1. Planning & Zoning Commission - Agenda

   Documents:

   2016_09_06_PZ_RG_AG.PDF

2. Planning & Zoning Commission -Packet

   Documents:

   2016_09_06_PZ_RG_PK .PDF

Town of Chino Valley

MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
September 6, 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 August 4, 2016, special meeting minutes.

b. Consideration and possible action to approve the June 15, 2016, special 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 16-824 to rezone approximately 2.49 acres of real property, located approximately 448 feet north of Road 4 1/2 North and approximately 1000 feet west of State Route 89, and also known as Yavapai County Assessor's Parcel No. 306-05-095M, located within the Northwest quarter of Section 4, Township 16N, Range 02W, Gila and Salt River Base and Meridian from Single family residential, 1.6-acre minimum (SR 1.6) to Single family residential, 1-acre minimum (SR-1) zoning district. (Applicant: Jose Granillo. Staff: James Gardner, Associate Planner).

b. Consideration and possible action to approve a Conditional Use Permit for an electronic LED (Light-Emitting Diode) gasoline price display sign at 995 S. State Route 89, Yavapai County Assessors Parcel No.306-29-047C. The sign is to be placed on the Northeast corner of State Route 89 and E. Road 2 South.(James Gardner, Associate Planner)

7. NON-PUBLIC HEARING ACTION ITEMS

8. DISCUSSION ITEMS

a. Discussion of proposed sign ordinance amendments after review by Council and the Sign Code Workgroup.

9. PUBLIC COMMENTS

10. ADJOURN

Dated this 1st day of September, 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.

Town of Chino Valley

MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
September 6, 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 August 4, 2016, special meeting minutes.

b. Consideration and possible action to approve the June 15, 2016, special 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 16-824 to rezone approximately 2.49 acres of real property, located approximately 448 feet north of Road 4 1/2 North and approximately 1000 feet west of State Route 89, and also known as Yavapai County Assessor's Parcel No. 306-05-095M, located within the Northwest quarter of Section 4, Township 16N, Range 02W, Gila and Salt River Base and Meridian from Single family residential, 1.6-acre minimum (SR 1.6) to Single family residential, 1-acre minimum (SR-1) zoning district. (Applicant: Jose Granillo. Staff: James Gardner, Associate Planner).

b. Consideration and possible action to approve a Conditional Use Permit for an electronic LED (Light-Emitting Diode) gasoline price display sign at 995 S. State Route 89, Yavapai County Assessors Parcel No.306-29-047C. The sign is to be placed on the Northeast corner of State Route 89 and E. Road 2 South.(James Gardner, Associate Planner)

7. NON-PUBLIC HEARING ACTION ITEMS

8. DISCUSSION ITEMS

a. Discussion of proposed sign ordinance amendments after review by Council and the Sign Code Workgroup.

9. PUBLIC COMMENTS

10. ADJOURN

Dated this 1st day of September, 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.

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

Meeting Date: 09/06/2016

August 4, 2016 Meeting Minutes

CASE DESCRIPTION:

Consideration and possible action to approve the August 4, 2016, special meeting minutes.

FACTS:

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

ANALYSIS:

RECOMMENDATION

Attachments

August 4, 2016 Special Meeting Minutes

D R A F T

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

AUGUST 4, 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 Van Wuffen led the Pledge of Alliegiance.

3) ROLL CALL

Present:	Chair Chuck Merritt; Commissioner Michael Bacon; Commissioner Claude Baker; Commissioner Annie Lane; Commissioner Florence Sloan; Commissioner Julie Van Wuffen
Absent:	Vice-Chair Gary Pasciak
Staff Present:	Development Services Director Ruth Mayday; Town Clerk Assistant Amy Pyeatt-Lansa
Attendees:	Robert Smith, Darryl Croft

4) MINUTES

a) Consideration and possible action to approve the June 7, 2016, regular meeting minutes.

MOVED by Commissioner Julie Van Wuffen, seconded by Commissioner Claude Baker to approve the June 7, 2016, regular meeting minutes.

Vote: 6 - 0 PASSED - Unanimously

b) Consideration and possible action to approve the June 15, 2016, special meeting minutes.

Commissioner Lane wanted to listen to the audio/video tape regarding the June 15, 2016 Special Meeting Minutes and clarification of what is considered a flag. This item was postponed.

c) Consideration and possible action to approve the July 5, 2016, regular meeting minutes.

MOVED by Commissioner Annie Lane, seconded by Commissioner Julie Van Wuffen to approve the July 5, 2016, regular meeting minutes.

Vote: 6 - 0 PASSED - Unanimously

5) STAFF REPORTS

Development Services Director Ruth Mayday reported that Town Council had reviewed the proposed amendments to the Sign Ordinance and sent it back to staff and the Commission to take another look at and to clarify some of the language. The sign code ordinance will be on the September 2016 Planning & Zoning Commission agenda.

6) PUBLIC HEARING

0) Request to amend the Town of Chino Valley Unified Development Ordinance related to Agritainment, including amendments to Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms, Chapter 3 Zoning Districts, Section 3.5 "AR-36" -Agricultural/Residential (36 Acre Minimum), Subsection 3.5.2 Permitted Uses ("AR-36" - Agricultural/Residential (36 Acre Minimum)), Section 3.6 "AR-5" - Agricultural/Residential (5 Acre Minimum)), Subsection 3.6.2 Permitted Uses ("AR-5" - Agricultural/Residential (5 Acre Minimum)), Section 3.7 "AR-4" - Agricultural/Residential (4 Acre Minimum)), Subsection 3.7.2 Permitted Uses ("AR-4" Agricultural/Residential (4 Acre Minimum)), and amending Chapter 4 General Regulations to add new Section 4.32 Agritainment Development Standards and Regulations, all as set forth in that certain document entitled "Amendments to the Town of Chino Valley Unified Development Ordinance Related to Agritainment Uses, dated September 13, 2016" (the "Proposed Amendments"):

1) Hold a public hearing on the Proposed Amendments; and
2) Vote to recommend approval of the Proposed Amendments to the Town Council. (Ruth Mayday, Development Services Director)

Development Services Director presented the following information on the proposed agritainment amendment to the Uniform Development Ordinance:
Purpose

- Agritainment uses preserve the agricultural history of Chino Valley; encourage activities that educate, foster interest in, and provide access to agricultural and agricultural business endeavors in Chino Valley; and promote entrepreneurialism through agricultural tourism, entertainment, and production.

Definition of Agritainment would be added to Chapter 2 along with definitions of agriculture and agriculture business:

- Agritainment is defined as *"An enterprise or activity located at a working farm, ranch, or other agricultural operation or facility, which is conducted for the enjoyment and education of visitors, guests, or clients, and that generates income for the owner/operator of the agricultural operation"*
- Agriculture is defined as "*The tilling of the soil, raising of crops, horticulture, viticulture, silviculture; including uses customarily incidental thereto including the raising of animals"*
- Agriculture business is defined as "*Any business use allowed within the Town limits of Chino Valley, providing the operation of such use has a Chino Valley business license,*

and/or proof of filing IRS Form "F".

The following is a list of what agritainment does not do:

- Agritainment does not replace traditional agriculture or ranching activities.
- Agritainment is not a required use; it is an additional permitted use that requires an affirmative action to enact (e.g., site plan approval).
- Agritainment does not replace existing approvals such as Conditional Use Permits.

The following is the history of the development of the Agritainment Amendment:

- 1/22/2015 Agribusiness concept introduced to Council; Staff directed to continue development of agribusiness standards and overlay district
- 2/3/2015 Agribusiness Overlay discussed as non-action agenda item at Planning & Zoning Commission
- 10/26/2015 Roundtable meeting
- 11/3/2015 Tabled by Planning & Zoning Commission to future date
- 6/15/2016 Citizen Participation Meeting
- 6/30/2016 Staff, Planning & Zoning Chair and Vice Mayor met with Norm Freeman
- 7/20/2016 Citizen Roundtable Meeting
- 8/4/2015 Public Hearing

Director Mayday explained that an overlay district floats above development standards. The purpose of the agritainment standards is to provide relief from development standards that do not work in agricultural applications. The agritainment overlay district would be added to permitted uses under AR4, AR5 & AR36.

Director Mayday reviewed the proposed amendments and responded to comments and questions from the Commissioners.

- 4.32 B. 3. - The Commissioners discussed what this section meant and felt that the language was confusing. Director Mayday stated that the Planning & Zoning Commission can forward this to Town Council with the recommendation that this section be struck. The Town Council can decide to add the section back.
- 4.32.B.5. - Building department/inspectors look at the septic system from the exterior wall up to the septic tank. The yard line is inspected for pipe size and slope. The County is concerned with the septic tank and leach field.
- 4.32. B. 6 - Activities that can be taxed are clearly set forth in the State Tax Code.
- 4.32. B. 7. – The minimum 50 ft setback allows privacy for neighbors.
- 4.32.B. 8.A. - To comply with ADA requirements a certain area could be created to allow for wheelchair access. To be ADA compliant the hard surface can be any compacted granular material that allows a person to push or propel themselves in a wheelchair.
- A smaller portion of the agritainment parking can be handicap parking that provides ADA compliant surface and access.
- 4.32. B. 10. C. - A previous speaker referred to the interns that worked on his farm. This does not affect the interns because they do not pay rent and do not live in a rental unit.
- 4.32. C. 9 – Delete the second appearance of the word "microbrewery."
- 4.32. C. 13 – A 50-mile producer dinner is when a group of farmers hire a chef to create an entire meal from just the stuff that is grown or raised within a 50-mile radius.

Town Manager Robert Smith clarified that the existing strawberry or egg stand concept is not regulated by the Town. It is a non-permitted use and has no protections. The proposed Agritainment amendment would allow a low cost option that does not require a variance. A

person could provide a dust control plan, site plan and show compliance with ADA requirements.

- Any fee attached to the agritainment would require approval by Town Council.

Chair Merritt opened to meeting to public comment.

- Bruce Cavender from Resolution Horse Company, a 501 C-3 organization, recently moved to Chino Valley. His organization rescues abused and neglected horses, trains the horses and provides free therapeutic riding for special needs children. He was planning to apply for a CUP when he heard about this ordinance. Mr. Cavender spoke in favor of the proposed amendment and urged favorable consideration.
- Candy Rotering from Blue Moon Rescue & Horse Sanctuary, also spoke in favor of the proposed UDO amendments. This ordinance would allow them to be more self-sufficient.

Commissioner Bacon wanted to know the history of the proposed amendments.

- 16 letters were sent to agriculture businesses in Chino Valley like Windmill House, Chino Valley Farms and the Horsemen's Association.
- Roundtable discussion where 1 person was in attendance.
- Genesis was when Norrn Freeman had issues with paving and restroom facility. Town Council directed staff to address the problems.
- Staff researched ordinances from other states. The Verde Valley has a similar ordinance. There were discussions with the Town Attorney.
- Had a good response at a recent meeting. Gary Warren attended both as an ag business and member of the chamber.
- Director Mayday, Chair Merritt and Vice -Mayor Croft recently met with Norm Freeman. The Chair and Vice-Mayor asked Mr. Freeman to write down any suggestions. To date none have been received other than general comments. He has not provided any corrections suggestions or amendments regarding the proposed amendment.

Vice Mayor Croft clarified that Town Council tasked the Town Manager and staff to come up with an ordinance.

Commissioner Lane added that the June 15, 2016 minutes reflect that she asked Mr. Freeman to list his main objections to the ordinance. He responded,

- What is the problem trying to solve?
- Staff is redefining what he does which is agriculture, not agritainment. Agriculture business do not need to be redefined.
- Agriculture regulations form the Town, County, State and federal government are already in place.

MOVED by Commissioner Michael Bacon, seconded by Commissioner Julie Van Wuffen recommend approval to City Council of Ordinance 16-823 with the following changes:

That microbreweries in Section C be eliminated because it is a double word; and that Section 4.32 B. 3., be deleted, and for Section B. 5., to state:

Section B.5. All structures with bathroom facilities shall be connected to the Town's sewer system in compliance with Title V of the Chino Valley Town Code and if the town sewer line is not available for connection the facility should be connected to a septic system approved by the Town of Chino Valley and Yavapai County Environmental Services.

Vote: 6 - 0 PASSED - Unanimously

7) NON-PUBLIC HEARING ACTION ITEMS

Suzanne Fonoti questioned why there was no Town Hall sign facing south.

8) DISCUSSION ITEMS

There were no discussion items.

9) PUBLIC COMMENTS

There were no public comments.

10) ADJOURN

MOVED by Commissioner Florence Sloan, seconded by Commissioner Julie Van Wuffen to adjourn the meeting.

Vote: 6 - 0 PASSED - Unanimously

_____
Chair Charles Merritt

_____
Date

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

Meeting Date: 09/06/2016

June 15, 2016 - Special Meeting Minutes

CASE DESCRIPTION:

Consideration and possible action to approve the June 15, 2016, special meeting minutes.

FACTS:

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

ANALYSIS:

RECOMMENDATION

Attachments

June 15, 2016 Special Meeting Minutes

D R A F T

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

JUNE 15, 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

3) ROLL CALL

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

Absent: Commissioner Florence Sloan; Commissioner Julie Van Wuffen

Staff Present: Development Services Director Ruth Mayday; Associate Planner James Gardner; Town Clerk Assistant Amy Pyeatt-Lansa (recorder)

4) MINUTES

5) STAFF REPORTS

There were no staff reports.

6) PUBLIC HEARING

a) Hold a citizen review of the proposed agri-tourism standards, which will pertain to agricultural and residential zoning districts wherein the primary use of the property is agricultural.

Director Mayday outlined changes to the UDO related to Agritainment Uses:

- Definitions for Agritainment & Overnight Rental Unit will be added to the UDO.
- Agritainment is a secondary or accessory use.
- Administrative approval of site plan for dust control.
- Bathroom facilities connected to sewer system or approved septic system.
- Obtain a business and Transaction Privilege Tax (TPT) license for activities that aren't statutorily exempt.
- Exempt from hard surface paving requirements.
- Allows on-site food service.
- Permits overnight stays.

The Public Hearing was opened. The Commission heard comments from Norman Freeman and Mike O'Connor.

Comments from Norman Freeman of Freeman Farms included:

- Who decided this ordinance was needed. Where does it come from? What is the problem that needs to be fixed?
- Agriculture is a business by definition.
- Agriculture was never intended to fit under commercial.
- Agritainment definition was created by Town Official.
- There will be serious economic impact due to this ordinance.
- State policymakers have adopted rules to make things easier for agriculture businesses.
- Agriculture operations are exempt from business licensing if they sell what they grow.
- 80% of Chino Valley is zoned agriculture.
- The June 1, 2016 letter he received from Development Services Director Mayday was the first outreach he has received.
- Previously asked for a policy statement by Town Council when he was dealing with Ron Grittman's decision regarding bathrooms.
- Requested that the Commission review the Towns current agriculture codes.

Commissioner Lane asked Mr. Freeman to list his main objections to the ordinance.

- What is the problem trying to solve?
- Staff is redefining what he does which is agriculture, not agritainment. Agriculture businesses do not need to be redefined.
- Agriculture regulations from the Town, County, State and Federal government are already in place.

Mike O'Connor from Chino Valley Farms made the following comments:

- He would like several terms added to list of permissible agritainment facilities/uses, including CSA – Community Supported Agriculture, Food Hubs & Community Cooperatives.
- Interns from Worldwide Opportunities in Organic Farming Program (WOOF) stay and work on the farm for 1-4 months during the growing season.
- The farm provides housing and meals while the interns work up to 25 hours per week. If the interns work over 25 hour the farms has to pay them.
- He would like to see exemptions allowed for housing the interns.

Both Commissioner Pasciak and Bacon wanted to know the impetus that started this amendment. Commissioner Pasciak also confirmed that farms do not have to have a dust control plan.

The Public Hearing was closed.

Director Mayday provided the following information:

- Outreach was performed. Staff has conducted outreach with farmers and agriculture businesses, advertised public hearings and described what would be discussed. The ordinance was reviewed by Town Attorney.
- This is an affirmative action. Farms are not required to participate in any activities.
- If a farm wants to conduct an agritourist business the ordinance will apply.
- To speed the process, there will be administrative approval of dust control and site plans for only the portion of the farm that is part of the agritainment.

- Some businesses are required to obtain a conditional use permit, including Bed & Breakfasts.

Chair Merritt recommended that staff meet with Mr. Freemen and concerned citizens in as respectful, productive manner to see if they can achieve something that all parties can live with. It would be enlightening for a Planning & Zoning commission to also attend the meeting.

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Michael Bacon to recommend that the draft amendment to the Town of Chino Valley UDO related to agritainment be returned to staff for further review, modification and input by the public and specifically that Sections 4.32, Items B. 4, 5 & 6 be addressed and that between that time that Council reconsider making a policy statement about agriculture and permitted use.

Vote: 5 - 0 PASSED - Unanimously

b) Consideration and public hearing regarding possibly repealing Section 4.21 Sign Regulations, of the Unified Development Ordinance (UDO) and replacing it with the proposed revised regulations.

The process for Sign Code Amendments began again in January 2016, and included in-office outreach to those applying for sign permits or renewing temporary sign permits. Emails were sent to all business license holders. An ad hoc Sign Code Committee was formed that met monthly from April through June. An online survey was distributed. Concerns ranged from: formatting, definitions, temporary signs, including flags and banners, off-premise signs, and sizes of wall signs, monument signs, and shingle signs.

The intent of the revisions of the Sign Code are threefold:

1. Compliance with Reed vs. Gilbert.
2. Allowance for more signage for businesses and creating a proportional allowance for signs based upon speed limits and frontages.
3. To make a more easily understandable code that is easy to read for the public as well as easy to interpret for staff.

The revisions proposes address this specific intents by:

1. Creating content-neutral sign regulations.
2. Increasing maximum sign sizes, increasing total aggregate signage allowances, creating matrices or tables for different types of signage which allow for more signage on buildings fronting roadways with speed limits greater than 35 MPH, at 35 MPH, and less than 35 MPH.
3. Creating a table-based format that spells out quantity, type and placement of signage for each zoning district and reducing the number of pages of regulations from 22 to 11, as well as removing provisions which were written for a special purpose, provisions which conflicted with other parts of the code, and provisions which conflicted with state statute and case law.

Associate Planner Gardner reviewed each of the proposed Sign Regulations in his power point presentation..

- 4.21.1 Purpose
- 4.21.2 Permits Required
- 4.21.3 General Sign Regulations

- 4.21.4 Measurement of Signs
- 4.21.5 Sign Standards
- 4.21.6 Temporary Signs
- 4.21.7 Prohibited Signs
- 4.21.8 Non-Conforming Signs
- 4.21.9 Violations, Removal

During his presentation Planner Gardner responded to questions from Commissioners.

- Clarification on what is considered a flag.
- No commercial signs allowed in residential property except yard sales, real estate and political signs.
- Clarification on what would be considered legal non-confirming use.
- Possible time limits for messages on reader panel signs.
- Suggestion to include illustration regarding awning signs.

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Michael Bacon to move this item forward to the next meeting.

Vote: 5 - 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

There were no public comments.

10) ADJOURN

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Michael Bacon to adjourn the meeting at 8:05 pm.

Vote: 5 - 0 PASSED - Unanimously

_____

Chair Charles Merrritt

_____

Date

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

Meeting Date: 09/06/2016

Granillo Rezone (APN 306-05-095M)

CASE DESCRIPTION:

Consideration and possible action to hold a public hearing and to recommend to the Town Council adoption of Ordinance 16-824 to rezone approximately 2.49 acres of real property, located approximately 448 feet north of Road 4 1/2 North and approximately 1000 feet west of State Route 89, and also known as Yavapai County Assessor's Parcel No. 306-05-095M, located within the Northwest quarter of Section 4, Township 16N, Range 02W, Gila and Salt River Base and Meridian from Single family residential, 1.6-acre minimum (SR 1.6) to Single family residential, 1-acre minimum (SR-1) zoning district. (Applicant: Jose Granillo. Staff: James Gardner, Associate Planner).

LOCATION:

APN 306-05-095M, located approximately 448 feet north of Road 4 1/2 North and approximately 1000 feet west of State Route 89, within the Northwest quarter of Section 4, Township 16N, Range 02W, Gila and Salt River Base and Meridian.

FACTS:

1. Applicant:.....Jose Granillo
2. Owner:.....Granillo Family Trust
3. Parcel Number.....306-05-09M
4. Site Area.....approx. 2.49 acres
5. Existing zoning:.....SR-1.6 (Single family residential, 1.6-acre minimum)
6. Intended Use.....SR-1 (Single family residential, 1-acre minimum)

ANALYSIS:

Summary

The purpose of this request is to rezone an approximately 2.49 parcel, 306-05-095M. The subject parcel is located in the northeast quarter of Section 4, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. Surrounding zoning includes Agricultural-Residential, 5-acre minimum (AR-5) to the north, east, and west; and Single Family Residential, 1.6-acre minimum (SR-1.6) to the south, however, within close proximity are more Single-Family Residential, 1.6- and 1- acre minimum (SR-1.6 and SR-1) zoning districts.

The property is zoned SR-1.6 and the applicant would like to rezone the property to Single Family Residential, 1-acre minimum (SR-1).

History

This property was rezoned as part of a larger 5-acre parcel by Ordinance 06-675, by request of the property owner on October 12, 2006, from Agricultural-Residential 5-acre minimum (AR-5) to SR-1.6. At the time of the rezone on October 12, 2006, the property was vacant, and shortly thereafter, a split occurred on October 19, 2006, and a manufactured home was permitted on the southernmost parcel (306-05-095J) in November 2006, and the center parcel (306-05-095N) in December 2006. Since that date, the subject parcel, which is to the north of both of the “sibling” parcels (those that were split from the original “parent” parcel), has remained vacant, with no buildings on-site. See Zoning Map for reference.

Per Citizen Participation requirements, a Neighborhood Meeting was held on August 22, 2016, on-site, at 6:00 PM. Six people were in attendance at the neighborhood meeting, and no objections were made by the time of this report.

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 (2 acres or less) potential land use, the property, as zoned currently, is also in conformance with the General Plan’s potential land use designations. (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 given the minimal increase in density, 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 Single Family Residential, 1.6-acre minimum (SR-1.6) 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 in all directions in the immediate neighborhood.

TECHNICAL REVIEW:

Technical review was not required for this zone change application, given its residential nature.

SITE PLAN

N/A

RECOMMENDATION

Staff recommends forwarding Ordinance 16-824 to Town Council with the recommendation of approval.

Attachments

Ord 16-824 Granillo Rezone

Legal Description Exhibit A

Zoning Map Exhibit B

Staff Brief

ORDINANCE NO. 16-824

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 2.49 ACRES OF REAL PROPERTY GENERALLY LOCATED APPROXIMATELY 448 FEET NORTH OF ROAD 4 ½ NORTH AND APPROXIMATELY 1000 FEET WEST OF STATE ROUTE 89, ALSO KNOWN AS YAVAPAI COUNTY ASSESSOR'S PARCEL NO. 306-05-095M, FROM SINGLE FAMILY RESIDENTIAL, 1.6-ACRE MINIMUM (SR-1.6) 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 2.49 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 Single Family Residential, 1.6-acre minimum (SR-1.6) 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

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:

_____
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

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

_____
Jami C. Lewis, Town Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL A

PARCEL "A" of that certain Record of Survey, recorded in Book 157 of Land Surveys at Page 91, Y.C.R.O., being within Section 4, T. 16 N., R. 2 W., G. & S.R.M., Yavapai County, AZ.

More particularly described as follows;

BEGINNING at the Northwest corner of said Parcel A, which is also the Northwest corner of Parcel 7 as recorded in Book 3761 of Deeds at Page 881 Y.C.R.O.;

THENCE S89°59'26"E along the North line of said Parcel 7, a distance of 310.97' to a ½ inch rebar with cap, L.S. 19353;

THENCE S02°03'49"E, a distance of 344.83';

THENCE West a distance of 317.55' to a point on the West line of said Parcel 7;

THENCE N00°58'12"W along said West line of Parcel 7, a distance of 344.71' to the TRUE POINT OF BEGINNING.

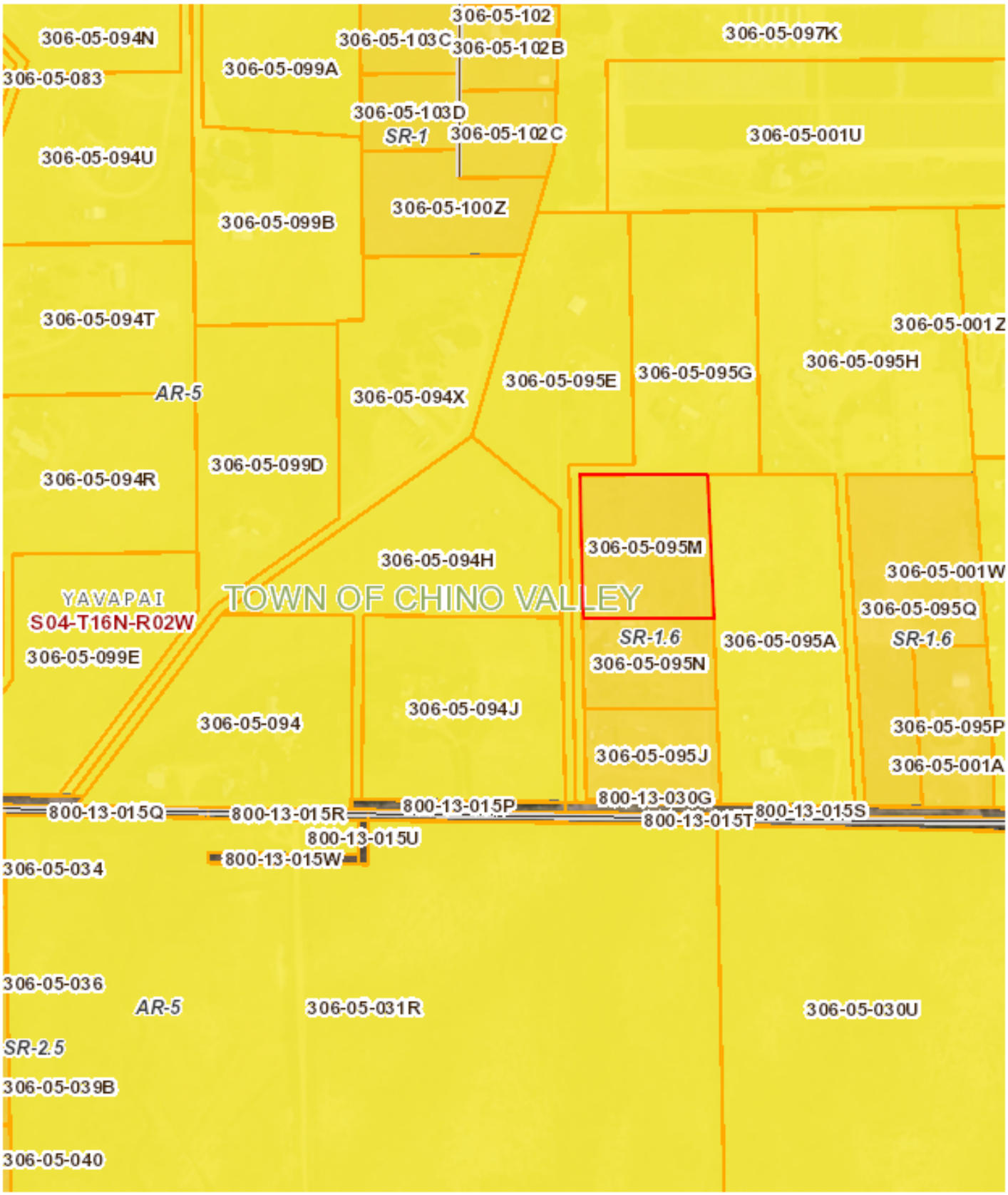
SUBJECT TO AND TOGETHER WITH a 25 foot easement for ingress, egress, and public utilities as shown on said plat, being over the East 25 feet of the South 100 feet of said parcel.

CONTAINING 2.48 Acres +/-

RECORDERS MEMO: LEGIBILITY QUESTIONABLE FOR REPRODUCTION

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
13811
S. TIMOTHY HOPPS
Date Signed 10/11/06
ARIZONA U.S.A.

Granillo



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.

Map printed on: 8.2.2016

Development Services Department
1982 N. Voss Drive #203
Chino Valley, AZ 86323

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

Planning and Zoning Commission Staff Brief

Date: September 6, 2016

Agenda Item: ZC 16-005

Location: Not yet addressed; Parcel #: 306-05-095M

Summary

The purpose of this request is to rezone an approximately 2.49 parcel, 306-05-095M. The subject parcel is located in the northeast quarter of Section 4, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. Surrounding zoning includes Agricultural-Residential, 5-acre minimum (AR-5) to the north, east, and west; and Single Family Residential, 1.6-acre minimum (SR-1.6) to the south, however, within close proximity are more Single-Family Residential, 1.6- and 1- acre minimum (SR-1.6 and SR-1) zoning districts.

The property is zoned SR-1.6 and the applicant would like to rezone the property to Single Family Residential, 1-acre minimum (SR-1).

History

This property was rezoned as part of a larger 5-acre parcel by Ordinance 06-675, by request of the property owner on October 12, 2006, from Agricultural-Residential 5-acre minimum (AR-5) to SR-1.6. At the time of the rezone on October 12, 2006, the property was vacant, and shortly thereafter, a split occurred on October 19, 2006, and a manufactured home was permitted on the southernmost parcel (306-05-095J) in November 2006, and the center parcel (306-05-095N) in December 2006. Since that date, the subject parcel, which is to the north of both of the “sibling” parcels (those that were split from the original “parent” parcel), has remained vacant, with no buildings on-site. See Zoning Map for reference.

Per Citizen Participation requirements, a Neighborhood Meeting was held on August 22, 2016, on-site, at 6:00 PM. Six people were in attendance at the neighborhood meeting, and no objections were made by the time of this report.

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 (2 acres or less) potential land use, the property, as zoned currently, is also in conformance with the General Plan's potential land use designations. (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 the minimal increase in density, and will not affect the other focus areas of the General Plan.

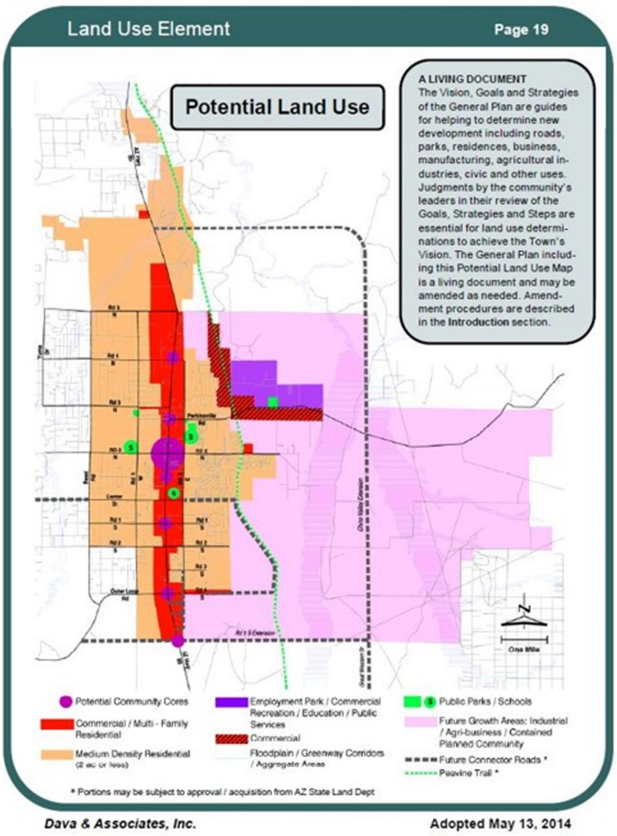


Figure 1: Future Land Use Map

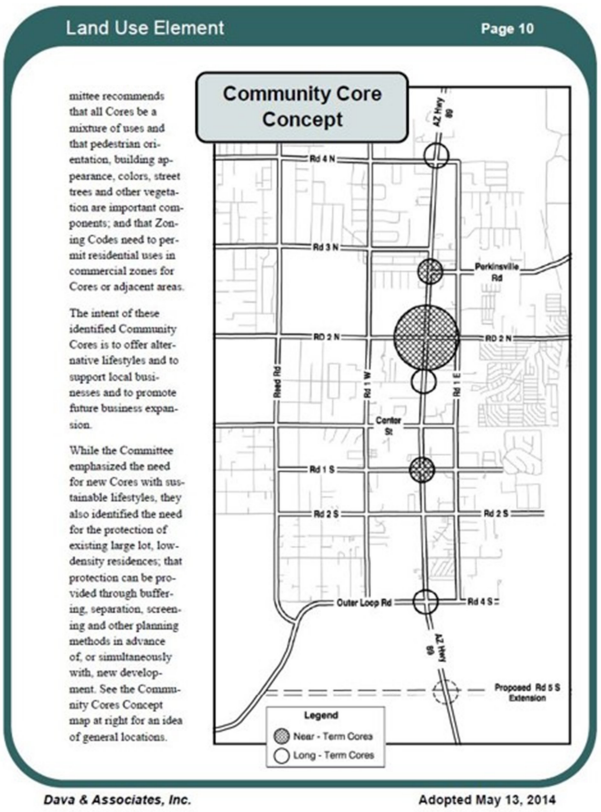


Figure 2: Community Cores

Development Services Department
1982 N. Voss Drive #203
Chino Valley, AZ 86323

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

Findings of Fact

The purpose of the applicants request is to change the zoning of a portion of the parcel from Single Family Residential, 1.6-acre minimum (SR-1.6) 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 in all directions in the immediate neighborhood.

Recommendation

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

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

Meeting Date: 09/06/2016

Shell LED Sign CUP

CASE DESCRIPTION:

Consideration and possible action to approve a Conditional Use Permit for an electronic LED (Light-Emitting Diode) gasoline price display sign at 995 S. State Route 89, Yavapai County Assessors Parcel No.306-29-047C. The sign is to be placed on the Northeast corner of State Route 89 and E. Road 2 South.(James Gardner, Associate Planner)

LOCATION:

995 S. State Route 89, Chino Valley, Arizona, consisting of Assessor's Parcel Number 306-29-047C, located in the ? northeast quarter of Section 27, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. Surrounding zoning includes Commercial Light (CL) in every direction, and Single-Family Residential, 2-acre minimum (SR-2) zoning about 250 feet to the east.

FACTS:

1. Applicant:.....Signs Plus
2. Owner:.....Carioca Company
3. Parcel Number.....306-29-047C
4. Site Area.....1.47 acres, approx.
5. Existing zoning:.....CL
6. Intended Use.....Electronic LED Gasoline Display Sign

ANALYSIS:

Summary

The purpose of this request for the granting of a Conditional Use Permit for an electronic LED gasoline price display sign to be located at 995 S. State Route 89, on an approximately 1.54 parcel, 306-29-047C. The subject parcel is located in the northeast quarter of Section 27, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. Surrounding zoning includes Commercial Light (CL) in every direction, and Single-Family Residential, 2-acre minimum (SR-2) zoning about 250 feet to the east.

The property is zoned CL, and has been in use as a convenience store since 1984. The proposed electronic LED sign will be part of an overall update to the signage on-site. The proposed sign will be party of a larger 49 ½" x 55 ½" sign array and will be approximately 23 7/8" x 42 5/8" in size. The sign will used only to display gasoline prices, and will provide convenience for store employees, who will no longer be required to walk out and change interchangeable numbers to change gasoline prices.

History

Currently there is an existing convenience store (currently a Shell branded station) and gas station on-site, as well as the Little Caesar's Restaurant. The convenience store has been in place since 1984, and business license and permitting records indicate that the building was branded as a Chevron until 2007, at which point the branding was changed to Shell. An addition in 2006 added Subway as an amenity at this location, and the Subway was at this location until 2008, at which point, Café Charro Mexican Grill took over the lease. In 2012, Little Caesar's began business, and remains there today. The applicant submitted the proposed electronic sign as part of an overall sign package, which is attached the Agenda Packet, and was directed to apply for a Conditional Use Permit.

Per Citizen Participation requirements, a Neighborhood Meeting was held on August 22, 2016, on-site, at 1:00 PM. Only the applicant's agent was in attendance at the neighborhood meeting.

Findings of Fact

The purpose of the applicants request is to be able to construct and maintain an electronic LED gasoline price display sign. A conditional use permit is necessary because the Chino Valley Unified Development Ordinance does not allow as a permitted use electronic signage. The request will not be materially detrimental to persons residing or working in vicinity adjacent to the property, to the neighborhood, or to public welfare.

TECHNICAL REVIEW:

Technical Review was not required for this application, due to its limited scope.

SITE PLAN

Attached.

RECOMMENDATION

Recommendation

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

MOTION: I move to recommend to Town Council that it approve a Conditional Use Permit for an electronic LED gasoline price display sign at 995 South State Route 89, as stated in the application.

Attachments

Legal Description Exhibit A
Zoning Map Exhibit B
Site Map
Signage package
Staff Brief

Exhibit A

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 16 NORTH, RANGE 2 WEST OF GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 27;

THENCE SOUTH 89 DEGREES, 29 MINUTES, 00 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 27, A DISTANCE OF 1648.40 FEET TO THE TRUE POINT OF BEGINNING;

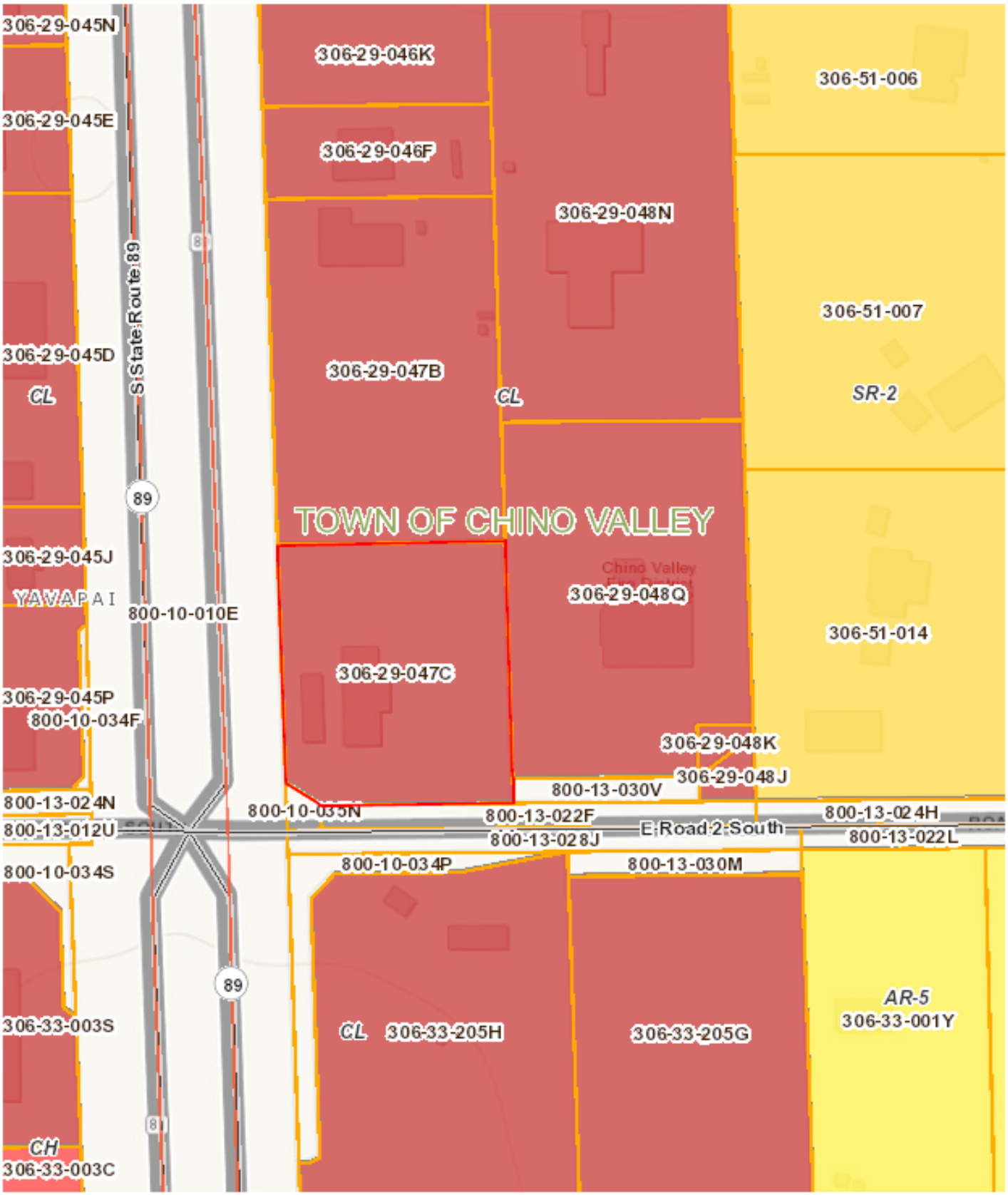
THENCE SOUTH 89 DEGREES, 29 MINUTES, 00 SECONDS WEST, ALONG SAID SOUTH LINE. 232.71 FEET TO A POINT ON THE EAST RIGHT OF WAY OF U. S. HIGHWAY 89;

THENCE NORTH 01 DEGREE, 57 MINUTES, 54 SECONDS WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 290.40 FEET;

THENCE NORTH 89 DEGREES, 27 MINUTES, 21 SECONDS EAST, 232.78 FEET;

THENCE SOUTH 01 DEGREE, 57 MINUTES, 00 SECONDS EAST, 290.51 FEET TO THE TRUE POINT OF BEGINNING.

Zoning Map Shell



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.

Map printed on: 8.29.2016

995 S Highway 89, Chino Valley 06/01/2016

Revision 1: 06/01/2016

SIGNS PLUS
Dale Johnson
C - 928.713.8802
O - 623.780.1544
9200 E. Valley Road
Prescott Valley, AZ 86314

SITE MAP

Scale:
1" = 50'

CUSTOMER APPROVAL

BY: _____

DATE: _____ ☐ W/O CHGS ☐ W/ CHGS

PROJECT: Shell

LOCATION: 995 S Highway 89, Chino Valley

9200 Valley Rd.
Prescott Valley,
Arizona
86314
800-257-5095

SIGNS PLUS

Account Executive: Dale Johnson

Designer: AL

Design Number: 6205

DATE: 06/01/2016

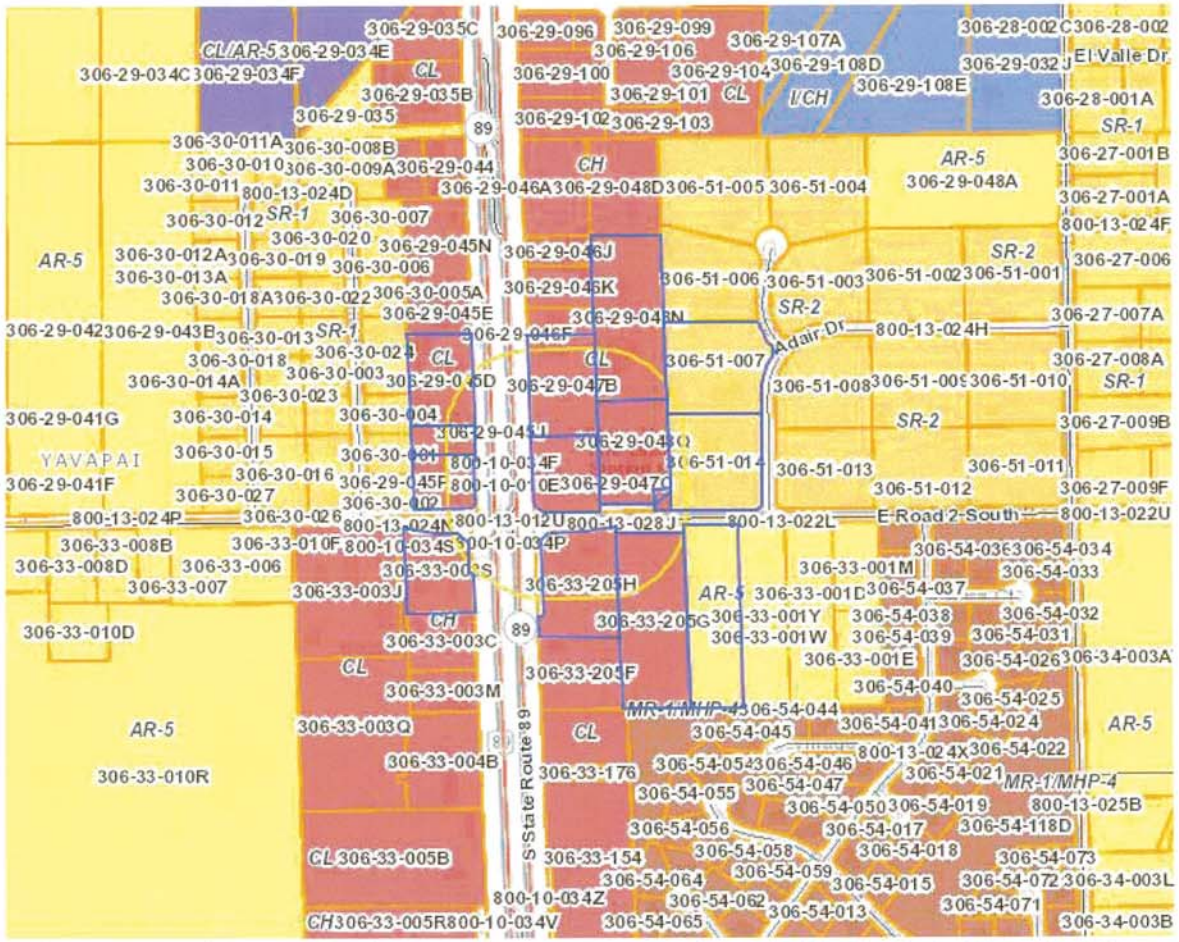
SCALE: AS NOTED

REVISIONS: R1-06/01/2016

SHEET: 2 OF 9

This custom design submitted for your personal use is the exclusive property of SIGNS PLUS. It may not be reproduced, copied, or exhibited in any fashion to anyone outside of your organization without the written permission of an authorized agent of SIGNS PLUS.

Surrounding Properties Zoning Map



Legend

- City Boundaries
- Cottonwood
- Peoria
- Prescott
- Sedona
- Camp Verde
- Chino Valley
- Clarkdale
- Dewey-Humboldt
- Jerome
- Prescott Valley
- Wickenburg
- County Boundary
- Counties
- Chino
- Agricultural/Residentia
- Agricultural/Residentia
- Agricultural/Residentia
- Agricultural/Residentia
- Single Family Residenti
- Single Family Residenti
- Single Family Residenti
- Single Family Residenti
- Single Family Residenti
- Multiple Family Reside
- Multiple Family Reside
- Multiple Family Reside
- Mobile/Manufactured
- Multiple Family Reside
- Multiple Family Reside
- Commercial Heavy
- Commercial Heavy

Legend truncated...

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.

Map printed on: 7.5.2016

CUSTOMER APPROVAL

BY: _____

DATE: _____ ☐ W/O CHGS ☐ W/ CHGS

PROJECT: Shell

LOCATION: 995 S Highway 89, Chino Valley

9200 Valley Rd.
Prescott Valley, Arizona 86314
800-257-5095

SIGNS PLUS

Account Executive: Dale Johnson

Designer: AL

Design Number: 6205

DATE: 06/01/2016

SCALE: AS NOTED

REVISIONS: R1-06/01/2016

SHEET: 3 OF 9

This custom design submitted for your personal use is the exclusive property of SIGNS PLUS. It may not be reproduced, copied, or exhibited in any fashion to anyone outside of your organization without the written permission of an authorized agent of SIGNS PLUS.

NORTH ELEVATION | Scale: 3/16" = 1'-0" | A

SOUTH ELEVATION | Scale: 1/8" = 1'-0" | B

CUSTOMER APPROVAL

BY: _____

DATE: _____ ☐ W/O CHGS ☐ W/ CHGS

PROJECT: Shell

LOCATION: 995 S Highway 89, Chino Valley

9200 Valley Rd.
Prescott Valley,
Arizona
86314
800-257-5095

SIGNS PLUS

Account Executive: Dale Johnson

Designer: AL

Design Number: 6205

DATE: 06/01/2016

SCALE: AS NOTED

REVISIONS: R1-06/01/2016

SHEET: 4 OF 9

This custom design submitted for your personal use is the exclusive property of SIGNS PLUS. It may not be reproduced, copied, or exhibited in any fashion to anyone outside of your organization without the written permission of an authorized agent of SIGNS PLUS.

EXISTING SIGNS

Scale: NTS

CUSTOMER APPROVAL

BY: _____

DATE: _____ ☐ W/O CHGS ☐ W/ CHGS

PROJECT: Shell

LOCATION: 995 S Highway 89, Chino Valley

9200 Valley Rd.
Prescott Valley,
Arizona
86314
800-257-5095

SIGNS PLUS

Account Executive: Dale Johnson

Designer: AL

Design Number: 6205

DATE: 06/01/2016

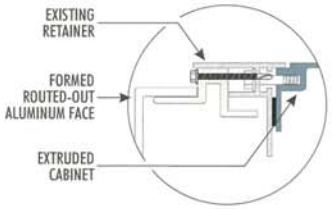
SCALE: AS NOTED

REVISIONS: R1-06/01/2016

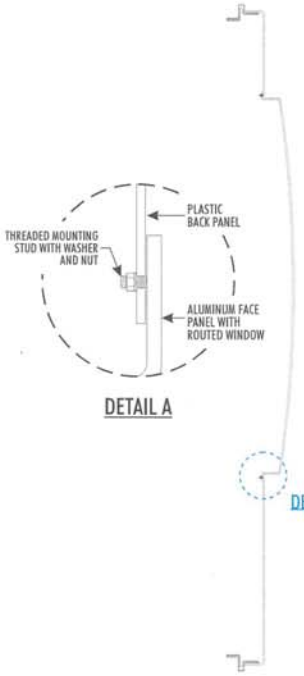
SHEET: 5 OF 9

This custom design submitted for your personal use is the exclusive property of SIGNS PLUS. It may not be reproduced, copied, or exhibited in any fashion to anyone outside of your organization without the written permission of an authorized agent of SIGNS PLUS.

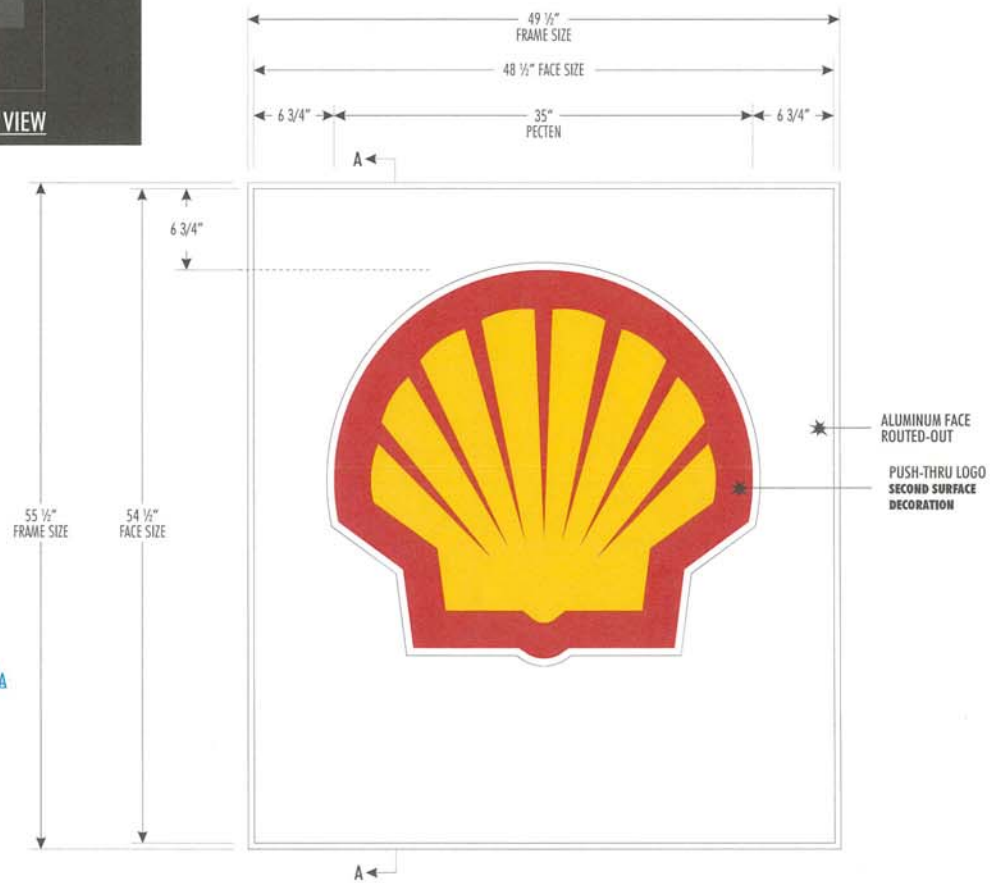
NOTE:
CHEVRON LUG SYSTEM TO SHELL RVIE SIGN



AS SEEN WHEN INSTALLED



SECTION VIEW A-A



FRONT VIEW
O.D.: 56" x 50"

SIDE VIEW

CUSTOMER APPROVAL
BY: _____
DATE: _____ ☐ W/O CHGS ☐ W/ CHGS

PROJECT: Shell
LOCATION: 995 S Highway 89, Chino Valley

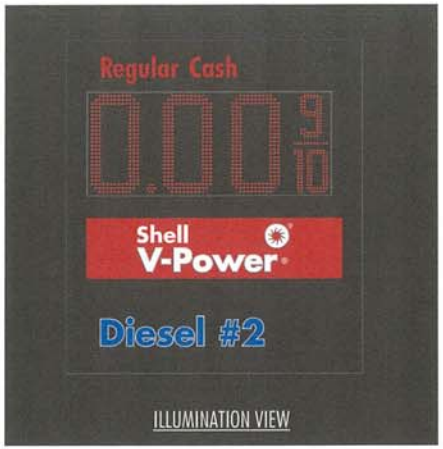
9200 Valley Rd.
Prescott Valley, Arizona 86314
800-257-5095

SIGNS PLUS

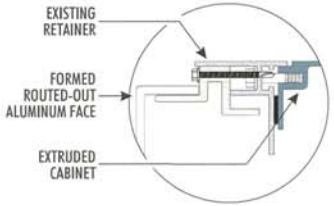
Account Executive: Dale Johnson
Designer: AL
Design Number: 6205
DATE: 06/01/2016
SCALE: AS NOTED
REVISIONS: R1-06/01/2016

SHEET: 6 OF 9

This custom design submitted for your personal use is the exclusive property of SIGNS PLUS. It may not be reproduced, copied, or exhibited in any fashion to anyone outside of your organization without the written permission of an authorized agent of SIGNS PLUS.



ILLUMINATION VIEW

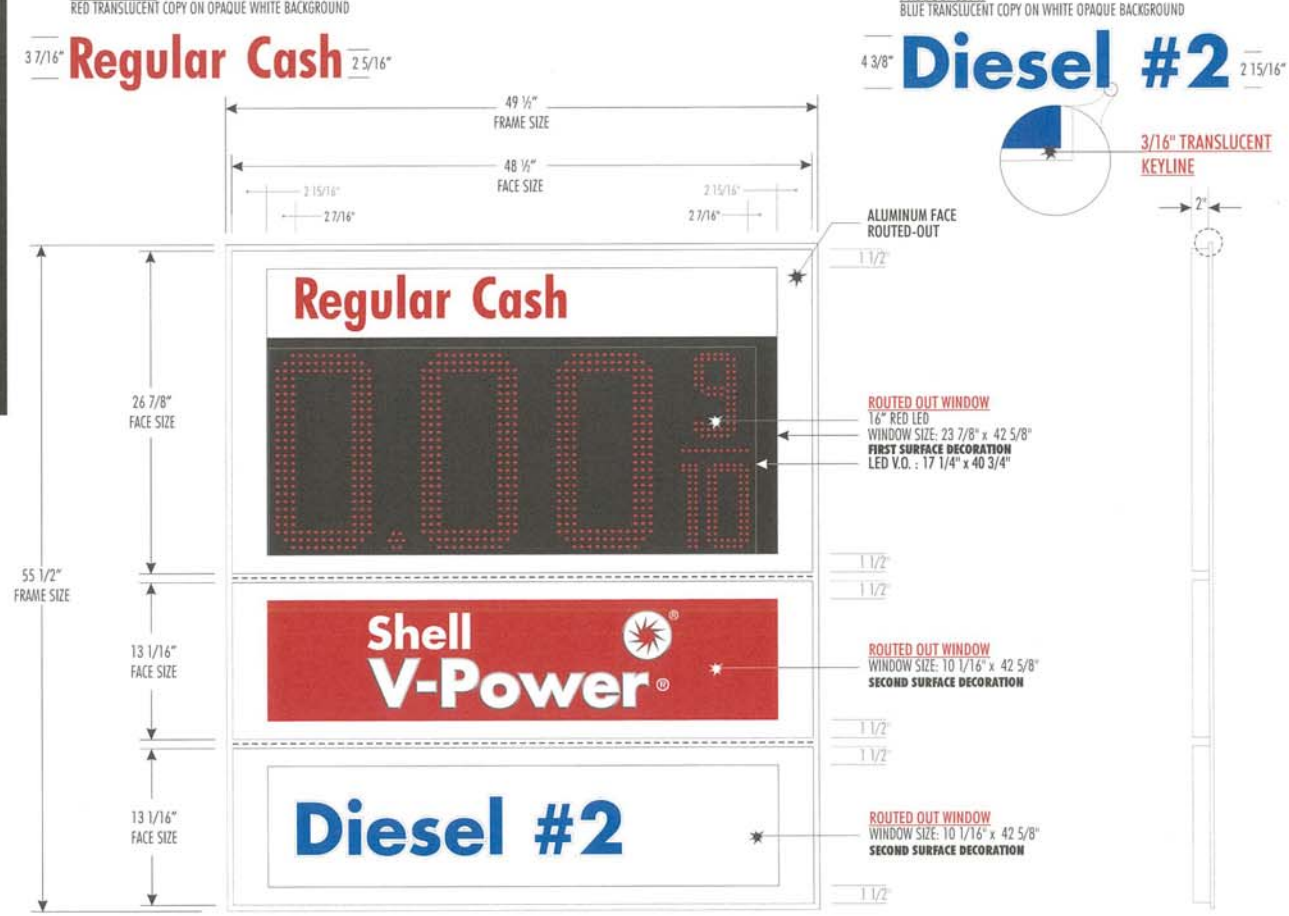


AS SEEN WHEN INSTALLED

NOTE:
CHEVRON LUG SYSTEM TO SHELL RVIE SIGN

PRODUCT COPY:
RED TRANSLUCENT COPY ON OPAQUE WHITE BACKGROUND

PRODUCT COPY:
BLUE TRANSLUCENT COPY ON WHITE OPAQUE BACKGROUND



FRONT VIEW
OD: 56" X 50"

SIDE VIEW

CUSTOMER APPROVAL
BY: _____
DATE: _____ ☐ W/O CHGS ☐ W/ CHGS

PROJECT: Shell

LOCATION: 995 S Highway 89, Chino Valley

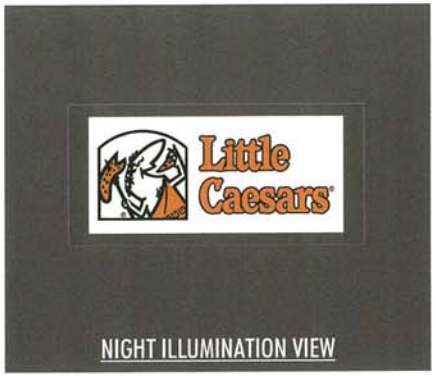
9200 Valley Rd.
Prescott Valley, Arizona
86314
800-257-5095

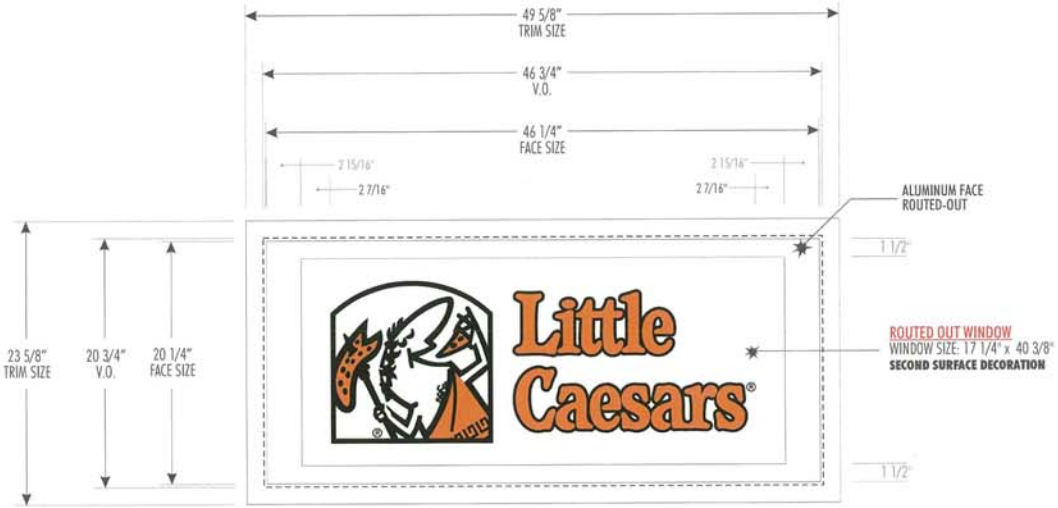
SIGNS PLUS

Account Executive: Dale Johnson
Designer: AL
Design Number: 6205
DATE: 06/01/2016
SCALE: AS NOTED
REVISIONS: R1-06/01/2016

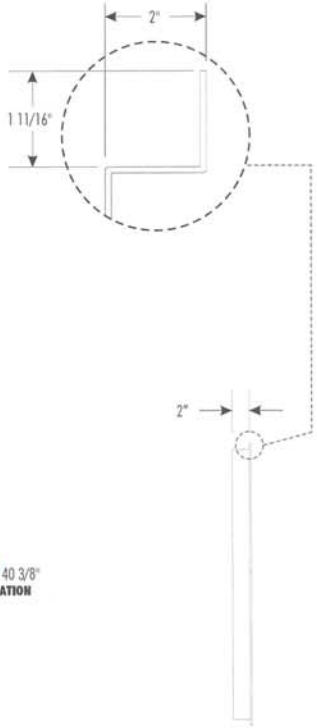
SHEET: 7 OF 9

This custom design submitted for your personal use is the exclusive property of SIGNS PLUS. It may not be reproduced, copied, or exhibited in any fashion to anyone outside of your organization without the written permission of an authorized agent of SIGNS PLUS.





FRONT VIEW
O.D.: 24" x 50"



SIDE VIEW

CUSTOMER APPROVAL
BY: _____
DATE: _____ ☐ W/O CHGS ☐ W/ CHGS

PROJECT: Shell
LOCATION: 995 S Highway 89, Chino Valley

9200 Valley Rd.
Prescott Valley, Arizona
86314
800-257-5095

SIGNS PLUS

Account Executive: Dale Johnson
Designer: AL
Design Number: 6205
DATE: 06/01/2016
SCALE: AS NOTED
REVISIONS: R1-06/01/2016

SHEET: 8 OF 9

This custom design submitted for your personal use is the exclusive property of SIGNS PLUS. It may not be reproduced, copied, or exhibited in any fashion to anyone outside of your organization without the written permission of an authorized agent of SIGNS PLUS.

EXISTING CONDITIONS: NTS

PROPOSED RENDERING

Paint the existing pole Shell Silver

Scale: 1/2"=1'-0"

RE-FACE ONLY

CUSTOMER APPROVAL

BY: _____

DATE: _____ ☐ W/O CHGS ☐ W/ CHGS

PROJECT: Shell

LOCATION: 995 S Highway 89, Chino Valley

9200 Valley Rd.
Prescott Valley, Arizona
86314
800-257-5095

SIGNS PLUS

Account Executive: Dale Johnson

Designer: AL

Design Number: 6205

DATE: 06/01/2016

SCALE: AS NOTED

REVISIONS: R1-06/01/2016

SHEET: 9 OF 9

This custom design submitted for your personal use is the exclusive property of SIGNS PLUS. It may not be reproduced, copied, or exhibited in any fashion to anyone outside of your organization without the written permission of an authorized agent of SIGNS PLUS.

Development Services Department
1982 N. Voss Drive #203
Chino Valley, AZ 86323

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

Planning and Zoning Commission Staff Brief

Date: September 6, 2016

Agenda Item: CUP16-001

Location: 995 S. State Route 89; Parcel #: 306-29-047C

Summary

The purpose of this request for the granting of a Conditional Use Permit for an electronic LED gasoline price display sign to be located at 995 S. State Route 89, on an approximately 1.54 parcel, 306-29-047C. The subject parcel is located in the northeast quarter of Section 27, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. Surrounding zoning includes Commercial Light (CL) in every direction, and Single-Family Residential, 2-acre minimum (SR-2) zoning about 250 feet to the east.

The property is zoned CL, and has been in use as a convenience store since 1984. The proposed electronic LED sign will be part of an overall update to the signage on-site. The proposed sign will be party of a larger 49 ½" x 55 ½" sign array and will be approximately 23 $^{7/8}$" x 42 $^{5/8}$" in size. The sign will used only to display gasoline prices, and will provide convenience for store employees, who will no longer be required to walk out and change interchangeable numbers to change gasoline prices.

History

Currently there is an existing convenience store (currently a Shell branded station) and gas station on-site, as well as the Little Caesar's Restaurant. The convenience store has been in place since 1984, and business license and permitting records indicate that the building was branded as a Chevron until 2007, at which point the branding was changed to Shell. An addition in 2006 added Subway as an amenity at this location, and the Subway was at this location until 2008, at which point, Café Charro Mexican Grill took over the lease. In 2012, Little Caesar's began business, and remains there today. The applicant submitted the proposed electronic sign as part of an overall sign package, which is attached the Agenda Packet, and was directed to apply for a Conditional Use Permit.

Per Citizen Participation requirements, a Neighborhood Meeting was held on August 22, 2016, on-site, at 1:00 PM. Only the applicant's agent was in attendance at the neighborhood meeting.

Findings of Fact

The purpose of the applicants request is to be able to construct and maintain an electronic LED gasoline price display sign. A conditional use permit is necessary because the Chino Valley Unified Development Ordinance does not allow as a permitted use electronic signage. The request will not be materially detrimental to persons residing or working in vicinity adjacent to the property, to the neighborhood, or to public welfare.

Recommendation

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

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

Meeting Date: 09/06/2016

Discussion of Proposed UDO Amendments Regarding Section 4.21, Sign Regulations

---

CASE DESCRIPTION:

Discussion of proposed sign ordinance amendments after review by Council and the Sign Code Workgroup.

ANALYSIS:

The proposed amendments to Section 4.21 of the Unified Development Ordinance (UDO) are the culmination of an effort that has had fits and starts since 2014. The first round of amendments began in 2014, and were brought to P&Z January 6, 2015. Within a week, the Supreme Court had heard arguments on what was to become a landmark case: Reed, et al v. Town of Gilbert, et al., more commonly known as Reed v. Gilbert. Upon advisement from legal counsel, the amendments to the sign code were put on hold, pending a decision in Reed v. Gilbert. That decision came June 18, 2015, and was groundbreaking in a couple of ways: Its breadth. The decision seemed to make sweeping generalizations about the way that signage was regulated. The implications for jurisdictions around the country: almost everyone was regulating signs in a way that was not "content neutral", and doing so without a "compelling government interest"; which is the strict scrutiny test for content-based regulations. The process for Sign Code Amendments began again in January 2016, and public participation for this round of amendments began as in-office outreach to those applying for sign permits or renewing temporary sign permits. Emails were sent to all business license holders via our online permitting system, CitizenServe, on March 16th, 2016; and an ad hoc Sign Code Committee was formed. This committee met once monthly from April through June and comments and questions from the committee were addressed. During the same timeframe, a Survey was distributed via SurveyMonkey, an online survey platform. Concerns heard during this process range from: formatting, definitions, how we will address temporary signs, including flags and banners, off-premise signs, and sizes of wall signs, monument signs, and shingle signs. The intent of the revisions of the Sign Code are threefold: Compliance with Reed v. Gilbert Allowance for more signage for businesses, and creating a proportional allowance for signs based upon speed limits and frontages. To make a more easily understandable code that is easy to read for the public as well as easy to interpret for staff. The revisions proposed address those specific intents by: Creating content-neutral sign regulations Increasing maximum sign sizes, increasing total aggregate signage allowances, creating matrices or tables for different types of signage which allow for more signage on buildings fronting roadways with speed limits greater than 35 MPH, at 35 MPH, and less than 35 MPH (see Table 4.21.5.B-1 and Table 4.21.5.B-2 for examples). Creating a table-based format the spells out quantity, type, and placement of signage for each zoning district and reducing the number of pages of regulations from 22 to 11. This was achieved by creating a more compact format as well as removing provisions in the code which were written for a special purpose, provisions which conflicted with other parts of the code, and provisions which conflicted with state statute and case law. Attached herein are the amendments to Section 4.21 that have arisen from this process, as well as amendments to Chapter 2 of the UDO, amending, deleting, and adding new definitions for signage. Additionally, after a public hearing held at the Town Council meeting on July 26, 2016, new changes have been completed to the proposed amendments. The following are the items that were discussed at the Town Council meeting:

1. Table 4.21.2 G (Exempt Signs): Remove requirement for a permit for flags on residential property
2. Section 4.21.7 A & B (Prohibited Signs): Come back to these prohibitions with a better understanding of what our intent is.

Additionally, a Sign Code Workgroup was held on Monday, August 8th, at 10 AM, where members of the workgroup proposed additional changes. Those changes, as proposed include:

1. Add definition for Sign, Electronic
2. Remove A-Frame Signs from Table 4.21.2G (Exempt Signs)
3. Remove residential signs from Table 4.21.12G (Exempt Signs)

TECHNICAL REVIEW:

Technical Review is not required for UDO amendments.

RECOMMENDATION

Hold a discussion regarding proposed amendments to the Sign Code. No action may be taken at this time.