1. February 2, 2016 - Planning & Zoning Commission - Agenda

   Documents: 2016_02_02_PZ_RG_AG.PDF

2. February 2, 2016 - Planning & Zoning Commission - Agenda Packet

   Documents: 2016_02_02_PZ_RG_AG_PK.PDF

Town of Chino Valley

MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
February 2, 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 January 5, 2016 regular meeting minutes.

6. STAFF REPORTS

a. Consideration and possible action to recommend approval of Ordinance 16-813 to the Town Council, amending the Unified Development Ordinance Chapter 4, General Regulations, Section 4.22 Off-Street Parking and Loading, Subsection 4.22.5 Parking Standards for Non-Residential and Mixed Uses, Sub-subsections 4.22.5(E) Joint Use Parking for PAD?, and Subsection 4.22.8 Determination of Required Parking, by deleting Sub-subsections (B) and (H) and renumbering the remaining subsections to conform, and amending the Table. The proposed amendments include: expansion of Joint Use Parking to non-Planned-Area-Development uses (4.22.5(E)), and removal of maximum parking requirements as well as the removal of requirements for Recreational Vehicle (RV) parking at apartment and condominium complexes (4.22.8).

b. Consideration and possible action to recommend approval of Ordinance 16-812 to the Town Council, amending the Unified Development Ordinance Chapter 1, Administration and Procedures, Section 1.9 Review and Approval Process, Subsection 1.9.5 Citizen Review Process. The proposed amendment would remove the requirement for the Zoning Administrator or his/her designee to attend neighborhood meetings.

7. PUBLIC HEARING

8. NON-PUBLIC HEARING ACTION ITEMS

a. Consideration and possible action to elect a new Chairperson and Vice-Chairperson.

9. DISCUSSION ITEMS

a. Discussion of upcoming Unified Development Ordinance amendments with regard to Section 4.21, Sign Regulations.

10. PUBLIC COMMENTS

11. ADJOURN

Dated this 28th day of January, 2016.

By: **Ruth Mayday, Development Services Director**

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.

Town of Chino Valley

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Planning and Zoning Commission Regular **4. a.**

Meeting Date: 02/02/2016

CASE DESCRIPTION:

Consideration and possible action to approve the January 5, 2016 regular meeting minutes.

FACTS:

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

ANALYSIS:

RECOMMENDATION

Attachments

1-5-16 Planning & Zoning Meeting Minutes

D R A F T

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

January 5, 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 Rowitsch called the meeting to order at 6:00 pm.

2) PLEDGE OF ALLEGIANCE

Commissioner Pasciak led the Pledge of Allegiance.

3) ROLL CALL

Present: Chair Gwen Rowitsch; Commissioner Gary Pasciak; Commissioner Annie Lane; Commissioner Michael Bacon; Commissioner Chuck Merritt; Commissioner Claude Baker

Absent: Commissioner Florence Sloan; Alternate Commissioner Julie Van Wuffen

Staff Present: Associate Planner James Gardner; Town Clerk Assistant Amy Lansa (Recorder)

4) MINUTES

a) Consideration and possible action to approve the November 17, 2015 special meeting minutes.

MOVED by Commissioner Chuck Merritt, seconded by Commissioner Michael Bacon to approve the November 17, 2015 special meeting minutes.

Vote: 6 - 0 PASSED - Unanimously

b) Consideration and possible action to approve the December 1, 2015 regular meeting minutes.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner Claude Baker to approve the December 1, 2015 regular 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 public hearing to rezone Yavapai County Assessor's Parcel Number 306-33-005D, consisting of approximately 1.38 acres, located at 1448 S. State Route 89, Chino Valley, AZ, Section 34, Township 16 North, Range 02 West, from Commercial Light (CL) to Commercial Heavy (CH). Applicant: Charlie Arnold. Staff: James Gardner, Planner

Associate Planner James Gardner presented the following information:

The following are allowed under the current CL zoning:

- Retail sales
- Pet shops
- Repair services
- Restaurants
- Personal services
- Business and professional offices, etc.

In addition to the above listed uses, the following are also allowed under the proposed CH zoning:

- Manufacturing
- Bottling and packaging
- Warehouses, mini-storage
- Welding shops
- Underground liquid petroleum retail and wholesale distribution facilities
- Commercial outdoor kennels
- Antennas and wireless communications facilities
- Contractors yards
- RV Parks with 26 or more units

<u>Current Conditions</u>

- A 6000 square foot building is situated on-site, and was the former Napa building
- Unpaved parking lot
- There are no ADA improvements
- 8 foot screening fence

<u>Proposed uses and structures:</u>

- The existing 6000 SF building would consist of 2500 SF - office space and 3500 SF - light manufacturing
- The applicant plans to build an additional 6000 SF building as part of Phase 2.
- The additional building would be primarily for manufacturing
- Parking lot improvements include hard surface all around with ADA parking spaces

<u>Public Outreach</u>

- The applicant mailed letters and posted the site in conformance with state statute and the UDO.
- Both the applicant and a representative of the lessees held a neighborhood meeting on December 2, 2015. One neighbor was in attendance and concerned about MMJ uses onsite.

- The applicant and lessee both assured the neighbor that no medical marijuana uses (infusion, storage, cultivation, or dispensation) would be conducted.

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/mixed use corridor, part of the overall State Route 89 area. The subject property is not located within a "Community Core" area indicated by the General Plan Land Use Element. The proposed rezoning is not expected to impact circulation and traffic, due to its limited scope as an employment center, 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 the parcel from Commercial Light (CL) to Commercial Heavy (CH). 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 AR-5 to the west, CL/AR5 to the south, and CL to the east and north. The nearest CH zoning to this parcel is approximately 393 feet to the north, which is Lantana Plaza, APN 306-33-005R.

Planner Gardner responded to questions from Commissioners Bacon and Merritt.

- The screening fence around the property complies with the current code and is required on commercial properties where storage containers are on site.Conex boxes will be sold onsite and there will be a demo container onsite.
- Commissioner Merritt questioned whether the site could eventually become a MMJ facility.
- Rezoning this property does not give the owner further rights to have a MMJ sales facility.
- MMJ sales facilities are allowed in CL zoning which is the current zoning for the property.
- Without a Development Agreement, as part of a PAD, the Town cannot further restrict their use by outlawing a single use on the property.
- With the zoning in place now the chances of the site becoming a MMJ facility are small.
- If Town Council adopts the proposed changes to the UDO it would eliminate all MMJ uses from that zoning district.

Charlie Arnold is present on behalf of the property owner, Transland LLC. The property is owned by a Prescott resident. The front portion of the building will house construction offices. The owner has 4-5 contracting licenses and will be welding different applications. The owner also intends to sell Conex Containers, which is one reason for the screened fencing. The fire district required additional water tanks to provide fire flow capacity onsite. There are 14 plus employees that are local hires. The business is growing.

Chair Rowitsch opened and closed the public hearing at 6:14 pm. No one from the public spoke.

MOVED by Commissioner Gary Pasciak, seconded by Commissioner Claude Baker that the application be forwarded to Town Council with the recommendation of approval.

Vote: 6 - 0 PASSED - Unanimously

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

Chair Rowitsch announced that this is her last meeting as a commissioner. Her 3rd term has ended. She has served as a commissioner for 9 years and will not renew her seat on the Commission. She has offered to sit as the alternate.

Commissioner Pasciak requested that voting for the new chair and vice-chair be placed on the next agenda.

10) ADJOURN

MOVED by Chair Gwen Rowitsch, seconded by Commissioner Gary Pasciak to adjourn the meeting at 6:17 pm.

Vote: 6 - 0 PASSED - Unanimously

_____
Chair

_____
Date

Planning and Zoning Commission Regular **6. a.**

Meeting Date: 02/02/2016

Unified Development Ordinance Amendment Regarding Parking Requirements

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CASE DESCRIPTION:

Consideration and possible action to recommend approval of Ordinance 16-813 to the Town Council, amending the Unified Development Ordinance Chapter 4, General Regulations, Section 4.22 Off-Street Parking and Loading, Subsection 4.22.5 Parking Standards for Non-Residential and Mixed Uses, Sub-subsections 4.22.5(E) Joint Use Parking for PAD?, and Subsection 4.22.8 Determination of Required Parking, by deleting Sub-subsections (B) and (H) and renumbering the remaining subsections to conform, and amending the Table. The proposed amendments include: expansion of Joint Use Parking to non-Planned-Area-Development uses (4.22.5(E)), and removal of maximum parking requirements as well as the removal of requirements for Recreational Vehicle (RV) parking at apartment and condominium complexes (4.22.8).

LOCATION:

N/A

FACTS:

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

ANALYSIS:

As projects are presented to the Development Services Department during feasibility and Technical Review meetings, it is often called to the attention of staff that Unified Development Ordinance (UDO) provisions need to be amended. The text amendments presented within Ordinance 16-813 are intended to allow more flexibility in parking lot design, reduce redundancies in parking efforts, and to apply common sense principals to the off-street parking requirements imposed upon non-residential uses in the UDO.

The first proposed text amendment affects Subsection 4.22.5 Subsection (E) **Joint Use Parking for PAD**. The UDO currently allows for parking reductions and joint use parking agreements for a mixed-used PAD (Planned Area Development). The proposed amendment would extend those rights to uses that do not have the formal designation of a Planned Area Development. The intent of this relaxation of off-street parking standards is to allow for a reduction in required parking spaces for uses that have different peak parking demand, such as a breakfast restaurant and a bar and grill. Requirements for joint use parking agreements include: 1) a parking study supplied by applicant and approved by the Development Services Director, 2) submittal of an executed parking agreement to the Department for records; and, 3) upon a change of use, operating hours, or intensities of use, or upon findings that the parking facilities are inadequate, the parking requirements may be expanded or otherwise changed.

The following text amendments all fall under Subsection 4.22.8 **Determination of Required Parking**. The proposed amendments eliminate conflicting provisions as well as onerous parking standards for apartment complexes. Parts B and H of Subsection 4.22.8 both impose a maximum parking limit for developments. See below:

> B. The maximum number of parking spaces provided shall not exceed the minimum number of spaces and an additional twenty (20) percent of parking spaces, except as otherwise provided in this Ordinance.
> H. Alternative Design Standards: To provide flexibility in design and development of projects, alternative design standards are provided. The total number of parking spaces may be increased by ten (10) percent, above the maximum, however in no case may the total number of parking spaces be increased by more than forty (40) percent above the base maximum allowed.

The above maximum parking limitations would be removed from the UDO, effectively lifting maximum parking limits from future projects. It is not anticipated that developers will desire to increase the amount of parking they provide, in most cases, it is a desire to provide less than the minimum required. All commercial projects are routed through Technical Review, a process wherein staff consults with prospective developers, and during this process, parking is reviewed; if during this process, a

project with a major excess of parking is proposed, this is discouraged, however, it is not often the case that a developer wants to pay to provide extra parking beyond the minimum, as well as give up valuable square footage to parking, rather than a use that generates income.

Finally, an amendment to the Table of Required Off-Street Parking Spaces is proposed. Currently, requirements for apartment and condominium complexes include recreational vehicle (RV) parking spaces. At a complex with multi-family units, it is not desirable for the Town to have RV spaces, given the possibility of long-term stay in the RV on these sites. This would be undesirable from the standpoint of the real estate management company or property owner in these cases, as well. Providing RV spaces also causes interior traffic flow issues, as well as fire department access issues, if an RV is parked in an area where maneuvering of fire suppression vehicles is required.

These changes are meant to remove requirements that are out-of-line with desired outcomes for property development.

RECOMMENDATION

Moved to recommend approval of Ordinance 16-813 to the Town Council.

Attachments

Ordinance 16-813

ORDINANCE NO. 16-813

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 4 GENERAL REGULATIONS, SECTION 4.22 OFF-STREET PARKING AND LOADING, BY AMENDING SUBSECTION 4.22.5 PARKING STANDARDS FOR NON-RESIDENTIAL AND MIXED USES, SUB-SUBSECTION (E) JOINT USE PARKING FOR PAD TO CHANGE THE TITLE TO JOINT USE PARKING AND TO EXTEND JOINT USE PARKING AGREEMENTS TO NON-PLANNED-AREA-DEVELOPMENT USES; AND AMENDING SUBSECTION 4.22.8 DETERMINATION OF REQUIRED PARKING, BY DELETING SUB-SUBSECTIONS (B) AND (H) AND RENUMBERING FOR CONSISTENCY AND BY NAMING THE TABLE FOLLOWING NEW SUB-SUBSECTION K AND AMENDING THE TABLE, RELATED TO REMOVING THE MAXIMUM NUMBER OF PARKING SPACES AND THE REQUIREMENT FOR RECREATIONAL VEHICLE PARKING SPACES FOR APARTMENT AND CONDOMINIUM COMPLEXES WITH FIVE (5) OR MORE UNITS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, after proper notice required by law and in accordance with ARS 9-462.04, the Planning and Zoning Commission held a citizen review meeting on February 2, 2016 and held a public hearing on March 1, 2016, during which the Commission took comment from the public and, after consideration and discussion, recommended approval of the proposed amendments to the Town Council; and

WHEREAS, the Town Council finds this proposed amendment reasonable and in conformance with the Town of Chino General Plan's Transportation Element, Target Strategy 4, which states: Encourage all modes of alternative transportation including installation of bicycling and pedestrian route networks, local non-profit vans and YRTI

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

Section 1. In General.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Chapter 4 General Regulations, Section 4.22 Off-Street Parking and Loading, Subsection 4.22.5 Parking Standards for Non-Residential or Mixed Uses, Sub-subsection (E) Joint Use Parking is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

E. Joint Use Parking ~~for PAD~~

If an applicant ~~for a mixed use PAD~~ can demonstrate through a parking study supplied by the applicant and approved by the Development Services Director, or

his/her designee, that the peak parking demand for the JOINT~~mixed~~ uses will be less than the sum of the parking spaces required for each use served, a reduction in spaces may be allowed.

* * *

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Chapter 4 General Regulations, Section 4.22 Off-Street Parking and Loading, Subsection 4.22.8 Determination of Required Spaces, is hereby amended to delete Sub-subsections (B) and (H) and renumber to maintain consistency and to amend and name the table following Sub-subsection M to read as follows (additions shown in ALL CAPS; deletions shown in strikeout):

4.22.8 Determination of Required Parking

*** * ***

~~B. The maximum number of parking spaces provided shall not exceed the minimum number of spaces and an additional twenty (20) percent of parking spaces, except as otherwise provided in this Ordinance.~~

~~C~~B. Parking lots shall be designed with a clear hierarchy of circulation with major access drives providing access from the major street, major circulation drives forming circulation through the parking area, and parking aisles whose purpose is to provide access to parking spaces.

~~D~~C. Reciprocal access between adjacent commercial developments is required.

~~E~~D. Large parking lots shall be divided into a series of smaller lots of approximately one hundred-fifty (150) spaces each, using raised landscape island(s) at least ten (10) feet in width, and at least 500 square feet in total area, located along the sides of the parking areas to separate large parking areas. Walkways should be considered as part of these landscape areas. Raised landscape strips at least five (5) feet wide and at least ninety-five (95) square feet in total area, should be located on the ends of parking rows, extending the full length of parking spaces. Additional landscape islands should be considered in the interior of the individual parking areas to provide shade and break up large expanses of parking area. As part of Site Plan review, the Site Plan Review Committee shall review parking lot and landscape layouts to determine if they are in keeping with the requirements of this Ordinance.

* * *

~~F~~E. Parking areas may be combined and share the required landscape buffers.

* * *

~~G~~F. Parking lots shall be separated from the sides of buildings by a raised walkway (with a minimum width of six (6) feet).

~~H. Alternative Design Standards: To provide flexibility in design and development of projects, alternative design standards are provided. The total number of parking spaces may be increased by ten (10) percent, above the maximum,~~

~~however in no case may the total number of parking spaces be increased by more than forty (40) percent above the base maximum allowed.~~

~~I~~G. In the case of fractional results in calculating parking requirements, the required number shall be rounded up to the nearest whole number if the fraction is 0.5 or greater.

~~J~~H. All uses not specifically designated, or similar to a specified use, shall have parking space requirements determined by the Zoning Administrator.

~~K~~I. Handicapped Parking Spaces: In multiple-family, commercial (excluding health care uses), and industrial districts, handicapped parking spaces shall be provided at the ratio of one space for the 1st 20 parking spaces provides, and one (1) space every twenty five (25) thereafter.

~~L~~J. Handicapped parking spaces ratio for health care uses shall be as follow~~ing~~S:

1-10 spaces Require 1 HC space
11-20 spaces Require 2 HC spaces
21-30 spaces Require 3 HC spaces
31-50 spaces Require 4 HC spaces
51-75 spaces Require 5 HC spaces
1 HC space Each 25 thereafter

~~M~~K. Handicapped parking spaces shall use the "universal parking space" dimensions for all new handicapped spaces within the Town. Dimensions: 11x20 with a 5 foot aisle. This size will accommodate both cars and vans.

* * *

TABLE 4.22.8 REQUIRED PARKING SPACES

USE	**MINIMUM STANDARDS**
* * *	* * *
Multiple Residence, apartments:	
Efficiencies, studios	1 space per dwelling unit
One-two bedroom unit	1.5 spaces per dwelling unit
Two + bedroom units	2 spaces per dwelling unit
All apartment COMPLEXES ~~developments~~ with 5 or more units ~~shall also provide guest parking and recreational vehicle parking~~	1 ADDITIONAL space per 10 dwelling units
Condominium, Townhomes WITH 5 OR MORE UNITS	2 spaces per unit plus 1 ADDITIONAL ~~guest~~ space PER 10 DWELLING UNITS~~for each additional and one (1) recreational vehicle space for each ten units~~
* * *	* * *

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

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

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: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 2016.

_____
Chris Marley, Mayor

ATTEST:

_____
Jami Lewis, Town Clerk

APPROVED AS TO FORM:

_____
Phyllis L.N. Smiley, Town Attorney

I, JAMI 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 _____, 2016, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2016.

_____
Jami Lewis, Town Clerk

Planning and Zoning Commission Regular **6. b.**

Meeting Date: 02/02/2016

Unified Development Ordinance Amendment Regarding Neighborhood Meetings

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CASE DESCRIPTION:

Consideration and possible action to recommend approval of Ordinance 16-812 to the Town Council, amending the Unified Development Ordinance Chapter 1, Administration and Procedures, Section 1.9 Review and Approval Process, Subsection 1.9.5 Citizen Review Process. The proposed amendment would remove the requirement for the Zoning Administrator or his/her designee to attend neighborhood meetings.

LOCATION:

N/A

FACTS:

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

ANALYSIS:

The Chino Valley Unified Development Ordinance (UDO) Chapter 1, Administration and Procedures, Subsection 1.9.5 Citizen Review Process requires attendance by the Zoning Administrator (Development Services Director), or his/her designee at all neighborhood meetings that are related to zoning actions, Conditional Use Permits (CUPs), or Planned Area Developments (PADs). In many cases, this is not only impracticable, it is also inappropriate. Currently, neighborhood meetings are held on site or in Town Council Chambers, depending on the nature of the application, and staff attendance is required by the UDO.

The proposed text amendment to the UDO states instead that: "The Zoning Administrator, or his/her designee, MAY attend the meeting, but is not required to conduct the meeting.THE APPLICANT, OR HIS/HER DESIGNEE, SHALL SUBMIT A WRITTEN REPORT OF THE OUTCOMES OF THE MEETING, TO THE ZONING ADMINISTRATOR, who shall include them in reports to Commission and Town Council at such time as they take action on the application."

The intent of this amendment is threefold:
1) To alleviate the onerous burden upon the Zoning Administrator or his/her designee, created by the requirement to attend after-hours meetings held by private parties for actions brought by said parties; and,
2) To remove the appearance of support for projects by Town staff, which is implied by hosting the neighborhood meetings at Town Council Chambers; and,
3) To allow for the free exchange of comments and concerns at neighborhood meetings.

Currently, applicants for zoning actions, CUPs, and PADs, send letters to all neighbors within 300 feet of the property boundaries indicating the date, time, and place of neighborhood meetings and public hearings, post the site for neighborhood meeting and public hearings, and submit sworn affidavits of these actions. Trust in the applicant to adhere to the process is required and the proposed text amendment is a logical step based upon the current trust that is in place with the public.

TECHNICAL REVIEW:

Not applicable

RECOMMENDATION

Move to recommend approval of Ordinance 16-812 to the Town Council.

Attachments

Ordinance 16-812

ORDINANCE NO. 16-812

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF CHINO VALLEY, ARIZONA, CHAPTER 1 ADMINISTRATION AND PROCEDURES, SECTION 1.9 REVIEW AND APPROVAL PROCESSES; SUBSECTION 1.9.5 CITIZEN REVIEW PROCESS RELATED TO NOT REQUIRING STAFF ATTENDANCE AT NEIGHBORHOOD MEETINGS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

WHEREAS, after proper notice required by law and in accordance with ARS 9-462.04, the Planning and Zoning Commission held a citizen review meeting on February 2, 2016 and held a public hearing on March 1, 2016, during which the Commission took comment from the public and, after consideration and discussion, recommended approval of the proposed amendments to the Town Council; and

WHEREAS, the Unified Development Ordinance of the Town of Chino Valley, Chapter 1 Administration and Procedures, Section 1.9 Review and Approval Processes, Subsection 1.9.5 Citizen Review Process requires the Zoning Administrator, or his/her designee, to attend neighborhood meetings related to zoning actions, Conditional Use Permits, and Planned Area Developments; and

WHEREAS, the purpose of neighborhood meetings is for the applicant to describe and advocate for their proposed project, be it a zoning change, a Conditional Use Permit, or a Planned Area Development; and

WHEREAS, staff attendance at neighborhood meetings may give the appearance of implicit support of said project, and may also limit the free exchange of comments and concerns at neighborhood meetings; and

WHEREAS, after proper notice in accordance with ARS 9-462.04, the Planning and Zoning Commission held a public hearing on February 2, 2016, during which the Commission took comment from the public and, after consideration and discussion, recommended approval of the ordinance to the Town Council; and

WHEREAS, the Town Council finds this proposed amendment reasonable and in accordance with state regulations governing the citizen review process related to zoning actions, Conditional Use Permits, and Planned Area Developments;

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

Section 1. In General.

The Unified Development Ordinance of the Town of Chino Valley, Arizona, Chapter 1 Administration and Procedures, Section 1.9 Review and Approval Processes, Subsection 1.9.5 Citizen Review Process is hereby amended to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

1.9.5 Citizen Review Process

* * *

The ~~Zoning Administrator~~ APPLICANT, upon consultation with the ~~applicant~~ ZONING ADMINISTRATOR, shall establish a time, date and place for the neighborhood meeting that provides a reasonable opportunity for the applicant TO INFORM adjacent landowners and ~~those~~ other potentially affected citizens OF THE SUBSTANCE OF THE PROPOSED ACTION AND ADJACENT LANDOWNERS AND OTHER POTENTIALLY AFFECTED CITIZENS WILL BE PROVIDED AN OPPORTUNITY to ~~discuss and~~ express ANY ISSUES OR CONCERNS THAT THEY MAY HAVE WITH THE PROPOSED ~~their respective views concerning the application and any issues or concerns that they may have with the~~ zoning or change of zoning ~~and~~ OR Use Permit proposed by the application BEFORE THE PUBLIC HEARING. THE CITIZEN REVIEW MEETING SHALL BE HELD NOT LESS THAN FIVE DAYS PRIOR TO THE PUBLIC HEARING ON THE APPLICATION. The Zoning Administrator, or his/her designee, MAY ~~shall~~ attend the meeting, but is not required to conduct the meeting. The ~~Zoning Administrator~~ APPLICANT, or his/her designee, shall ~~report the results of the neighborhood meeting~~ SUBMIT A WRITTEN REPORT OF THE OUTCOMES OF THE MEETING, TO THE ZONING ADMINISTRATOR, WHO SHALL INCLUDE THEM IN REPORTS to Commission and Town Council at such time as they take action on the application.

Section 2. <u>Providing for Repeal of Conflicting Ordinances</u>.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. <u>Providing for Severability</u>.

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

Section 4. <u>Providing for Penalties</u>

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: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 2016.

_____
Chris Marley, Mayor

ATTEST:

_____
Jami Lewis, Town Clerk

APPROVED AS TO FORM:

_____
Phyllis L.N. Smiley, Town Attorney

I, JAMI 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 _____, 2016, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2016.

_____
Jami Lewis, Town Clerk

Planning and Zoning Commission Regular **8. a.**

Meeting Date: 02/02/2016

CASE DESCRIPTION:

Consideration and possible action to elect a new Chairperson and Vice-Chairperson.

FACTS:

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

ANALYSIS:

UDO Sect. 1 .4.3 Selection of Officers

The Commission shall elect a Chairperson and Vice Chairperson from among its own members, who shall serve for one (1) year and until their successors are elected and qualified. The Chairperson shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability. IN THE EVENT OF VACANCY IN THE CHAIRMANSHIP OF THE COMMISSION, THE VICE-CHAIRMAN SHALL BECOME CHAIRMAN TO SERVE FOR THE REMAINDER OF THE PRIOR CHAIRMAN'S TERM, AND AN ELECTION SHALL BE HELD AT THE NEXT MEETING TO FILL THE OFFICE OF VICE-CHAIRMAN FOR THE REMAINDER OF THAT TERM.

RECOMMENDATION

Elect a new Chairperson and Vice-Chairperson.