accessory Structure in select zoning districts, and section 4.32 to read as follows:

2.2 – DEFINITIONS

Metal Storage Container – A steel or other metal storage container sometimes referred to as a cargo container or “CONEX box”, which is independent of any trailer or axles, and is commercially produced and designed for the purposes of storage of personal or commercial belongings/products and is generally unmodified except for passive ventilation. This does not include tractor-trailers, boxcars, or vehicle cargo box/body.

3.6 – “AR-5” AGRICULTURAL/RESIDENTIAL

4. Customary accessory **structures** such as barns, corrals, **private arenas**, training tracks, coops, non- **commercial greenhouses** up to 600 sq. ft., storage sheds and Metal Storage Containers (See UDO Section 4.32) for the care and keeping of non-household animals, fowl, produce, farm machinery and equipment. Accessory **structures** shall not be permitted prior to the issuance of a **building permit** for the primary residence.

3.7 – “AR-4” AGRICULTURAL/RESIDENTIAL

4. Customary accessory **structures** such as barns, corrals, **private arenas**, training tracks, coops, non- **commercial greenhouses** up to 600 sq. ft., storage sheds and Metal Storage Containers (See UDO Section 4.32) for the care and keeping of non-household animals, fowl, produce, farm machinery and equipment. Accessory **structures** shall not be permitted prior to the issuance of a **building permit** for the primary reside

3.8 – “SR-2.5”- SINGLE FAMILY RESIDENTIAL

5. Customary accessory **structures** such as barns, corrals, **private arenas**, training tracks, coops, non- **commercial greenhouses** up to 600 sq. ft., storage sheds and Metal Storage Containers (See UDO Section 4.32) for the care and keeping of non-household animals, fowl, produce, farm machinery and equipment. Accessory **structures** shall not be permitted prior to the issuance of a **building permit** for the primary reside

3.9 – “SR-2”- SINGLE FAMILY RESIDENTIAL

5. Customary accessory **structures** such as barns, corrals, **private arenas**, training tracks, coops, non- **commercial greenhouses** up to 600 sq. ft., storage sheds and Metal Storage Containers (See UDO Section 4.32) for the care and keeping of non-household animals, fowl, produce, farm machinery and equipment. Accessory **structures** shall not be permitted prior to the issuance of a **building permit** for the primary reside

3.10 – “SR-1.6”- SINGLE FAMILY RESIDENTIAL

6. Customary accessory **structures** such as barns, corrals, **private arenas**, training tracks, coops, non- **commercial greenhouses** up to 600 sq. ft., storage sheds and Metal Storage Containers (See UDO Section 4.32) for the care and keeping of non-household animals, fowl, produce, farm machinery and equipment. Accessory **structures** shall not be permitted prior to the issuance of a **building permit** for the primary reside

3.11 – “SR-1”- SINGLE FAMILY RESIDENTIAL

6. Customary accessory **structures** such as barns, corrals, **private arenas**, training tracks, coops, non- **commercial greenhouses** up to 600 sq. ft., storage sheds and Metal Storage Containers (See UDO Section 4.32) for the care and keeping of non-household animals, fowl, produce, farm machinery and equipment. Accessory **structures** shall not be permitted prior to the issuance of a **building permit** for the primary reside.

3.15 "CL" – LIGHT COMMERCIAL

23. Customary accessory buildings, structures, and **Metal Storage Containers** (See **UDO Section 4.32**) provided they are incidental to a permitted use. This shall include a single caretaker residence in conjunction within or in the same buildings as a commercial use. Accessory structures shall not be permitted prior to the issuance of a building permit for a commercial building.

3.16 "CH" – COMMERCIAL HEAVY

14. Customary accessory buildings, structures, and **Metal Storage Containers** (See **UDO Section 4.32**) provided they are incidental to a permitted use. This shall include a single caretaker residence in conjunction within or in the same buildings as a commercial use

3.17 "I" – INDUSTRIAL

7. Customary accessory buildings, structures, and **Metal Storage Containers** (See **UDO Section 4.32**) provided they are incidental to a permitted use.

4.32 METAL STORAGE CONTAINERS

- A. Purpose. The purpose of this section is to regulate the siting and use of metal storage containers (also known as intermodal shipping containers or cargo containers) on commercial, industrial, and larger residential lots, while ensuring that the storage container is compatible with the zoning and the surrounding area through reduction of visual prominence by placement, quantity, and paint.
- B. General Requirements. When allowed, Metal Storage Containers shall meet the following development standards:
- (1) No Metal Storage Container is allowed to be in any district not specifically authorized by this ordinance.
 - (2) A primary structure is required on the property in order for any Metal Storage Container to be allowed.
 - (3) Metal Storage Containers shall be placed at the rear of any residential lot to reduce the visual prominence of the container.
 - (4) Metal Storage Containers are for storage only. No human habitation or occupancy is allowed.
 - (5) No modification of the Metal Storage Container is allowed, other than painting and passive ventilation.
 - (6) No addition of plumbing or electrical equipment is allowed.
 - (7) When required to be painted, Metal Storage Containers shall be painted a single color, either the color of the primary/closest structure on-site, or an earth-tone consistent with the surrounding terrain.

- (8) Metal Storage Containers shall not be placed in retention basins or known flood areas.
- (9) Metal Storage Containers shall not occupy any required off-street parking space.
- (10) Metal Storage Containers shall not be stacked.
- (11) No graffiti, logos, or signage is allowed on Metal Storage Containers.
- (12) Metal Storage Containers on properties along SR 89 and properties on corner lots shall be screened from public view.

C. Grandfathering – As of the date of the adopting of this ordinance, all metal storage containers existing in Chino Valley are considered “Grandfathered” and not retroactively required to comply with these regulations. Any containers placed after the adoption of this ordinance (insert date) must comply with standards in Section 4.32.

D. Containers by Zoning District. Table 4.32-1 below sets forth the number of metal storage containers allowed per zoning district.

Table 4.32-1

ZONING DISTRICT	CONTAINERS* PER ACRE	MAX. #	PAINT	ADJACENT TO SR-89? – SCREENING OR PAINTING
AR-36	1	5**	X	X
AR-5	1	5**	X	X
AR-4	1	4**	X	X
SR-2.5	1	2**	X	X
SR-2	1	2**	X	X
SR-1.6	1	1**	X	X
SR-1	1	1**	X	X
PL	1	1**	X	X
SR-0.16	Prohibited			
SF-24,000	Prohibited			
SF-12,000	Prohibited			
PAD	Prohibited			
MR-1	CUP			X
MHP-4	CUP			X
OS	CUP			X
CL	No Limit		Along 89	X
CH	No Limit		Along 89	X
I	No Limit		Along 89	X

* All containers are limited to 40' in length. Two 20' containers can be used in place of one 40' container in all zones where containers are permitted.
** For properties larger than the minimum acreage in the zone: for every five acres above the base acreage in the zone, an additional 40' container is allowed.
<u>For all zones:</u> Contractors and Homeowners may use metal storage containers in any zone for temporary storage of construction equipment, materials, or personal household items during construction that is authorized by a Town of Chino Valley building permit. The containers are allowed for the duration of the building permit
Property owners requesting more than the maximum number of containers may apply for a CUP.
No new Metal Storage Containers permitted in HMU designated areas of the 2040 General Plan.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Amendments adopted herein is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 10th day of September 2024.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld P.L.C.

I hereby certify that the foregoing Ordinance No. 2024-943 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on April 9, 2024, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Erin N. Deskins, Town Clerk



TOWN COUNCIL AGENDA ITEM STAFF REPORT

AGENDA ITEM # 6e
MEETING DATE: 3/26/2024
CONTACT PERSON: Laurie Lineberry, Development Services Director
ITEM TYPE: Action Item

AGENDA ITEM TITLE:

Public hearing, consideration, and possible action to approve Ordinance No. 2024-943 to amend the Unified Development Ordinance, to create Section 4.32 - Metal Storage Containers.

SUMMARY:

This is a request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by adding Section 4.32 regarding Metal Storage Containers.

PREVIOUS ACTION:

On March 5, 2024, the Planning and Zoning Commission forwarded a recommendation of approval for TA-2024-01 to Town Council with a 5-2 vote. For the text amendment language and background, please refer to the Planning and Zoning Staff Report. For a detailed account of what was discussed at the commission meeting, please refer to the attached Planning and Zoning minutes.

STAFF RECOMMENDATION:

i) Hold a public hearing ii) Approve Ordinance No. 2024-943

FISCAL IMPACT?

N/A

ATTACHMENTS:

-
- | | |
|----|--|
| 1. | ORD - 2024-943 - UDO Text Amendment - Metal Storage Containers |
| 2. | Attachment 1 - P&Z Staff Report |
| 3. | Attachment 2 - P&Z Minutes |
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ORDINANCE NO. 2024-943

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE CHINO VALLEY TOWN CODE, TITLE XV, LAND USAGE, CHAPTER 154, UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, BY ADDING A NEW SECTION 4.32, METAL STORAGE CONTAINERS.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Chino Valley Town Code, Title XV, Land Usage, Chapter 154, Unified Development Ordinance of the Town of Chino Valley (the “UDO”), by adding a new section 4.32, Metal Storage Containers, as set forth herein (the “Text Amendment”); and

WHEREAS, the Town Council has determined that the Text Amendment is not in conflict with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or any other plan; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance; and

WHEREAS, the Town Council has determined that this ordinance, although a “zoning ordinance text amendment of general applicability” as described in A.R.S. § 9-462.01(J), does not, because of its limited applicability to metal storage containers, have any relationship to, or impact on, housing; therefore, the Town Council has determined it is not possible to prepare or consider a housing impact statement regarding the impact of the Text Amendment that includes the information required by A.R.S. § 9-462.01(J)(1)-(3).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The above recitals are hereby incorporated as if fully set forth herein.

Section 2. The UDO is hereby amended to add a new section 4.32 to read as follows:

4.32 Metal Storage Containers

A. PURPOSE

The purpose of this section is to establish regulations for the siting of metal storage containers—otherwise known as intermodal shipping containers or cargo containers. As used in this section, “metal storage containers” and “containers” are synonymous.

B. GENERAL REQUIREMENTS

A metal storage container is only permitted as an Accessory Use. The siting of metal storage containers and the number of such containers allowed must conform with this section 4.32.

C. DEVELOPMENT STANDARDS

1. Where allowed, per Table 4.32-1 below, metal storage containers must conform to the following development standards:

- a. An over-the-counter administrative land use permit is required for any containers to be allowed, and such land use permit must be obtained prior to placing a container on any property.
- b. Containers are for storage only. No human habitation or occupancy is allowed.
- c. A primary use is required on the property for any container to be allowed.
- d. Modifications.
 - (i) No modification of the metal storage container, other than painting, is allowed.
 - (ii) No addition of plumbing or electrical equipment is allowed.
 - (iii) Any modification or alteration to a container, including but not limited to cutting any openings, adding electrical or plumbing or ventilation, adding a roof structure, or making the unit habitable in any way, reclassifies the container from an Accessory Use that is allowed by this Code, to a structure needing a Building Permit, which requires meeting all Building Codes and Engineering requirements for structures.
- e. Containers must meet all of the same setback requirements that are required for the primary structure on the property.
- f. Containers must be placed at the rear of the lot to reduce the visual prominence of the container.
- g. Containers must be painted a single color within 15 days of placement. The container color must be either the color of the primary/closest structure on-site or an earth tone consistent with the surrounding terrain.
- h. Containers must not be placed in retention basins or known flood areas.
- i. Containers must not occupy any required off-street parking space.
- j. Containers must not be stacked.
- k. No graffiti or signage is allowed on containers.
- l. Containers on properties along SR 89 and on corner lots must be screened from public view.
- m. Contractors may use containers in any zone for temporary storage of equipment and materials at a construction site during construction that is authorized by a Town of Chino Valley Building Permit. Such containers are allowed only for the duration of the Building Permit.
- n. Homeowners may use containers for temporary storage of equipment and materials during construction that is authorized by a Town of Chino Valley Building Permit. Such containers are allowed only for the duration of the Building Permit.

- o. No container is allowed to be in any zoning district not specifically authorized by this section.

D. CONTAINERS BY ZONING DISTRICT.

Table 4.32-1 below sets forth the number of metal storage containers allowed per zoning district.

Table 4.32-1 Containers by Zoning District		
Zoning District	Containers* Per Acre	Maximum Number
AR-36 Agricultural/Residential	1/acre	5 containers max.**
AR-5 Agricultural/Residential	1/acre	5 containers max.**
AR-4 Agricultural/Residential	1/acre	4 containers max.**
SR-2.5 Single-Family Residential	1/acre	2 containers max.**
SR-2 Single-Family Residential	1/acre	2 containers max.**
SR-1.6 Single-Family Residential	1/acre	1 container max.**
SR-1 Single-Family Residential	1/acre	1 container max.**
SR-0.16 Single-Family Residential	Prohibited	
SF-24,000 Single-Family Residential	Prohibited	
SF-12,000 Single-Family Residential	Prohibited	
MR-1 Multiple Family Residential – 1 acre min.	Requires a CUP	
MHP-4 Mobile Home Parks – 4 acre min.	Requires a CUP	
Along SR-89 CL – Commercial Light CH – Commercial Heavy I – Industrial	1/acre	1 container
Not on SR-89 CL – Commercial Light CH – Commercial Heavy I – Industrial	2/acre	2 containers
PL - Public Land	1/acre	1 container max.**
OS - Open Space/Resource Conservation	Requires a CUP	
PAD	Prohibited	
* All containers are limited to 40’ in length.		
** For properties larger than the minimum acreage in the zone: for every five acres above the base acreage in the zone, an additional 40’ container is allowed.		
Two 20-foot containers can be used in place of one 40’ container in all zones where containers are permitted.		
Property owners requesting more than the maximum number of containers can apply for a CUP.		

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Amendments adopted herein is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

Section 5. Except as otherwise provided, any person found responsible for violating any provisions of this Ordinance shall be guilty of a civil violation, punishable by imposition of a civil sanction not to exceed \$500.00. Each day a violation continues shall be considered a separate violation. A person who commits a violation of this Ordinance after previously having been found responsible for committing two or more civil violations of this Ordinance within a 24-month period, whether by admission, by payment of the sanction, by default, or by judgment after hearing, shall be guilty of a class one misdemeanor.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 26th day of March, 2024.

Jack W. Miller, Mayor

ATTEST:

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld P.L.C.

I hereby certify that the foregoing Ordinance No. 2024-943 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on March 26, 2024, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Erin N. Deskins, Town Clerk



TOWN OF CHINO VALLEY
Planning Commission Staff Report
March 5, 2024
File Number TA-2024-01
Text Amendment

PROJECT DESCRIPTION

A request to amend the Town of Chino Valley Unified Development Ordinance, Chapter 154, by adding Section 4.32 Metal Storage Containers.

Staff Analysis:

Metal Storage Containers continue to be an item of demand for securing personal items on larger parcels of land in Chino Valley.

The Unified Development Ordinance states that the UDO “may be amended, supplemented, changed, modified or repealed when deemed necessary to best serve the public interest, health, comfort, convenience, safety and general welfare of the citizens of the Town.” This current text amendment request from staff, is deemed necessary to best serve the public convenience and property safety. The proposal is to add a section to the General Regulations that defines metal storage containers and identifies which zones permit metal storage containers, how many containers are allowed on each lot, and other required provisions to ensure compatibility on-site and with neighboring properties.

The use of metal storage containers has been discussed between staff and Council for a number of years; most recently in 2020 and 2021. During that time period, the discussion centered around considering these units “structures”. There was much discussion involving a variety of ways to determine how much storage would be allowed on each individual lot with an effort to reduce over-regulation and to be fair in the application of the new rules.

Consideration of the use of Metal Storage Containers by the UDO Subcommittee, the Planning and Zoning Commission, and the Town Council included the following direction/discussion items during 2020 and 2021:

- **Number and Size:** How to determine the number and size of Containers on parcels:
 - SR-1 or greater with a one acre minimum.
 - Agricultural zones to have two Containers and residential zones to have one container.
 - Containers in commercial zones based on the square footage of the commercial building on site.
 - Number of Containers based on the parcel size.
 - By length or storage amounts, based on zoning classification.
 - Commercial properties - max.one-400 square foot Container per property.
 - 160 square feet of storage container for each 1000 square feet of building on commercial property.
 - For SR-1, SR-2, SR-2.5 zones: 1-20’ Container. For AR-4, AR-5 zones: 2-40’ Containers.
 - Allow up to 50% of the lot in Containers

- Location: Where the Containers should be allowed to be placed on the lot:
 - Behind the main structure on-site.
 - Screened from public view.
 - In the rear of the parcel.
 - Anywhere.
 - 10' from property lines.
 - Same setbacks as primary structure.
 - Treat Containers like a permanent structure in regard to setbacks.
 - If in a special flood hazard or sheet flow area, units need to be anchored.
- Appearance: Container appearance/visibility:
 - Require Containers to be painted to match the main building or home on the lot.
 - Screen with walls or landscaping.
 - Buffer from neighboring properties.
 - No stacking Containers.
- Process: What review and approval process(es) should be required to place a Container on a lot?
 - CUP – Containers not a listed use in the code, so a CUP is the way to allow them.
 - Site Plan review – a more in-depth process to access the entire lot.
 - Land Use Permit - for setbacks, to ensure initial placement location is right for records/tracking,
 - Building Permit: required for all Containers as Containers are structures; only required for Containers over 200 square feet; required only if the Container is modified; required if connected to any other structure; required if modified for animal use.
- Alterations: Should alterations to the Containers be allowed:
 - Not allow any Container to be modified.
 - Allow ventilation but no plumbing.
 - Any Container, regardless of size, that was modified in any way other than painting, would require a building permit.
 - Not allow electricity or plumbing in any Container.
 - Electrical service for lighting with a building permit.
 - No electrical permits, as there were lighting options available that did not require electricity to the Containers.
- Include a sunset clause in the ordinance.
- Create a sticker system that shows the Container had gone through the appropriate process (which would make it easier for code enforcement).
- A Primary Use is required on-site for a Container, except for contractor lots in Heavy Commercial.
- Temporary containers are allowed with the issuance of a Building Permit and must be removed at Building Permit Final.

These dialog points reflect many viewpoints, some conflicting, on how best to approach the number, review, approval, and placement of Metal Storage Containers.

The prior years' discussions centered on Containers being structures. When Containers are considered structures, they are required to meet all the Building Codes, including being set on foundations, using tie-downs, calculating snow loads, and all the rest of the reviews and requirements that goes along with that designation, including building permit review times and permit fees. This pathway of considering Containers structures complicates a relatively simple solution.

Current staff thought, is to consider the Containers solely storage containers, as an Accessory Use. If we do that, and with NO alterations to the Container, this review and approval can be an over-the-counter same-day approval. Any alteration shifts the Container to the status of a structure and would be required to meet all Building Code and Engineering requirements for placement.

Development Standards

When allowed, Metal Storage Containers shall meet the following development standards:

- (1) Metal Storage Containers are for storage only. No human habitation or occupancy is allowed.
- (2) A primary use is required on the property in order for any Metal Storage Container to be allowed.
- (3) No modification of the Metal Storage Container is allowed, other than painting.
- (4) No addition of plumbing or electrical equipment is allowed.
- (5) Metal Storage Containers shall meet all setback requirements for the primary structure in the district.
- (6) Metal Storage Containers shall be placed at the rear of the lot to reduce the visual prominence of the container.
- (7) Metal Storage Containers shall be painted a single color within 15 days of placement. The container color shall be either the color of the primary/closest structure on-site, or an earth-tone consistent with the surrounding terrain.
- (8) Metal Storage Containers shall not be placed in retention basins or known flood areas.
- (9) Metal Storage Containers shall not occupy any required off-street parking space.
- (10) Metal Storage Containers shall not be stacked.
- (11) No graffiti or signage is allowed on Metal Storage Containers.
- (12) Metal Storage Containers on properties along SR 89 and properties on corner lots shall be screened from public view.
- (13) Contractors may use metal storage containers in any zone for temporary storage of equipment and/or materials at a construction site during construction that is authorized by a Town of Chino Valley building permit. The containers are allowed for the duration of the building permit.
- (14) Homeowners may use cargo containers for temporary storage of equipment and/or materials during construction that is authorized by a Town of Chino Valley building permit. The containers are allowed for the duration of the building permit.
- (15) No metal storage container is allowed to be in any district not specifically authorized by this ordinance.
- (16) An over-the-counter Land Use Permit is required.
- (17) Any alteration to a Metal Storage Container, including but not limited to cutting any openings, adding electrical or plumbing or ventilation, adding a roof structure, or making the unit habitable in any way, reclassifies the Container from an Accessory Use that is allowed by this code, to a structure needing a Building Permit, which requires meeting all Building Codes and Engineering requirements for structures.

It is important to take time and to apply thoughtful rules. With zoning, it is always wise to start small and increase incrementally. Once established, it is very challenging to pull back/reduce/change zoning rules to allow less. Therefore, staff will generally recommend a more cautious code change in order for the proposed change to take hold and for any possible impacts to be felt within the community. Impacts can be immediate, or they may take years.

Staff is recommending the following number of Containers per Zoning District:

Containers by Zoning District

Table 1

Zoning District	Containers per Acre	
AR-36 Agricultural/Residential	1-40'/acre	5 containers max.*
AR-5 Agricultural/Residential	1-40'/acre	5 containers max.*
AR-4 Agricultural/Residential	1-40'/acre	4 containers max.*
SR-2.5 Single Family Residential	1-40'/acre	2 containers max.*
SR-2 Single Family Residential	1-40'/acre	2 containers max.*
SR-1.6 Single Family Residential	1-40'/acre	1 container max.*
SR-1 Single Family Residential	1-40'/acre	1 container max.*
SF-24,000 Single Family Residential	Prohibited	
SF-12,000 Single Family Residential	Prohibited	
MR-1 Multiple Family Residential – 1 acre min	CUP	
MHP-4 Mobile Home Parks - 4 AC min.	CUP	
Along SR-89 CL – Commercial Light CH – Commercial Heavy I - Industrial	1-40'/acre	1 container
Not on SR-89 CL – Commercial Light CH – Commercial Heavy I - Industrial	2-40'/acre	2 containers
PL – Public Land	1-40'/acre	1 container max.*
OS - Open Space/Resource Conservation	CUP	
SR-0.16 Single Family Residential	Prohibited	
PAD	Prohibited	

* - For properties larger than the minimum acreage in the zone: for every 5 acres above the base acreage in the zone, an additional 40' container is allowed.

Two 20-foot containers can be used in place of one 40' container in all zones where permitted.

Property owners requesting more than the maximum # of containers can submit for a CUP.

Staff Recommendation:

Staff recommends **APPROVAL** of the text amendment to create Section 4.32 Metal Storage Containers, as reflected in the 17 Development Standards listed on page 3, and in Table 1, Containers by Zoning District, above.

**SUGGESTED
COMMISSION MOTION:**

Move to **APPROVE** Text Amendment TA-2024-01 as reflected in the 17 Development Standards listed on page 3, and in Table 1 “Containers by Zoning District”, as amended by the Commission, subject to the staff report, information provided during this hearing, and the Planning Commission discussion.

Effect of the Approval:

By approving the Text Amendment, the Planning and Zoning Commission is recommending that the Town Council approve the text amendment to provide the ability to place metal storage containers (cargo containers/conex boxes) on certain zoned and sized parcels of land in Chino Valley, subject to specific criteria.

Prepared By:

Laurie Lineberry, AICP
Development Services Director
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(928)636-4427, x1217

Date: February 20, 2024

March 5th, 2024

Minutes - Planning and Zoning

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.