

1. Planning & Zoning - Agenda

Documents: [2016_06_07_PZ_RG_AG.PDF](#)

2. Planning & Zoning - Agenda Packet

Documents: [2016_06_07_PZ_RG_PK.PDF](#)



Town of Chino Valley
MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
June 7, 2016
6:00 P.M.

Council Chambers
202 N. State Route 89
Chino Valley, Arizona

AGENDA

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES**
 - a. Consideration and possible action to approve the May 3, 2016 regular meeting minutes.
- 5. STAFF REPORTS**
- 6. PUBLIC HEARING**
 - a. Consideration and possible action to hold a public hearing and to recommend to the Town Council adoption of Ordinance 16-820 to rezone approximately 1.37 acres of real property, located at 3385 Bacon Lane, Chino Valley, Arizona, consisting of a portion of APN 306-04-002V, located within the Southeast quarter of Section 3, Township 16N, Range 02W, Gila and Salt River Base and Meridian from CH (Commercial Heavy) zoning district to SR-1 (Single Family Residential, 1 acre minimum) zoning district. (Applicant: Robbie and Maggie Vermilyea) (James Gardner, Associate Planner)
 - b. Consideration and possible action to hold a public hearing and to make a recommendation to the Town Council regarding adoption of Ordinance 16-821 to rezone approximately 5.0 acres of real property, located at 2099 E. Perkinsville Road, Chino Valley, Arizona, consisting of a portion of the Northwest quarter of Section 13, Township 16N, Range 02W, Gila and Salt River Base and Meridian (Yavapai County Assessor's Parcel number 306-02-018D) from AR-5 (Agricultural-Residential 5-acre minimum) to SR-2.5 (Single Family Residential, 2.5-acre minimum) zoning district. (Applicant: TDH Investments) (James Gardner, Associate Planner)
- 7. NON-PUBLIC HEARING ACTION ITEMS**
- 8. DISCUSSION ITEMS**
- 9. PUBLIC COMMENTS**
- 10. ADJOURN**

Dated this 2nd day of June, 2016.

By: James Gardner, Associate Planner

A copy of the agenda and background material provided to the Commissioners is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona. Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427.

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 an accommodation to participate in this meeting.



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Planning and Zoning Commission Regular

4. a.

Meeting Date: 06/07/2016

May 3, 2016 Regular Meeting Minutes

CASE DESCRIPTION:

Consideration and possible action to approve the May 3, 2016 regular meeting minutes.

FACTS:

1. Applicant:.....
2. Owner:.....
3. Parcel Number.....
4. Site Area.....
5. Existing zoning:.....
6. Intended Use.....

ANALYSIS:

RECOMMENDATION

Attachments

May 3, 2016 Meeting minutes

DRAFT

MINUTES OF THE REGULAR PLANNING AND ZONING MEETING OF THE TOWN OF CHINO VALLEY

**MAY 3, 2016
6:00 P.M.**

The Planning and Zoning Commission of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona.

1) CALL TO ORDER

Chair Merritt called the meeting to order at 6:00 pm.

2) PLEDGE OF ALLEGIANCE

Commissioner Bacon led the Pledge of Allegiance.

3) ROLL CALL

Present: Chair Chuck Merritt; Vice-Chair Gary Pasciak; Commissioner Michael Bacon;
Commissioner Claude Baker; Commissioner Annie Lane; Alternate Commissioner
Julie Van Wuffen

Absent: Commissioner Florence Sloan

Staff Development Services Director Ruth Mayday; Town Clerk Assistant Amy Pyeatt-Lansa

Present: (recorder)

4) MINUTES

- a) Consideration and possible action to approve the April 13, 2016 special meeting minutes.

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Michael Bacon to approve the April 13, 2016 special meeting minutes.

Vote: 6 - 0 PASSED - Unanimously

5) STAFF REPORTS

There were no staff reports.

6) PUBLIC HEARING

- a) Consideration and possible action to hold a citizen review of proposed amendments to the Unified Development Ordinance (UDO) of the Town of Chino Valley, Section 4.21, *Sign Regulations*.

Director Mayday reviewed the proposed amendments to the Unified Development Ordinance of the TOCH, Section 4.21, Sign Regulations and explained the major consideration in the Supreme Court case Reed v. City of Gilbert the Town cannot regulate signage by its content – only manner of size and placement.

The Towns current regulations include:

- Different size allowances for schools/churches/homes – no longer a legal differentiation.
- Drive through signage - can no longer be managed differently than regular signage
- Day-to-day distinctions become more difficult to regulate and determine

Director Mayday reviewed the proposed changes and answered questions from the Commissioners.

The format of the Sign Code would change from text to tables with the headers of - Purpose, Zoning Districts, Max Dimensions and Standards. Once the revisions are complete the sign code will be reduced from 20 plus pages to 5-6 pages. The intent of the new tables and proposed amendments is to conform to the letter of the law and make the sign code less restrictive.

Staff will work with the Town attorney to re-examine political signs.

Once the ordinance is in place businesses will still have to apply to upgrade or increase the size of their signs.

No members of the public were present.

- b)** Consideration and possible action to hold a public hearing regarding Ordinance 16-816 to amend the Unified Development Ordinance ("UDO"), Chapter 4, General Regulations, Section 4.31 Medical Marijuana Dispensaries, Cultivation and Infusion Facilities, to require a five hundred foot (500') separation from the edge of right-of-way of State Route 89.

Arizona Administrative Code § R9-17-306(B)(1)(b) provides that after the first three years that a dispensary has been issued a Dispensary Registration Certificate, the dispensary may change its location to any other location in the state, and the first dispensaries in Arizona were certified in 2013. This means that those dispensaries that were certified in 2013 would now be allowed to move anywhere with the state, including CHAAs where there is an existing dispensary. Currently, there is one dispensary in Chino Valley. If the Town Council takes no action, other dispensaries could locate within the Town boundaries, as long as they are in compliance with the UDO. The UDO Amendment set forth in Ordinance 16-816 is proposed in anticipation of the possibility that a duly certified dispensary may desire to move to the Town of Chino Valley.

The proposed amendment requires a five hundred foot (500') separation between medical marijuana uses and the edge of the right-of-way of State Route 89. The purpose of this proposed amendment is to prevent a proliferation of dispensaries from locating near highway frontage, thereby limiting the visibility of this use. Ordinance 16-811, which became effective on February 26, 2016, requires that all dispensaries be located within Industrial (I) zoning districts. Currently there are no industrially zoned properties adjacent to State Route 89.

Director Mayday responded to questions from the Commissioners.

- Dispensaries are different from other businesses and can be regulated by the Town.
- Dispensaries could locate in the County.

- Dispensaries are now required to be located in Industrial zoning.
- There is no industrial zoned property along Hwy 89.
- The distance would be measured from the right of way back 500 ft to the property line.

Commissioner Baker commented that he was not in favor of restricting the location of dispensaries. Dispensaries are commercial businesses and would look no different than other businesses. Dispensaries may bring more traffic to Hwy 89. He was concerned that the Ordinance may discriminate against people who need to use medical marijuana and treat them as second class citizens.

Commissioner Pasciak commented that for a public hearing there was no public present. Director Mayday stated that the Public Hearing was published as required.

MOVED by Commissioner Michael Bacon, seconded by Alternate Commissioner Julie Van Wuffen to recommend we approve Ordinance 16-816 to send on to Town Council.

Vote: 3 - 3 FAILED

AYE: Chair Chuck Merritt
 Commissioner Michael Bacon
 Alternate Commissioner Julie Van Wuffen

NAY: Vice-Chair Gary Pasciak
 Commissioner Claude Baker
 Commissioner Annie Lane

Chair Merritt requested that we have a 2nd public hearing for this Ordinance change at the Town Council meeting.

7) NON-PUBLIC HEARING ACTION ITEMS

There were no non-public hearing action items.

8) DISCUSSION ITEMS

There were no discussion items.

9) PUBLIC COMMENTS

There were no public comments.

10) ADJOURN

MOVED by Vice-Chair Gary Pasciak, seconded by Alternate Commissioner Julie Van Wuffen to adjourn the meeting.

Vote: 6 - 0 PASSED - Unanimously

Chair Chuck Merritt

Date

Meeting Date: 06/07/2016

Vermilyea Rezone (3385 Bacon Lane)

CASE DESCRIPTION:

Consideration and possible action to hold a public hearing and to recommend to the Town Council adoption of Ordinance 16-820 to rezone approximately 1.37 acres of real property, located at 3385 Bacon Lane, Chino Valley, Arizona, consisting of a portion of APN 306-04-002V, located within the Southeast quarter of Section 3, Township 16N, Range 02W, Gila and Salt River Base and Meridian from CH (Commercial Heavy) zoning district to SR-1 (Single Family Residential, 1 acre minimum) zoning district. (Applicant: Robbie and Maggie Vermilyea) (James Gardner, Associate Planner)

LOCATION:

3385 Bacon Lane, Chino Valley, Arizona, consisting of a portion of APN 306-04-002V, located within the Southeast quarter of Section 3, Township 16N, Range 02W, Gila and Salt River Base and Meridian.

FACTS:

1. Applicant:.....Robbie and Maggie Vermilyea
2. Owner:.....Robbie and Maggie Vermilyea
3. Parcel Number.....306-04-002V
4. Site Area.....a 1.37 acre portion of a 5 acre parcel
5. Existing zoning:.....CH
6. Intended Use.....Single-family residence

ANALYSIS:

Summary

The purpose of this request is to rezone a 1.37 acre portion of the subject parcel 306-04-002V, which consists of 5.0 acres. The subject parcel is located in Section 3, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. The property is located at approximately 3385 Bacon Lane, to the north of Road 4 North. Surrounding zoning includes Agricultural-Residential, 5-acre minimum (AR-5) to the south, Commercial Heavy (CH) to the north and east, and SR-0.16 to the west, across Bacon Lane. The residential portion of property is accessed off of Bacon Lane, which is currently a private easement, and the commercial portion of the property is accessed off of Choctaw.

The property is zoned Commercial Heavy (CH) and the applicant would like to rezone a portion of the property to Single Family Residential, 1-acre minimum (SR-1). The applicant is interested in rezoning the property to SR-1 for the purpose of selling the property with the existing residence on it.

History

A manufactured home permit was issued on this parcel on October 26, 2005, a barn was added and a final permit for the barn issued on May 18, 2006, the manufactured home was then removed when a site-built home was constructed in 2007. Shortly thereafter, the property owner applied for a business license to operate “Foothills Machine”, which is a business that creates machine parts, adds after-market parts to automobiles, and the like. In order to accommodate this use, the Development Services Department required that the property be rezoned to Commercial Heavy (CH). This property was rezoned by Ordinance 07-685, by request of the property owner on March 22, 2007, from Agricultural-Residential 5-acre minimum (AR-5) to CH. The business has been in operation at this location from that date until now, without complaint from neighbors or from others within the community. The Unified Development Ordinance (UDO) of the Town of Chino Valley allows for a residential structure on-site in CL and CH zoning districts, if they are occupied by a caregiver for the on-site business. Because the property will be split and sold as a separate parcel from the commercial parcel, this has triggered the need for a rezone.

At the time of rezone in 2007, Town Council asked the applicant for a perpetual offer to dedicate 25 feet of right-of-way on Bacon Lane. To the knowledge of staff, this process was never completed. Staff has required that the applicants dedicate right-of-way during this rezone, in order to secure future access for possible future residents on Bacon Lane.

The applicant approached the Town with a request for a rezone from CH to SR-1 for the residential portion of this property in February of 2016, and after a feasibility meeting, was sent to Technical Review in order to clarify on-site structures, setbacks from the proposed split, landscaping requirements, screening requirements, and to understand the septic and well arrangement

on-site. Technical review comments are attached herein.

Per Citizen Participation requirements, a Neighborhood Meeting was held on May 9, 2016, at Town Council Chambers, at 6:00 PM. Only staff and the applicant were in attendance, and no neighbors have yet expressed concern or support for the rezone.

General Plan Conformance

The proposed rezoning is in conformance with the 2014 Chino Valley General Plan’s Future Land Use Map, which places the property in a commercial/multi-family residential potential land use, as zoning currently reflects, the front 3.53 acre portion of this parcel will remain zoned Commercial Heavy (CH), and will continue to accommodate heavy commercial uses, and the rear portion of the property would continue to be used as a residence. (See Figure 1, below). The subject property is not located within a “Community Core” area indicated by the General Plan Land Use Element (See Figure 2, below). The proposed rezoning is not expected to impact circulation and traffic given that the use will not change, and will not affect the other focus areas of the General Plan.

Findings of Fact

The purpose of the applicants request is to change the zoning of a portion of the parcel from Commercial Heavy (CH) to Single Family Residential, 1-acre minimum (SR-1). The request to rezone will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare. The request to rezone is in general conformance with the zoning classifications in the immediate area. Surrounding uses include single-family residential to the west, including an 87-acre parcel zoned SR-0.16, single-family residences to the south, and commercial uses, in both CH and CL zones to the north and east.

Recommendation

This request will not have a detrimental effect on persons residing or working in the vicinity and is appropriate for the existing structure and surrounding properties, given the proximity to other residential zoning and the fact that the home is an existing structure. The proposed rezoning will match the existing use of the property.

Staff recommends forwarding the application on to Town Council with the recommendation of approval.

TECHNICAL REVIEW:

Technical review comments are attached herein.

SITE PLAN

Attached herein.

RECOMMENDATION

This request will not have a detrimental effect on persons residing or working in the vicinity and is appropriate for the existing structure and surrounding properties, given the proximity to other residential zoning and the fact that the home is an existing structure. The proposed rezoning will match the existing use of the property.

Staff recommends forwarding the application on to Town Council with the recommendation of approval.

Motion: Move to forward the Ordinance 16-820 to Town Council with the recommendation of approval.

Attachments

- Staff Brief
 - Ordinance 16-820
 - Legal Description EXHIBIT A
 - Zoning Map
 - Site Plan/Record of Survey
 - Technical Review Comments
-



Planning and Zoning Commission Staff Brief

Date: June 7, 2016

Agenda Item: ZC 16-003

Location: 3385 Bacon Lane; Parcel #: 306-04-002V

Summary

The purpose of this request is to rezone a 1.37 acre portion of the subject parcel 306-04-002V, which consists of 5.0 acres. The subject parcel is located in Section 3, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. The property is located at approximately 3385 Bacon Lane, to the north of Road 4 North. Surrounding zoning includes Agricultural-Residential, 5-acre minimum (AR-5) to the south, Commercial Heavy (CH) to the north and east, and SR-0.16 to the west, across Bacon Lane. The residential portion of property is accessed off of Bacon Lane, which is currently a private easement, and the commercial portion of the property is accessed off of Choctaw.

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of Chino Valley allows for a residential structure on-site in CL and CH zoning districts, if they are occupied by a caregiver for the on-site business. Because the property will be split and sold as a separate parcel from the commercial parcel, this has triggered the need for a rezone.

At the time of rezone in 2007, Town Council asked the applicant for a perpetual offer to dedicate 25 feet of right-of-way on Bacon Lane. To the knowledge of staff, this process was never completed. Staff has required that the applicants dedicate right-of-way during this rezone, in order to secure future access for possible future residents on Bacon Lane.

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Per Citizen Participation requirements, a Neighborhood Meeting was held on May 9, 2016, at Town Council Chambers, at 6:00 PM. Only staff and the applicant were in attendance, and no neighbors have yet expressed concern or support for the rezone.



General Plan Conformance

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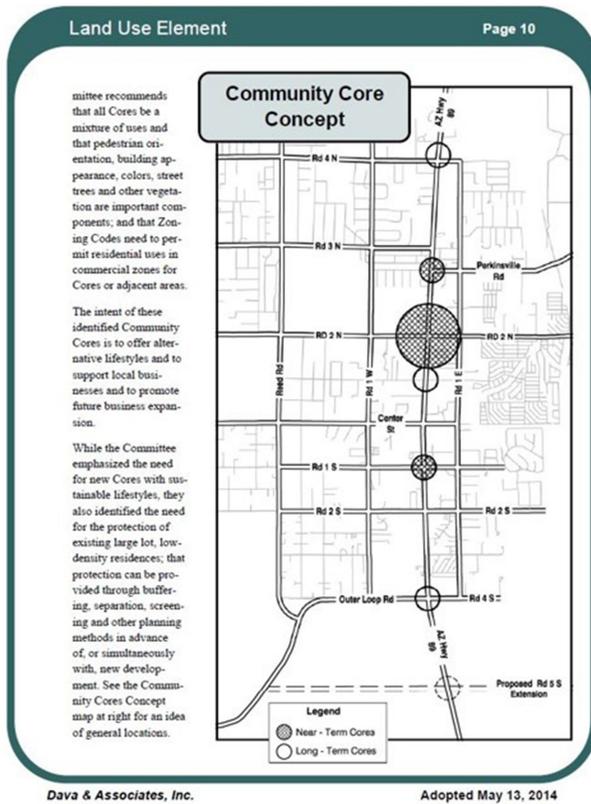


Figure 1: Future Land Use Map

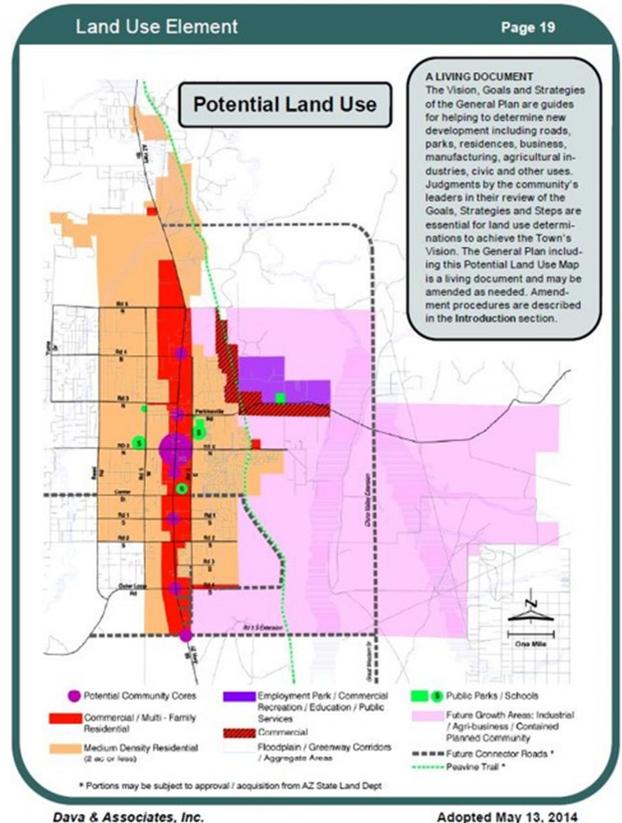


Figure 2: Community Cores

Technical Review

A Technical Review meeting was required for this site, despite the fact that no new structures are proposed, and the rezoning is residential in nature, this is due to the required buffering of the Commercial Heavy portion of the property from the proposed Single-Family Residential portion of the property. Review comments are attached herein.

Findings of Fact

The purpose of the applicants request is to change the zoning of a portion of the parcel from Commercial Heavy (CH) to Single Family Residential, 1-acre minimum (SR-1). The request to rezone will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare. The request to rezone is in general conformance with the zoning classifications in the immediate area. Surrounding uses include single-family residential to the west, including an 87-acre parcel zoned SR-0.16, single-family residences to the south, and commercial uses, in both CH and CL zones to the north and east.

Recommendation

This request will not have a detrimental effect on persons residing or working in the vicinity and is appropriate for the existing structure and surrounding properties, given the proximity to other residential zoning and the fact that the home is an existing structure. The proposed rezoning will match the existing use of the property.

Staff recommends forwarding the application on to Town Council with the recommendation of approval.

ORDINANCE NO. 16-820

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 1.37 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 3385 BACON LANE, SECTION 3, TOWNSHIP 16N, RANGE 2W, FROM COMMERCIAL HEAVY (CH) ZONING DISTRICT TO SINGLE-FAMILY RESIDENTIAL – 1 ACRE MINIMUM (SR-1) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission, by a vote of ____-____ recommends approval of the rezoning;

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

Section 1. In General.

1. The Change of Zoning and amendment to the Official Zoning Map is hereby approved for property consisting of approximately 1.37 acre(s), described in Exhibit A and as shown on the Zoning Exhibit (map) in Exhibit B, both attached hereto and incorporated herein by this reference, from Commercial Heavy (CH) zoning district to Single-Family Residential – 1 Acre Minimum (SR-1) Zoning District.

2. The Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance. Development of the Property (including issuance of a Certificate of Occupancy for the existing home), shall also be subject to the following condition:

a. Dedication to Chino Valley for Bacon Lane right-of-way that is adjacent to the property shall be completed prior to or at the time of recordation of the Record of Survey splitting the parcel. Dedication of Bacon Lane shall extend twenty-five (25) feet from the center line. Failure to dedicate said roadway within 30 days of request by the Town

Engineer may result in reversion of the zoning to the prior zoning classification.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this ___ day of _____, 20__ by the following vote:

AYES: _____ ABSENT: _____
NAYS: _____ ABSTAINED: _____

APPROVED this ___ day of _____, 201_.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Phyllis L. N. Smiley, Town Attorney

The following exhibits are attached hereto and incorporated herein:

- 1. Legal Description
- 2. Zoning Exhibit (map)

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. _____ ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 20__, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 20__.

Jami C. Lewis, Town Clerk

Parcel A

±1.37 Acres

All that of the Southeast quarter of Section 3, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona describes as follows:

Commencing at the South Quarter Corner of said Section 3;

Thence North 01°13'00" West along the North-South Midsection line, a distance of 1976.90 feet to the TRUE POINT OF BEGINNING;

Thence continuing North 01°13'00" West, a distance of 165.23 feet;

Thence North 69°43'10" East, a distance of 290.96 feet;

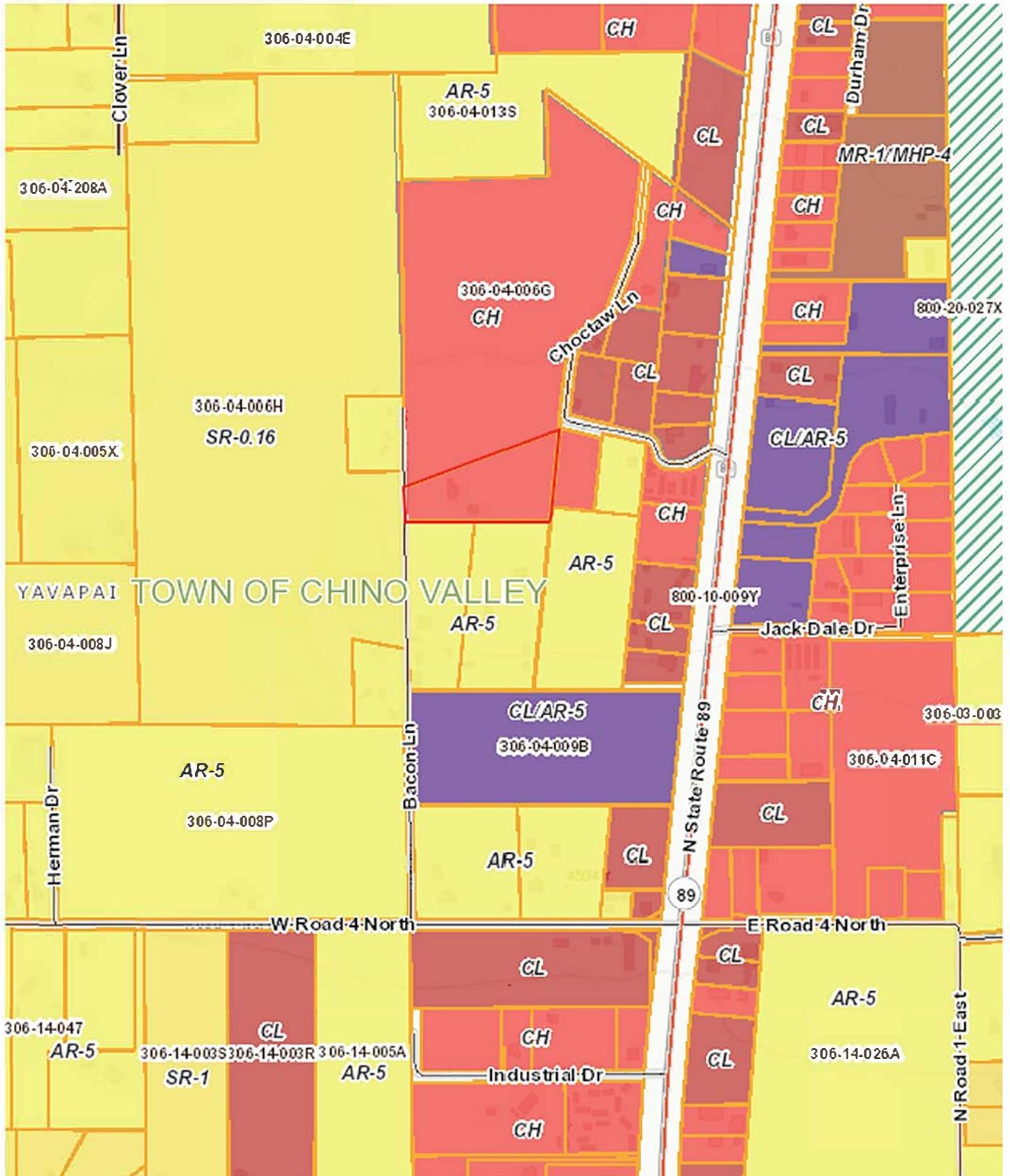
Thence South 01°45'54" East, a distance of 267.47 feet;

Thence North 89°43'57" West, a distance of 277.65 feet to THE POINT OF BEGINNING.

Containing 1.37 acres more or less.



Zoning Map Vermilyea



Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County that may arise from the use of this data.

RECORD OF SURVEY PARCEL 306-04-002V

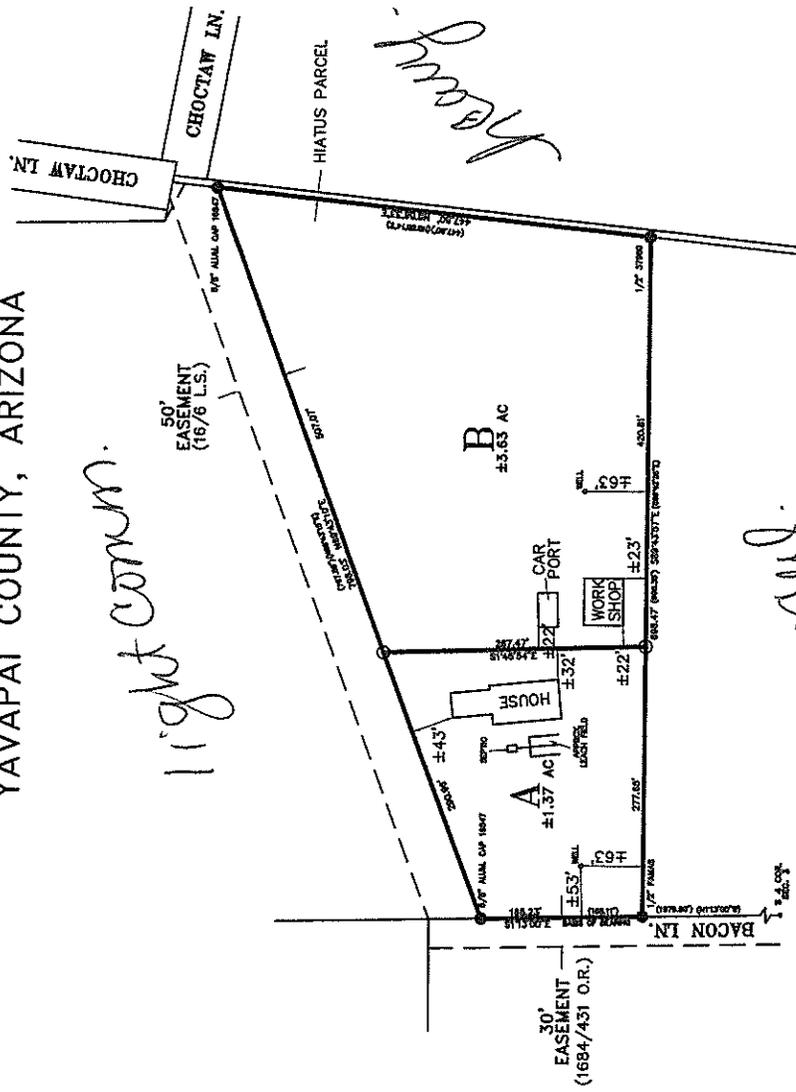
(BOOK 4174 O.R., PAGE 644 Y.C.R.O.)

A PORTION OF
SECTION 3, T16N, R2W
YAVAPAI COUNTY, ARIZONA

light comm.

Residential

Agricult.



LEGEND

- = FOUND 1/2" REBAR OR AS NOTED
- = SET 1/2" REBAR 50228 CAP
- * = AFFIXED BRASS TAG 50228
- () = RECORD INFORMATION

NOTE: 1) ALL EASEMENTS OF RECORD MAY NOT BE SHOWN ON THIS PLAT



THIS PLAT AND THE SURVEY ON WHICH IT IS BASED WAS DONE UNDER MY DIRECTION DURING THE MONTH OF APRIL, 2016 AND POINTS THAT WERE FOUND OR SET ARE REPRESENTED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

[Signature]
RYAN ROBERTS PLS 50228
DEP. 12/31/2018

RYNO LAND SURVEYING LLC
360 HOMESTEAD MESA DR CHINO VALLEY,
ARIZONA 85323 (928) 889-4087

SURVEYED FOR: VERMILYEA

OWNER: RMR	DATE: 04-01-16
DRAWN BY: RMR	SCALE: 00-1
DATE: 2016100	SHEET 1 OF 1

RYNO LAND SURVEYING LLC



Technical Review Comments Development Services Department Planning and Zoning

Project: Vermilyea Rezone Date: 3/23/2016

Site Address: 3385 Bacon Lane, Chino Valley, AZ 86323

APN: 306-04-002V

Applicant: Rob Vermilyea

Reviewer: James Gardner, Planner

Planning: The proposed rezone **is** in general conformance with the General Plan (GP), which has designated this location as a **commercial/residential mixed use corridor**. The proposed **land split/rezone** is in general conformance with these future growth area land uses. **No** General Plan Amendment will be required.

Zoning: The subject parcel is currently zoned **CH** which allows for **all CL uses and heavy commercial uses** as a permitted use, however, the split of the residential portion of this property and subsequent sale will require a rezone.

Site Plan: Site Plan indicates proposed split set back from current fence, which is required, however, this setback should be dimensioned, and the lot split will require a Record of Survey, which should indicate all existing buildings, fences, easements, and proposed splits, as well as setbacks and separations from each of these items. This will be required prior to the rezone, given that the parcel will be split, and the rezone will be recorded upon the proposed residential parcel.

Landscaping

A twenty foot landscape strip will be required on the side of the property that faces the proposed residential zoning. A landscape plan will be required as a condition of the zone change. The home will not be issued a certificate of occupancy until all landscape is installed.

Refuse disposal areas and roof-mounted mechanical equipment must be screened from public view.



Minimum landscaping requirements are as follows:

1. One (1) tree per 20 linear feet; 75% must be 15 gallons and 25% must be 24" box or greater.
2. Four (4) shrubs per 400 square feet of required landscape area; minimum 5 gallon
3. All required plantings shall be mulched and maintained with shredded hardwood/cypress bark or gravel mulch and mulched in a continuous bed.
4. Ground covers shall be planted in continuous beds and spaced to achieve substantial cover within two (2) years.

Please refer to UDO Chapter 4.26 for complete requirements

Lighting

Floodlighting by light projection above the horizontal plane is prohibited.

All outdoor lighting shall be located, aimed, or shielded to minimize light trespass.

Mercury vapor light fixtures or lamps are prohibited.

Please refer to UDO Chapter 4.24 Outdoor Lighting for complete requirements

Right of Way

25 feet of right of way will be required as part of the rezoning on Bacon Lane – the front 25 feet of the residential portion.



TOWN OF CHINO VALLEY

MEMORANDUM

DATE: March 23, 2016

TO: Rob & Maggie Vermilya

Cc: Ron Gritman P.E., Town Engineer
James Gardner, Planner
Jim Shinost, Plans Examiner;
JoAnn Brookins, Customer Service Supervisor

FROM: Michael Lopez, P.E., Assistant Town Engineer

SUBJECT: Lot Split / Rezone, Technical Review

Thank you for submitting to the Town of Chino Valley for Technical review. Below are the Engineering Department's comments for the Rob & Maggie Vermilya lot split / rezone, Parcel 306-04-002V.

Comments:

1. Where is the existing access to the site and how will the lot split affect this access?
2. Consider 25-ft Right-of-Way dedication along Bacon Lane.



Development Services Department
1982 Voss Drive #201
Chino Valley, AZ 86323

928-636-4427
928-636-6937
www.chinoaz.net

Technical Review Comments Development Services Department Building Services

Project: Vermilyea Rezone Date: 3/23/2016
Site Address: 3385 Bacon Lane, Chino Valley, AZ 86323
APN: 306-04-002V
Applicant: Rob Vermilyea
Reviewer: Jim Shinost, Plans Examiner – Inspector

The Town of Chino Valley is currently using the 2012 International Building Codes and the 2011 National Electrical Code. All work is required to be done by commercially licensed contractors and have a Town of Chino Valley business license. Plans will need to be stamped by licensed Arizona design professionals. Plans will need to meet ADA guide lines.

Jim Shinost
jshinost@chinoaz.net
Plans Examiner
Town of Chino Valley

Meeting Date: 06/07/2016

DuCote Rezone (2099 E. Perkinsville Road)

CASE DESCRIPTION:

Consideration and possible action to hold a public hearing and to make a recommendation to the Town Council regarding adoption of Ordinance 16-821 to rezone approximately 5.0 acres of real property, located at 2099 E. Perkinsville Road, Chino Valley, Arizona, consisting of a portion of the Northwest quarter of Section 13, Township 16N, Range 02W, Gila and Salt River Base and Meridian (Yavapai County Assessor's Parcel number 306-02-018D) from AR-5 (Agricultural-Residential 5-acre minimum) to SR-2.5 (Single Family Residential, 2.5-acre minimum) zoning district. (Applicant: TDH Investments) (James Gardner, Associate Planner)

LOCATION:

2099 E. Perkinsville Road, Chino Valley, Arizona, consisting of a portion of the Northwest quarter of Section 13, Township 16N, Range 02W, Gila and Salt River Base and Meridian.

FACTS:

1. Applicant:.....Cyndy DuCote and Casey Perkins
2. Owner:.....Cynthia (Cyndy) DuCote
3. Parcel Number.....306-02-018D
4. Site Area.....approx. 5 acres
5. Existing zoning:.....AR-5
6. Intended Use.....Residential

ANALYSIS:

Summary

The purpose of this request is to rezone subject parcel 306-02-018D, consisting of approximately 5.0 acres, located in Section 13, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona and at approximately 2099 Perkinsville Road, 0.22 miles off of Perkinsville Road. Surrounding zoning includes Agricultural-Residential, 5-acre minimum (AR-5) to the north and west, SR-0.16 to the south (Chino Meadows Unit III), and SR-2 to the east, across the Peavine Trail. The property is accessible from Cottonwood Lane to the South as well as a private easement alongside the Peavine Trail from Perkinsville Road south to the property's driveway.

The property is zoned Agricultural-Residential, 5-acre minimum (AR-5), and the applicant would like to rezone the property to Single Family Residential, 2.5-acre minimum (SR-2.5) zoning district in order to enable her to split the property and deed the new parcel to a family member.

History

A single-family home was constructed on this property in 1989, and has remained largely as built through the years. The applicant approached the Town about the possibility of splitting the parcel for the purposes of passing on a piece of the land to her son and daughter-in-law. The applicant was informed of the need for a rezoning in order to do so. The applicant conducted a neighborhood meeting onsite on May 23, 2016. Attached is an affidavit stating the outcomes of that neighborhood meeting.

General Plan Conformance

The proposed rezoning is in conformance with the 2014 Chino Valley General Plan's Future Land Use Map, which places the property in a medium density residential potential land use.(See Figure 1, in staff brief). The subject property is not located within a "Community Core" area indicated by the General Plan Land Use Element (See Figure 2, in staff brief). The proposed rezoning is not expected to impact circulation and traffic due to the addition of a new single-family home, and will not affect the other focus areas of the General Plan.

Findings of Fact

The purpose of the applicant's request is to change the zoning of a portion of the parcel from Agricultural-Residential, 5-acre minimum (AR-5) to Single Family Residential, 2.5-acre minimum (SR-2.5). The request to rezone will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare. The request to rezone is in general conformance with the zoning classifications in the immediate area. Surrounding

uses include agricultural-residential to the north and west, a platted subdivision to the south (Chino Meadows III, which remains vacant), and vacant cattle land (consisting of over 360 acres) to the east, which is zoned SR-2.

TECHNICAL REVIEW:

Technical Review was not required for this rezone, given its residential nature.

RECOMMENDATION

Staff recommends holding a public hearing and forwarding the application to Town Council with the recommendation of approval.

Motion: I move to send Ordinance 16-821 to Town Council with the recommendation of approval.

Attachments

Ordinance 16-821
Exhibit A - Legal Description
Zoning Map
Staff Brief

ORDINANCE NO. 16-821

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 5 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 2099 E. PERKINSVILLE ROAD, SECTION 13, TOWNSHIP 16N, RANGE 2W, FROM AGRICULTURAL-RESIDENTIAL, 5-ACRE MINIMUM (AR-5) ZONING DISTRICT TO SINGLE-FAMILY RESIDENTIAL – 2.5 ACRE MINIMUM (SR-2.5) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR NON-SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission, by a vote of ____-____ recommends approval of the rezoning;

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

Section 1. In General.

1. The Change of Zoning and amendment to the Official Zoning Map is hereby approved for property consisting of approximately 5 acres, described in Exhibit A and as shown on the Zoning Exhibit (map) in Exhibit B, both attached hereto and incorporated herein by this reference, from Agricultural-Residential, 5-Acre Minimum (AR-5) zoning district to Single-Family Residential – 2.5 Acre Minimum (SR-2.5) zoning district.

2. The Property described in Paragraph 1 of this Section shall be used and developed in accordance with the Town of Chino Valley Unified Development Ordinance.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. Providing for Non-Severability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and this ordinance shall have no force or effect.

Section 4. Providing for Penalties.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 1.10 and 1.11 of the Town of Chino Valley Unified Development Ordinance. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Unified Development Ordinance or by the Town of Chino Valley Town Code continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this ___ day of _____, 2016 by the following vote:

AYES: _____ ABSENT: _____
NAYS: _____ ABSTAINED: _____

APPROVED this ___ day of _____, 2016.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Phyllis L.N. Smiley, Town Attorney

The following exhibits are attached hereto and incorporated herein:

- 1. Legal Description
- 2. Zoning Exhibit (map)

I, JAMI C. LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 16-821 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ___ DAY OF _____, 2016, WAS POSTED IN THREE PLACES ON THE ___ DAY OF _____, 2016.

Jami C. Lewis, Town Clerk

EXHIBIT A

That Certain Parcel of land situated in that portion of Tract No. 50, Homestead Entry, lying in Section 13 of Township 16 North, Range 2 West, G. & S.R.B. & M., Yavapai County, Arizona; said parcel being more particularly described as follows:

Commencing at the Northwest Corner of Tract No. 48 (Cor. No. 2) identical with (Cor. No. 5) of Tract No. 50 run thence N. 89 46' 16" E. along the common line between Tract No. 50 and Tract No. 48 a distance of 553.25 feet to the Point of Beginning, run thence N. 0 14' 20" W. a distance of 660.00 feet to the Point of Beginning, run thence N. 89 46' 16" E. a distance of 246.16 feet to a point of intersection with the Westerly right of way line of the A.T. & S.F. Railroad, run thence S. 14 29' 41" E. along said Westerly right of way a distance of 681.03 feet to a point of intersection with the common line between Tract No. 48 and Tract No. 50, said point also being identical with the Northeast corner of Chino Meadows, Unit No. III, a subdivision recorded in Book 15 at Page 85 of Maps and Plats; run thence S. 89 46' 16" W. along the common line between Tract No. 48 and Tract No. 50, a distance of 413.84 feet to the Point of Beginning; said point also being the Point of Termination for this description.

BOOK 2158 PAGE 406

My Commission Expires Aug. 29, 1992

STATE OF ARIZONA)
) ss.
County of Yavapai)

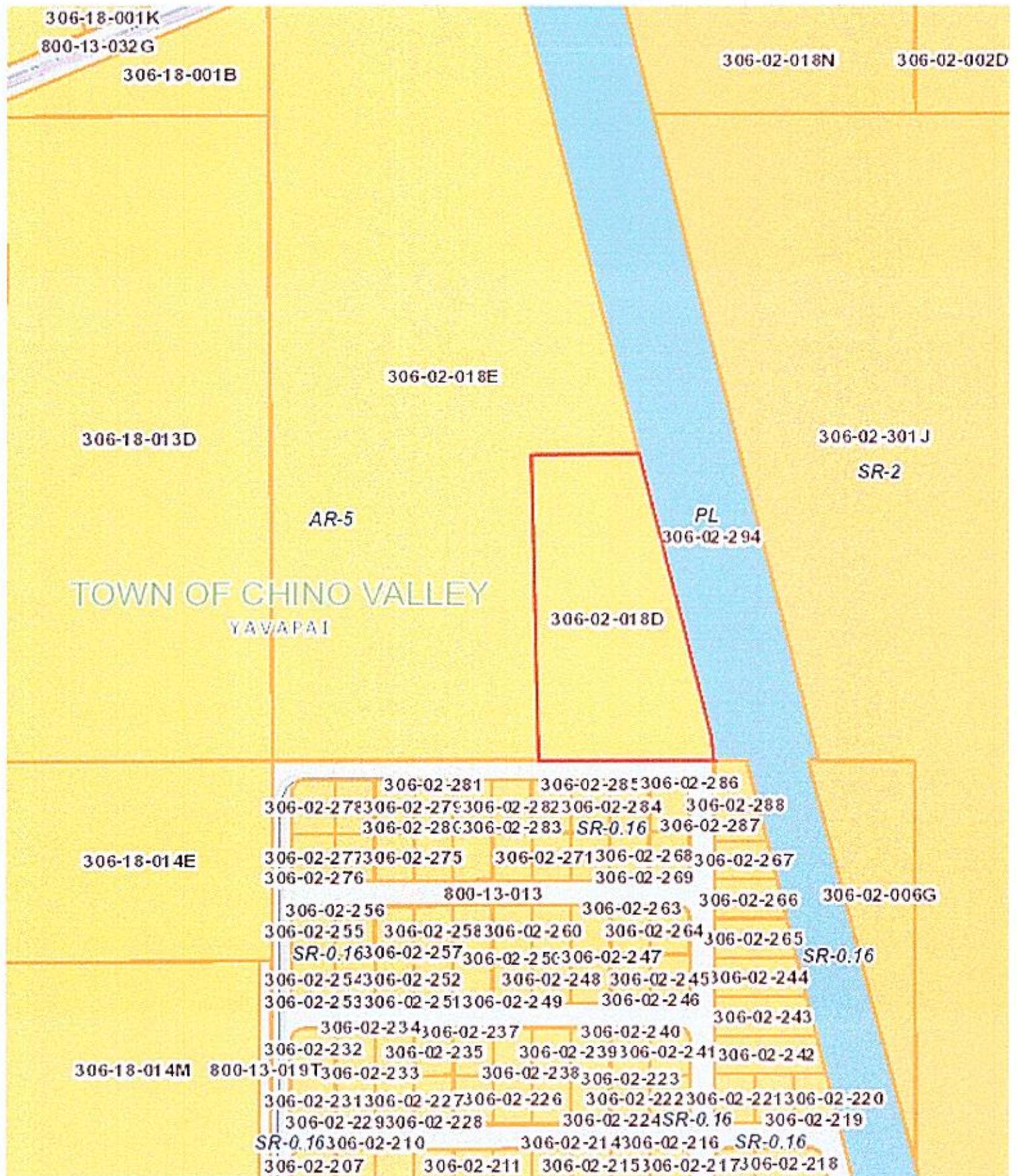
This instrument was acknowledged and executed before me this 16th day of June, 1989 by Joseph V. Amore

Joseph V. Amore
Notary Public

My commission expires: My Commission Expires Aug. 29, 1992

BOOK 2158 PAGE 405

DuCote Zoning Map



Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County that may arise from the use of this data.



Planning and Zoning Commission Staff Brief

Date: June 7, 2016

Agenda Item: ZC 16-004

Location: 2099 Perkinsville Road; Parcel #: 306-02-018D

Summary

The purpose of this request is to rezone subject parcel 306-02-018D, consisting of 5.0 acres. The subject parcel is located in Section 13, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. The property is located at approximately 2099 Perkinsville Road, and is located approximately 0.22 miles off of Perkinsville Road. Surrounding zoning includes Agricultural-Residential, 5-acre minimum (AR-5) to the north and west, SR-0.16 to the south (Chino Meadows Unit III), and SR-2 to the east, across the Peavine Trail. The property is accessible from Cottonwood Lane to the South as well as a private easement alongside the Peavine Trail from Perkinsville Road south to the property's driveway.

The property is zoned Agricultural-Residential, 5-acre minimum, and the applicant would like to rezone the property to Single Family Residential, 2.5-acre minimum (SR-2.5). The applicant is interested in rezoning the property to SR-2.5 in order to split the property and deed the new parcel to a family member.

History

A single-family home was constructed on this property in 1989, and has remained largely as built through the years. The applicant approached the Town about the possibility of splitting the parcel for the purposes of passing on a piece of the land to her son and daughter-in-law. The applicant was informed of the need for a rezoning in order to do so. The applicant conducted a neighborhood meeting onsite on May 23, 2016. Attached is an affidavit stating the outcomes of that neighborhood meeting.

General Plan Conformance

The proposed rezoning is in conformance with the 2014 Chino Valley General Plan’s Future Land Use Map, which places the property in a medium density residential potential land use.(See Figure 1, below). The subject property is not located within a “Community Core” area indicated by the General Plan Land Use Element (See Figure 2, below). The proposed rezoning is not expected to impact circulation and traffic due to the addition of a new single-family home, and will not affect the other focus areas of the General Plan.

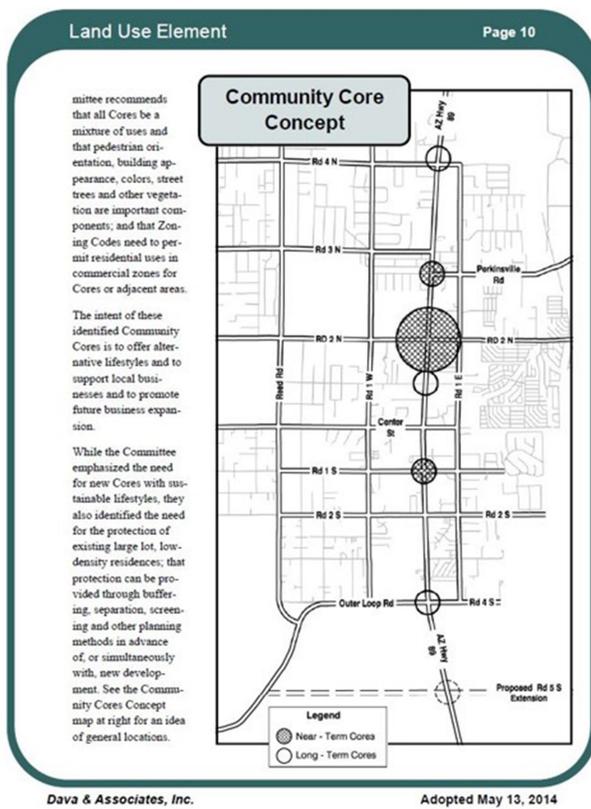


Figure 1: Future Land Use Map

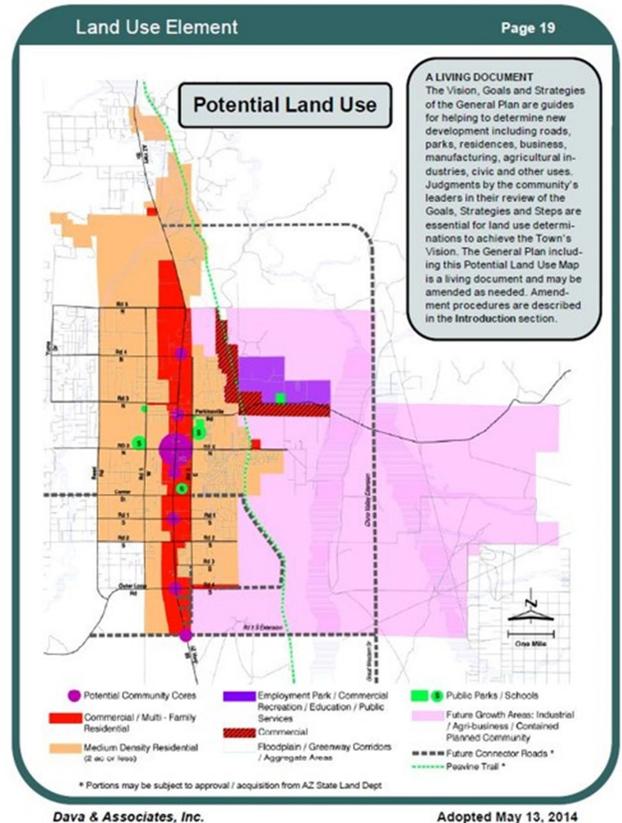


Figure 2: Community Cores



Technical Review

A Technical Review meeting was not required for this site, given its residential nature.

Findings of Fact

The purpose of the applicants request is to change the zoning of a portion of the parcel from Agricultural-Residential, 5-acre minimum (AR-5) to Single Family Residential, 2.5-acre minimum (SR-2.5). The request to rezone will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare. The request to rezone is in general conformance with the zoning classifications in the immediate area. Surrounding uses include agricultural-residential to the north and west, a platted subdivision to the south (Chino Meadows III, which remains vacant), and vacant cattle land (consisting of over 360 acres) to the east, which is zoned SR-2.

Recommendation

This request will not have a detrimental effect on persons residing or working in the vicinity and is appropriate for the existing structure and surrounding properties, given the proximity to other residential zoning and the fact that the home is an existing structure. The proposed rezoning will match the existing use of the property.

Staff recommends forwarding the application on to Town Council with the recommendation of approval.