1. Planning & Zoning Commission - Agenda

   Documents:

   2016_11_01_PZ_RG_AG.PDF

2. Planning & Zoning Commission -Packet

   Documents:

   2016_11_01_PZ_RG_PK .PDF

Town of Chino Valley

MEETING NOTICE
PLANNING AND ZONING COMMISSION

REGULAR MEETING
Tuesday, November 1, 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 September 6, 2016, regular meeting minutes.

5. STAFF REPORTS

6. PUBLIC HEARING

a. Consideration and possible action to hold a public hearing and to recommend to the Town Council adoption of Ordinance 16-824 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: Ruth Mayday, Development Services Director)

b. Consideration and possible action to recommend to Town Council approval of a Conditional Use Permit for approximately 5 acres of real property located at 1151 E. Road 4 North (Yavapai County Assessors Parcel No. 306-17-00) to permit storage of up to 6 pieces of heavy equipment (tractors, backhoes,etc.) in the AR-5 (Agricultural/Residential - 5 Acre Minimum) zoning district.(Ruth Mayday, Development Services Director)

c. Consideration and possible action to approve a Conditional Use Permit (CUP 16-002) to allow for retail propane sales in a CL (Commercial Light) zoning district. (Ruth Mayday, Development Services Director)

d. Consideration and possible action to rezone approximately 61.03 acres from CL Commercial Light to I Industrial. (Ruth Mayday, Development Services Director)

7. NON-PUBLIC HEARING ACTION ITEMS

8. DISCUSSION ITEMS

9. PUBLIC COMMENTS

10. ADJOURN

Dated this 27th day of October, 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.

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

Meeting Date: 11/01/2016

September 6, 2016 Meeting minutes

CASE DESCRIPTION:

Consideration and possible action to approve the September 6, 2016, regular meeting minutes.

FACTS:

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

ANALYSIS:

RECOMMENDATION

Attachments

Draft Minutes September 6, 2016

D R A F T

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

SEPTEMBER 6, 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 Pasciak led the Pledge of Alligiance.

3) ROLL CALL

Present: Chair Chuck Merritt; Vice-Chair Gary Pasciak; Commissioner Annie Lane; Commissioner Florence Sloan; Commissioner Julie Van Wuffen

Absent: Commissioner Michael Bacon; Commissioner Claude Baker

Staff Present: Development Services Director Ruth Mayday; Associate Planner James Gardner; Town Clerk (Recorder) Jami Lewis

4) MINUTES

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

MOVED by Commissioner Florence Sloan, seconded by Commissioner Julie Van Wuffen to approve the August 4, 2016, special meeting minutes.

Vote: 5 - 0 PASSED - Unanimously

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

MOVED by Commissioner Annie Lane, seconded by Vice-Chair Gary Pasciak to approve the June 15, 2016, special meeting minutes.

Vote: 5 - 0 PASSED - Unanimously

5) STAFF REPORTS

There was no staff report.

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).

Associate Planner Gardner stated that this item needed to be postponed until such time as the applicant would be able to attend.

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Julie Van Wuffen to push off this item to a later date to be announced.

Vote: 5 - 0 PASSED - Unanimously

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)

The Shell gas station is in a Commercial Light (CL) corridor. Residential zoning is 300 ft to the rear.

Applicant wants to place an electric sign on Northeast corner. The large monument style sign would replace the existing signage.

- The applicant has requested the placement of an electronic sign on the NE corner of State Route 89 and Road 2 South.
- The sign will be part of a larger monument style sign, to replace the existing signage
- The proposed sign does not include animation
- The sign is not in a community core area.

Public outreach:

- The applicant mailed letters and posted the site in conformance with state statute and the UDO.
- A neighborhood meeting was held on-site by the applicant on 7/25/16, and no members of the public were in attendance.

Chair Merritt asked how this fit with the sign code amendments.

- Planner Gardner stated that the sign would require a Conditional Use Permit (CUP).
- The only new change would be the amount of time each message is displayed.

Commissioner Pasciak asked if the sign would be outside the sight triangle for safety reasons.

- The sign will be in the same place as it is currently located.
- Staff looks into that as part of permitting process. The sign appears to be outside of the sight triangle.

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Florence Sloan to recommend approval of the Conditional Use Permit with the stipulation that it be verified that the sign is outside of the sight triangle.

Vote: 5 - 0 PASSED - Unanimously

7) NON-PUBLIC HEARING ACTION ITEMS

There were no non-public hearing action items.

8) DISCUSSION ITEMS

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

Director of Development Services, Ruth Mayday presented on this item.

Council asked the Planning & Zoning Commission to review a second time.

Flags were exempt from regulations which led to issues with flags that were used for advertising purposes and Reed content regulations. It became necessary to consider other issues, such as size and how to regulate flags, banners and pennants.

Director Mayday reviewed the basics of Reed v. Town of Gilbert.

Town of Gilbert Development Code: Temporary Directional Signs Relating to a Qualifying Event

- Signs directing the public to a meeting of a non-profit group
- Three types examined: Ideological Signs, Political Signs, Temporary Directional Signs…
    - Ideological signs treated most favorably: 20 sf, any zoning district, no time limit
    - Political signs less favorably: 16 sf resi, 23 sf non-resi; 60 days before primary, 15 days following general election
    - Temporary directional signs: 6 sf, private property or public ROW, but no more than four (4) per property at a time; 12 hrs before & 1 hr after event.

Good News Community Church claimed violation of First Amendment rights as the ordinance did not meet the "strict scrutiny" test required for content-based non-commercial speech regulations

Non-Commercial: Strict Scrutiny

- Compelling Government Interest
- Narrowly tailored

What is non-commercial speech?

- Non-commercial speech is speech that is expressing an opinion.
- Non-commercial speech is subject to <u>Strict Scrutiny</u>, and therefore any restrictions must be narrowly-tailored, and a compelling government interest must be proven.

Commercial speech: Intermediate Scrutiny

- Time
- Place
- Manner

What is commercial speech?

- Commercial speech has been defined by the Supreme Court as speech where the speaker is more likely to be engaged in commerce, where the intended audience is commercial or actual or potential consumers & where content of the message is commercial in character.
- Commercial speech, such as advertisements, has been ruled by the Supreme Court to be entitled to less protection under the First Amendment than noncommercial speech. Under the First Amendment, noncommercial speech is entitled to full protection, and any sort of content-based regulation is only valid if it can withstand strict_scrutiny. However, commercial speech is not given such deference. For a content-based regulation of commercial speech to be valid, it only must withstand intermediate scrutiny.
- Additionally, commercial speech that is false or misleading is not entitled to any protection under the First Amendment, and therefore can be prohibited entirely.

To regulate signs now, you must totally ignore what it says. The top 9 ways to regulate signage:

1. The size of signs
2. The location of signs
3. Lighted vs. unlighted signs
4. Fixed vs. electronic message boards
5. Placement on public vs. private property
6. Placement on commercial vs. residential property
7. Distinguishing between on-premise and off-premise signs
8. Limiting the total number of signs allowed per mile of roadway
9. Imposing time restrictions on signs advertising a one-time event.

Regulation under Reed and subsequent cases

- Think of regulating signage from the back of the sign
- Focus regulations on commercial speech (e.g., # commercial flags per lot or linear distance; maximum area, etc.)
- Minimal restrictions on non-commercial speech – "…otherwise regulated elsewhere in UDO, or by other local, state, or federal regulations…."

Director Mayday identified other changes that were made to the regulations.

- Garage sale signs already excepted due to size.
- Town already regulates signs in public right of way.
- Vehicle signs, proposed is nearly identical except to remove "for advertising purposes."

Signs in the Right of Way.
<u>4.21.11 Prohibited Signs</u>
E. Off-site signs, unless otherwise permitted by this Ordinance, more specifically signs that direct attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

<u>4.21.10 Exceptions</u>

D. Garage sale signs not exceeding six square feet (6 sq. ft.). Such signs shall not be up longer than three (3) days. Signs may not be located upon Town sidewalks or within the public rights-of-way.

Vehicle signs - Proposed regulation is nearly identical to existing regulation.
4.21.11 (B) Prohibited Signs
B. Vehicle signs or signs mounted, attached, or painted on trailers, boats, or motor vehicles primarily or consistently parked, stored, or displayed in a manner intended to attract the attention of the public for advertising purposes.

4.21.11 Prohibited Signs
B. Vehicle signs or signs mounted, attached, or painted on trailers, boats, or motor vehicles primarily or consistently parked, stored, or displayed in a manner intended to attract the attention of the public.

The Commissioners discussion included the following:

- Reed only address non-commercial speech. The City of Chandler case covers commercial speech.
- As long as it is non-commercial, it would be okay to fly as many flags as you want, except where regulated elsewhere in UDO, or other local, state of federal regulations.
- The trailer advertising the pancake breakfast would be ok because it is a non-profit organization and the sign is temporary and not permanent. It is a one-time event.
- The time limit for temporary sign is 3 days, 24 hours before and 24 after the event.
- The timeframe for electronic signs is 6 seconds, which is based on the national standard.
- This matter will not come back to the Planning & Zoning commission.
- Changes to the sign code are mostly word smithing.
- The changes further defined electronic sign for clarity; 4.2.1.2.g exempt signs. The table was modified to remove mention of flags other than government signs and flags which are allowed without permit and no limit.
- Historical non-commercial flags are exempt from regulation.

9) PUBLIC COMMENTS

There were no public comments.

10) ADJOURN

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Annie Lane to adjourn the meeting at 6:44 pm.

Vote: 5 - 0 PASSED - Unanimously

_____
Chair Charles Merritt

_____
Date

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

Meeting Date: 11/01/2016

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: Ruth Mayday, Development Services Director)

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.

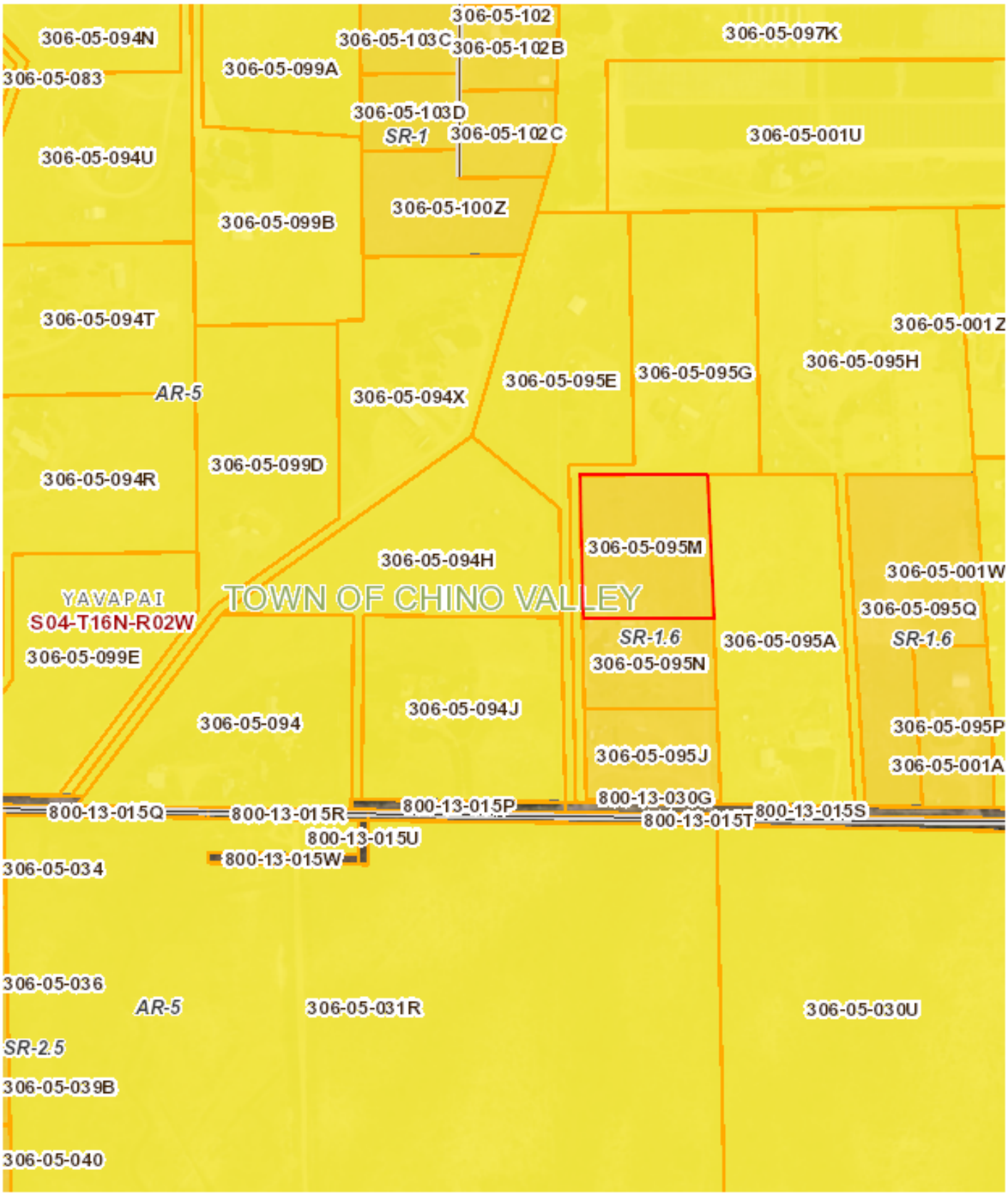
SUBJECT TO AND TOGETHER WITH a 25 foot easement for ingress, egress, and public utilities as shown on said plat, being over the East 25 feet of the South 100 feet of said parcel.

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.

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History

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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

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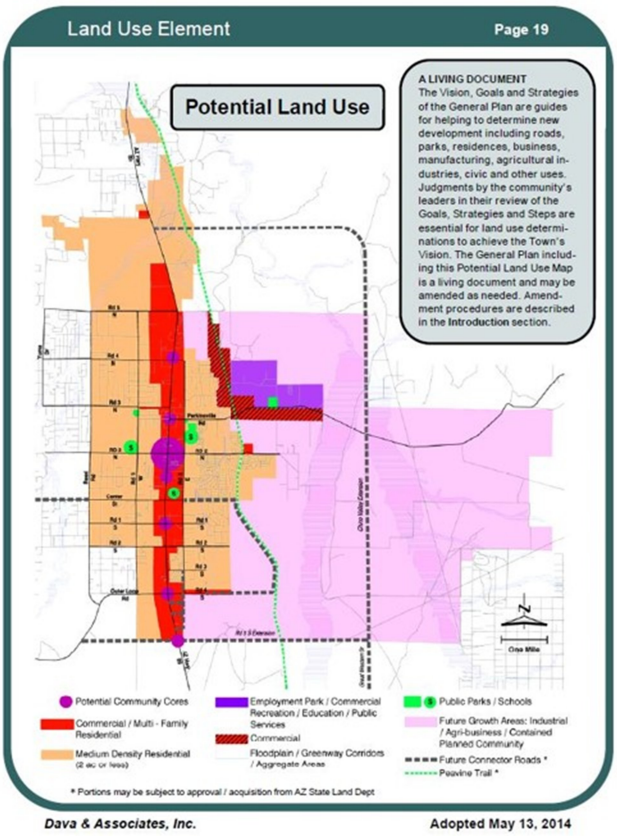


Figure 1: Future Land Use Map

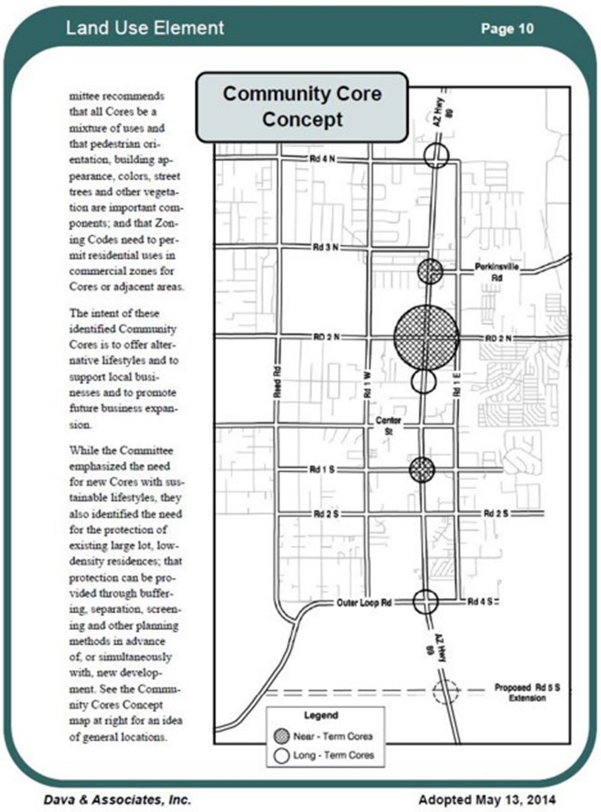


Figure 2: Community Cores

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: 11/01/2016

Cuka Equipment Storage CUP 306-17-003Q

CASE DESCRIPTION:

Consideration and possible action to recommend to Town Council approval of a Conditional Use Permit for approximately 5 acres of real property located at 1151 E. Road 4 North (Yavapai County Assessors Parcel No. 306-17-00) to permit storage of up to 6 pieces of heavy equipment (tractors, backhoes,etc.) in the AR-5 (Agricultural/Residential - 5 Acre Minimum) zoning district.(Ruth Mayday, Development Services Director)

LOCATION:

1151 E. Road 4 North, Chino Valley, Arizona, consisting of Assessor's Parcel Number 306-17-003Q, located in the northwest quarter of Section 11, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

FACTS:

1. Applicant:.....Susan Cuka
2. Owner:.....Susan and Gregg Cuka
3. Parcel Number.....306-17-003Q
4. Site Area.....approx. 5 acres
5. Existing zoning:.....AR-5
6. Intended Use.....Storage of heavy equipment

ANALYSIS:

Summary

The purpose of this request for the granting of a Conditional Use Permit for the storage of up to six (6) pieces of heavy equipment, on an approximately 5-acre parcel, 306-17-003Q. The subject parcel is located in the northwest quarter of Section 11, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. Surrounding zoning includes AR-5 (Agricultural Residential, 5-acre minimum) to the north, west, and east, and SR-2 (Single-Family Residential, 2-acre minimum) to the south.

The property is zoned AR-5, and has had commercial heavy equipment on-site since 2010. The applicant is applying for a Conditional Use Permit after consulting with staff and understanding that the storage of heavy equipment in the AR-5 zoning district requires a Conditional Use Permit.

History

A single-family home was constructed on the subject parcel in 1999. The applicant, and current homeowner purchased the property in April 2010, and moved their heavy equipment, which is used to operate an excavating business, onto the property. The equipment has been onsite for over 6 years without complaint from neighbors or other concerned citizens. The applicant became aware of the non-compliance, and promptly contacted staff to begin the process of applying for a Conditional Use Permit.

Per Citizen Participation requirements, a Neighborhood Meeting was held on August 29, 2016, on-site, at 6:00 PM. No objections were raised.

Findings of Fact

The purpose of the applicants request is to be able to store up to six pieces of heavy equipment related to the homeowner’s excavation business. A conditional use permit is necessary because the Chino Valley Unified Development Ordinance does not allow as a permitted use heavy equipment storage in the AR-5 Zoning District. 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, given its limited scope.

SITE PLAN

Plot 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 storage of up to six pieces of heavy equipment at 1151 E. Road 4 North, as stated in the application.

Attachments

Legal Description Exhibit A

Zoning Map Exhibit B

Site Map

Plot Plan

Staff Brief

B: 4737 P: 770 04/29/2010 02:31:58 PM WD
Ana Wayman-Trujillo
OFFICIAL RECORDS OF YAVAPAI COUNTY $16.00
YAVAPAI TITLE AGENCY INC 2010-4388316

at the request of YAVAPAI TITLE AGENCY, INC.

When recorded mail to
Gregg J. Cuka
29668 402nd
Wagner, SD.
57380

B: 4737 P: 770 04/29/2010 02:31:58 PM WD
$16.00 Page: 1 of 4 2010-4388316

12004803-CHW

Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we,

Mark Sutton and Christina Sutton, husband and wife

do/does hereby convey to

Gregg J. Cuka and Susan J. Cuka, Husband and Wife, as Community Property with Right of Survivorship

the following real property situated in **Yavapai** County, Arizona:

See Exhibit A attached hereto and made a part hereof.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

And I or we do warrant the title against all persons whomsoever, subject to the matters set forth above.

Dated this **April 15, 2010**

Mark Sutton

Christina Sutton

STATE OF ARIZONA)
)ss
County of **Yavapai**)

This instrument was willingly acknowledged before me this 26 day of April, 2010 by **Mark Sutton and Christina Sutton**

Notary Public

My commission will expire 2-10-2014

OFFICIAL SEAL
C. WARREN
Notary Public - State of Arizona
YAVAPAI COUNTY
My Comm. Expires Feb 10, 2014

Exhibit A

PARCEL I:

Parcel A as shown on that certain Record of Survey as recorded in Book 182 of Land Surveys, page 33, Y.C.R.O., being within Section 11, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

PARCEL II:

Parcel B as shown on that certain Record of Survey as recorded in Book 182 of Land Surveys, page 33, Y.C.R.O., being within Section 11, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

12004803-CHW

COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP ACCEPTANCE

THAT CERTAIN DEED dated April 15, 2010, wherein

Mark Sutton and Christina Sutton, husband and wife

as Grantors, convey to

Gregg J. Cuka and Susan J. Cuka, Husband and Wife, as Community Property with Right of Survivorship

not as tenants in common and not as joint tenants, but as community property with right of survivorship, the property legally described as:

See Exhibit A attached hereto and made a part hereof.

is hereby accepted and approved by the undersigned grantees, therein, it being their intention to acquire said property as community property with the right of survivorship, and not as joint tenants and not as tenants in common.

Dated: April 15, 2010

Gregg J. Cuka

Susan J. Cuka

STATE OF SOUTH DAKOTA)
)ss
County of CHARLES MIX)

The foregoing instrument was acknowledged before me this 26TH day of APRIL, 2010, by **Gregg J. Cuka and Susan J. Cuka.**

My commission expires: 9/13/12

Notary Public- KARLA KOCER

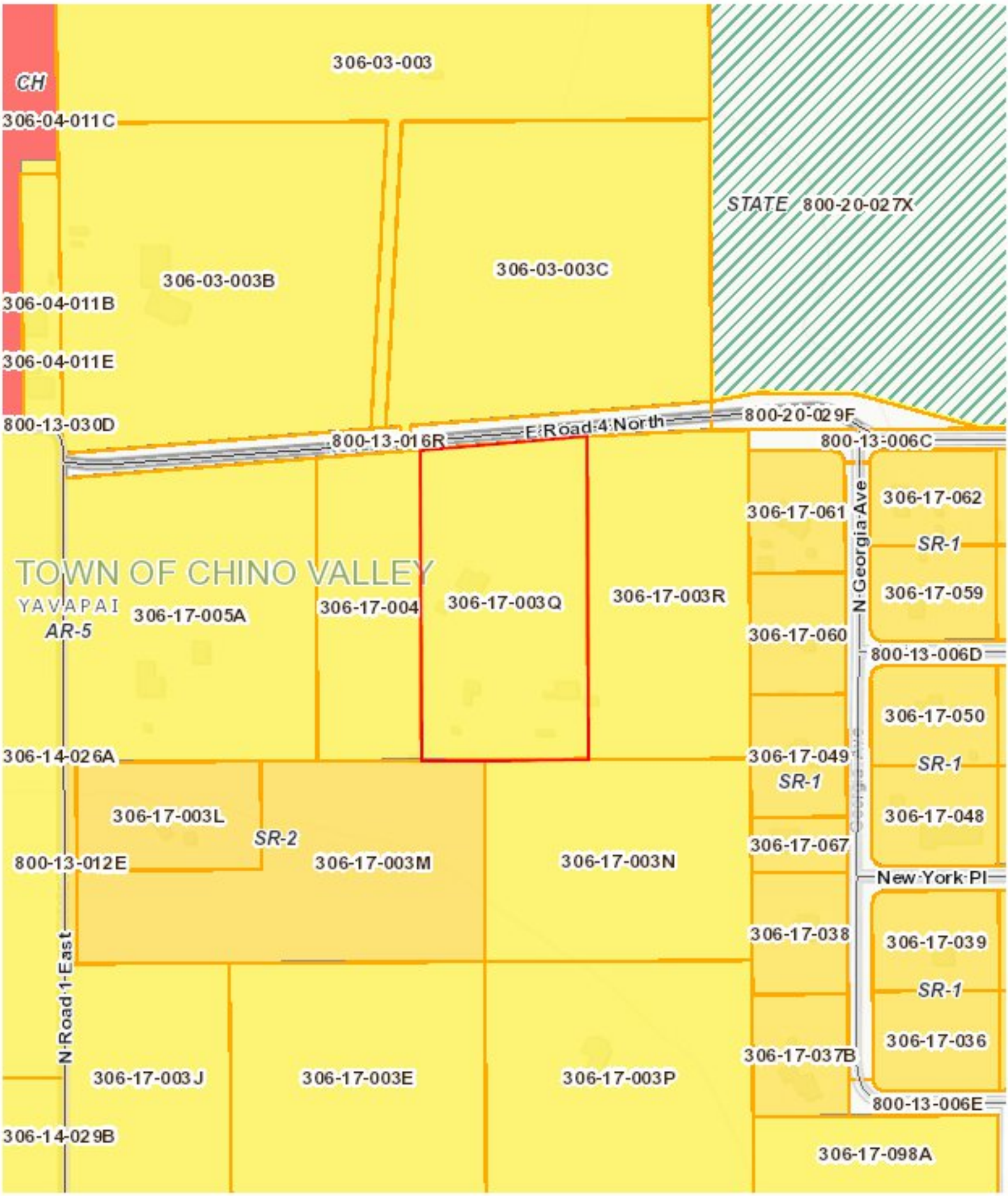
PARCEL I:

Parcel A as shown on that certain Record of Survey as recorded in Book 182 of Land Surveys, page 33, Y.C.R.O., being within Section 11, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

PARCEL II:

Parcel B as shown on that certain Record of Survey as recorded in Book 182 of Land Surveys, page 33, Y.C.R.O., being within Section 11, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

Cuka Zoning Map



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Map printed on: 4.11.2016

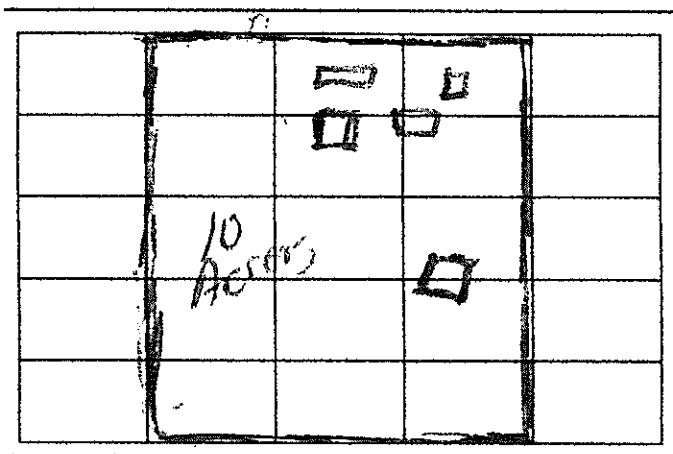
Plot Plan Sketch and Affidavit

ertify that I am authorized by the property owner to make this application, that all ormation provided for this application is correct and that this plot plan, as part of the mit, indicates all structures (including fences, walls, and pads), correct property and lding dimensions; setback distances; legal access and easements; road cuts; walls and/or / water course (including washes, drainage ditches etc.) on or within 50' ; 100' and)' respectively of the property. We agree to conform to all applicable laws of this isdiction.

gnature

6-18-12
Date

acres or with dimensions over ~~300'~~.



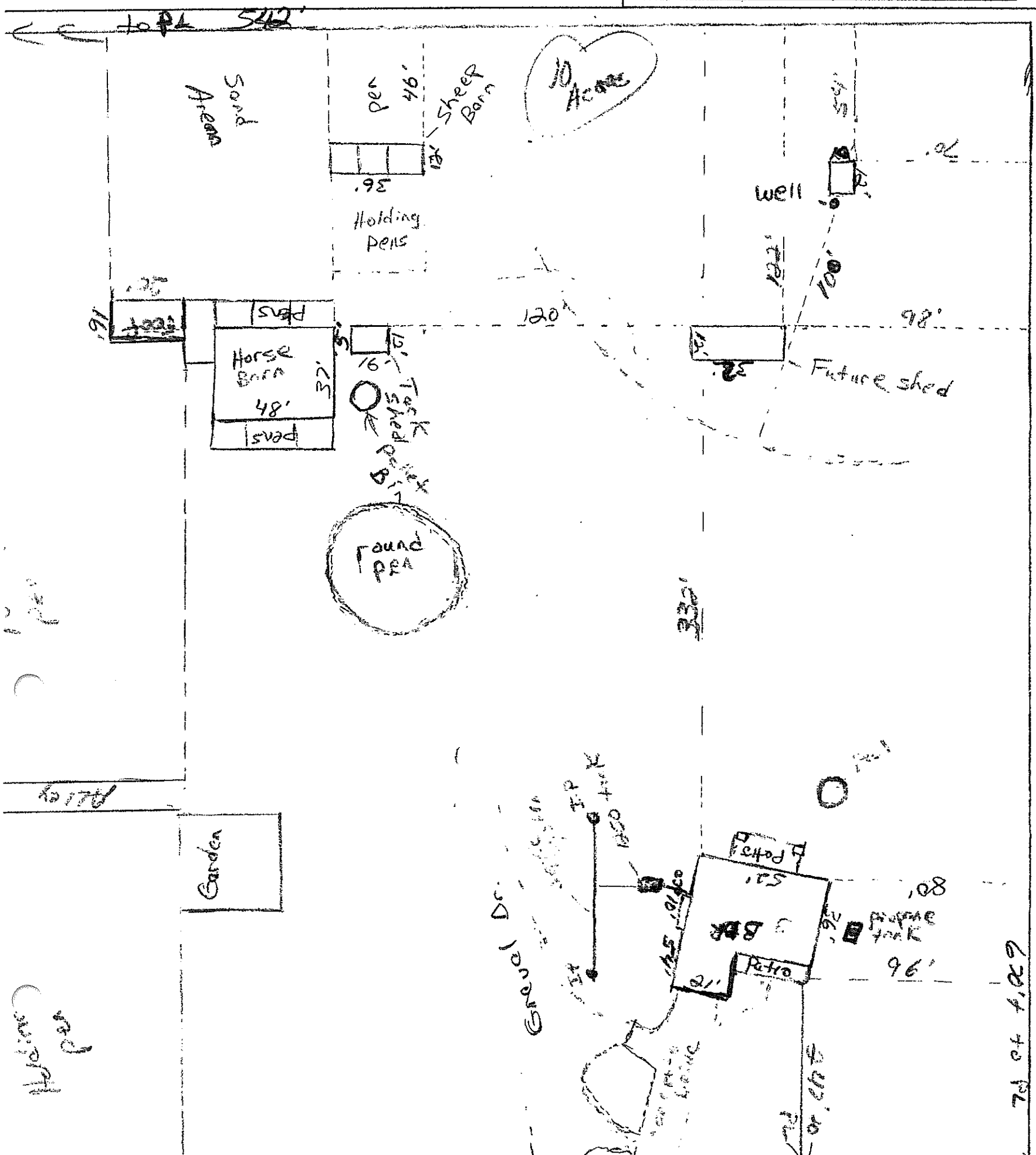
Document # 11X17

Sec

Twn

Rng

APN 306-17-003



Zoning:

Stories:

Height:

Slope: %

FY:

RY:

EY:

IY:

LC:

Lot Area

Lot %

Density Used:

1"=60'
Scale:

North Arrow

LAND USE APPROVAL BY:	DATE:	TOTAL SHIELDED LUMENS:

11X17(X3)

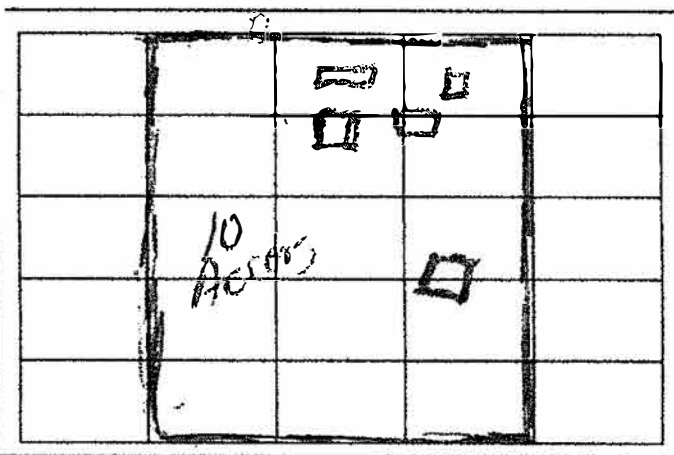
Plot Plan Sketch and Affidavit

ertify that I am authorized by the property owner to make this application, that all ormation provided for this application is correct and that this plot plan, as part of the mit, indicates all structures (including fences, walls, and pads), correct property and lding dimensions; setback distances; legal access and easements; road cuts; walls and/or / water course (including washes, drainage ditches etc.) on or within 50' ; 100' and)' respectively of the property. We agree to conform to all applicable laws of this isdiction.

gnature

6-18-12
Date

acres or with dimensions over 300'.



Document # 11X17

Sec

Twn

Rng

APN 306-17-003

Zoning:

Stories:

Height:

Slope: %

FY:

RY:

EY:

IY:

LC:

Lot Area

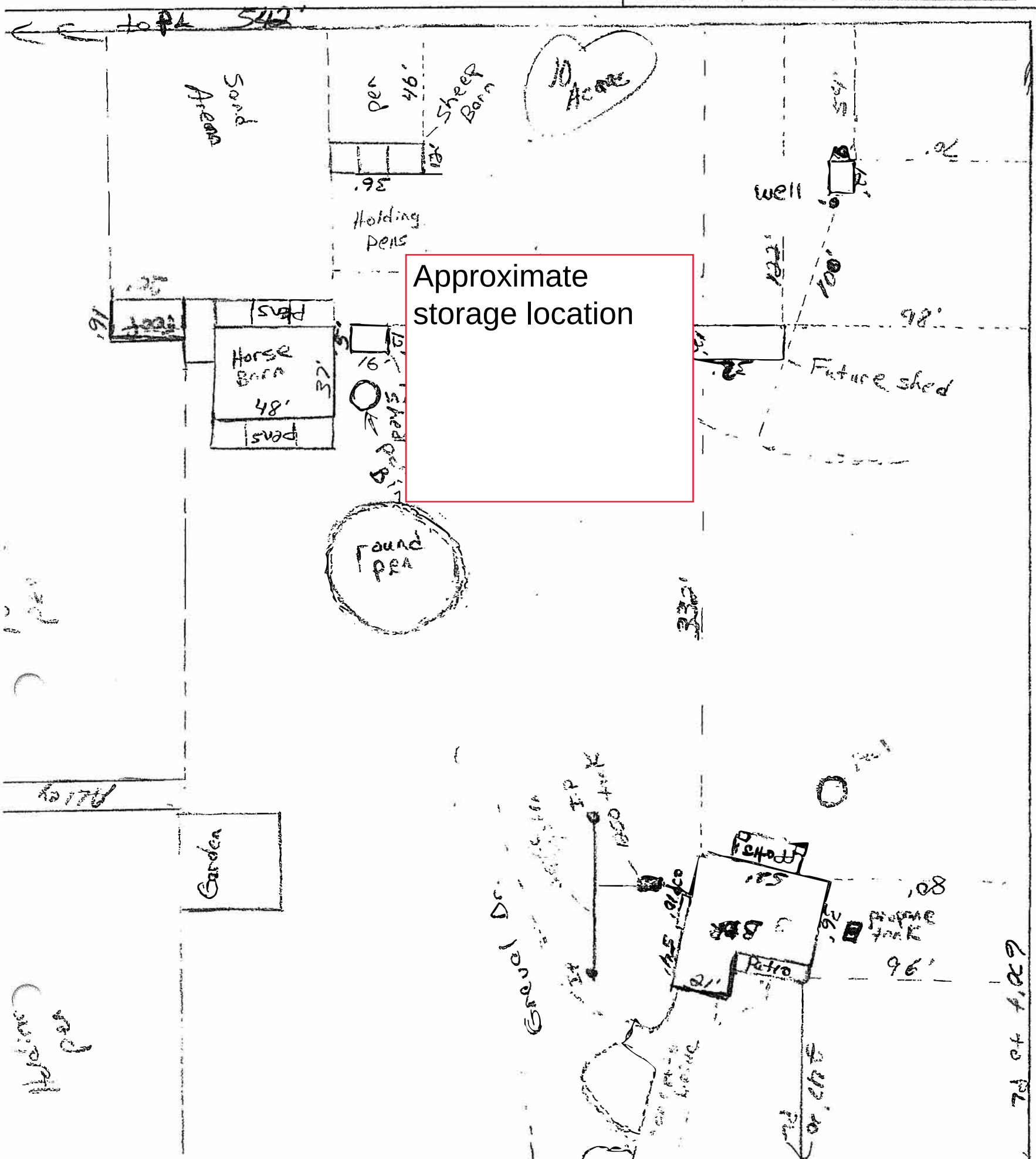
Lot %

Density Used:

1"=60'
Scale:

North Arrow

11 X 17 (X3)



LAND USE APPROVAL BY:	DATE:	TOTAL SHIELDED LUMENS:

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: October 4, 2016

Agenda Item: CUP16-002

Location: 1151 E. Road 4 North; Parcel #: 306-17-003Q

Summary

The purpose of this request for the granting of a Conditional Use Permit for the storage of up to six (6) pieces of heavy equipment, on an approximately 5-acre parcel, 306-17-003Q. The subject parcel is located in the northwest quarter of Section 11, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona. Surrounding zoning includes AR-5 (Agricultural Residential, 5-acre minimum) to the north, west, and east, and SR-2 (Single-Family Residential, 2-acre minimum) to the south.

The property is zoned AR-5, and has had commercial heavy equipment on-site since 2010. The applicant is applying for a Conditional Use Permit after consulting with staff and understanding that the storage of heavy equipment in the AR-5 zoning district requires a Conditional Use Permit.

History

A single-family home was constructed on the subject parcel in 1999. The applicant, and current homeowner purchased the property in April 2010, and moved their heavy equipment, which is used to operate an excavating business, onto the property. The equipment has been onsite for over 6 years without complaint from neighbors or other concerned citizens. The applicant became aware of the non-compliance, and promptly contacted staff to begin the process of applying for a Conditional Use Permit.

Per Citizen Participation requirements, a Neighborhood Meeting was held on August 29, 2016, on-site, at 6:00 PM. No objections were raised.

Findings of Fact

The purpose of the applicants request is to be able to store up to six pieces of heavy equipment related to the homeowner's excavation business. A conditional use permit is necessary because the Chino Valley Unified Development Ordinance does not allow as a permitted use heavy equipment storage in the AR-5 Zoning District. 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 **6. c.**

Meeting Date: 11/01/2016

CUP 16-002 Liquid Propane Sales, Olsen's Grain

CASE DESCRIPTION:

Consideration and possible action to approve a Conditional Use Permit (CUP 16-002) to allow for retail propane sales in a CL (Commercial Light) zoning district. (Ruth Mayday, Development Services Director)

LOCATION:

344 S. Highway 89 Chino Valley, AZ /306-29-030C

FACTS:

1. Applicant:.....Olsen/Sischka Investments
2. Owner:.....Same
3. Parcel Number.....306-29-030C
4. Site Area.....1.4 acres +/-
5. Existing zoning:.....CL (Commercial Light)
6. Intended Use.....Retail propane sales

ANALYSIS:

Applicant Olsen/Sischka Investments is requesting a Conditional Use Permit (CUP) to enable Olsen's Feed Store to sell Liquefied Petroleum Gas (LP) to the general public. Such sales are first allowed in the CL (Commercial Light) zoning district as a conditional use (3.15.3 (J)) as an accessory use to an allowed commercial use. As the existing feed store is an allowed (permitted) use, the CUP would be in conformance with the Unified Development Ordinance. The UDO also requires the design to comply with the requirements of the Arizona State Fire Marshall and the local Fire Marshall; the current installation is in compliance with the adopted Fuel Gas Code.

?Olsen's Feed Store uses LP-powered forklifts in their daily business activities and have an existing tank for their business' use only. They would like to augment their current offerings to include LP sales to the general public.

Three (3) adjacent property owners were notified by first class mail of the request for the CUP; the letters were mailed on September 15, 2016. To date, no comments or objections have been received in relation to this request.

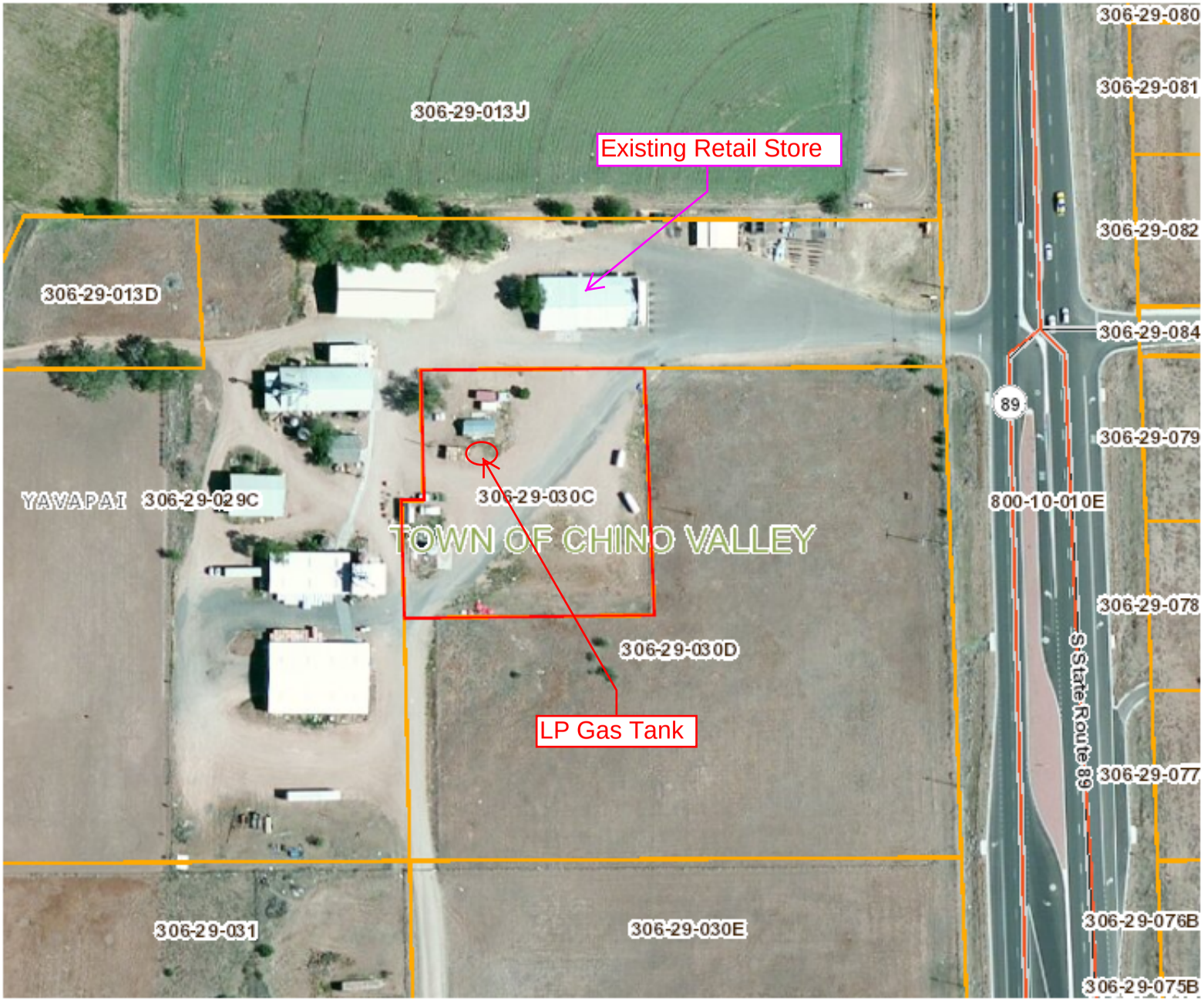
RECOMMENDATION

Because the proposed use meets the stipulation of approval by the Fire Marshall and will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, the neighborhood, or the general public, staff recommends forwarding CUP 16-002 to Town Council with a recommendation of approval.

Motion: I move to forward CUP 16-002 to allow for LP gas sales in a CL zoning District for applicant Olsen/Sischka Investments, to Town Council with a recommendation for approval.

Attachments

Site Map



Legend

City Boundaries
- Cottonwood
- Peoria
- Prescott
- Sedona
- Camp Verde
- Chino Valley
- Clarkdale
- Dewey-Humboldt
- Jerome
- Prescott Valley
- Wickenburg
- County Boundary
- Counties
- Parcels

Major Roads
- Interstate
- State Highways
- Major Roads
- Road Centerlines

Parcel Labels
- Cities

City Boundaries
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Legend truncated...

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Map printed on: 10.27.2016

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

Meeting Date: 11/01/2016

Zone Change 16-006 Wells

CASE DESCRIPTION:

Consideration and possible action to rezone approximately 61.03 acres from CL Commercial Light to I Industrial. (Ruth Mayday, Development Services Director)

LOCATION:

Tree Farm Lane between Granite Creek Lane and Colorado Way.

FACTS:

1. Applicant:.....Curt Wells
2. Owner:.....Same
3. Parcel Number.....306-03-002P and -002Q
4. Site Area.....61.03 acres +/-
5. Existing zoning:.....Commercial Light (CL)
6. Intended Use.....Commercial Heavy

ANALYSIS:

Applicant Wells has requested to rezone approximately 61 acres along Tree Farm Lane from CL (Commercial Light) to I (Industrial) to avail himself to higher and better uses, given the extension of municipal services along Tree Farm/Jerome Junction Road.

The subject property is located immediately west of approximately 800 acres owned by the Town of Chino Valley; the westernmost 200 acres has been designated for an industrial park. The Town has been successful in obtaining adequate grant funding to extend sewer and water to the eastern boundary of the subject parcels; given the attention that the infrastructure project has generated, Mr. Wells now desires to expand his development opportunities to include those in the Industrial zoning district.

?Because the majority of the surrounding properties are owned by Mr. Wells, the Zoning Administrator waived the need for a neighborhood meeting and instead required Mr. Wells to contact the four (4) property owners via first class mail to inform them of the zone change, in addition to posting the property as required. The letters were mailed on October 4, 2016; to date, no objections or responses to the mailing has been received.

RECOMMENDATION

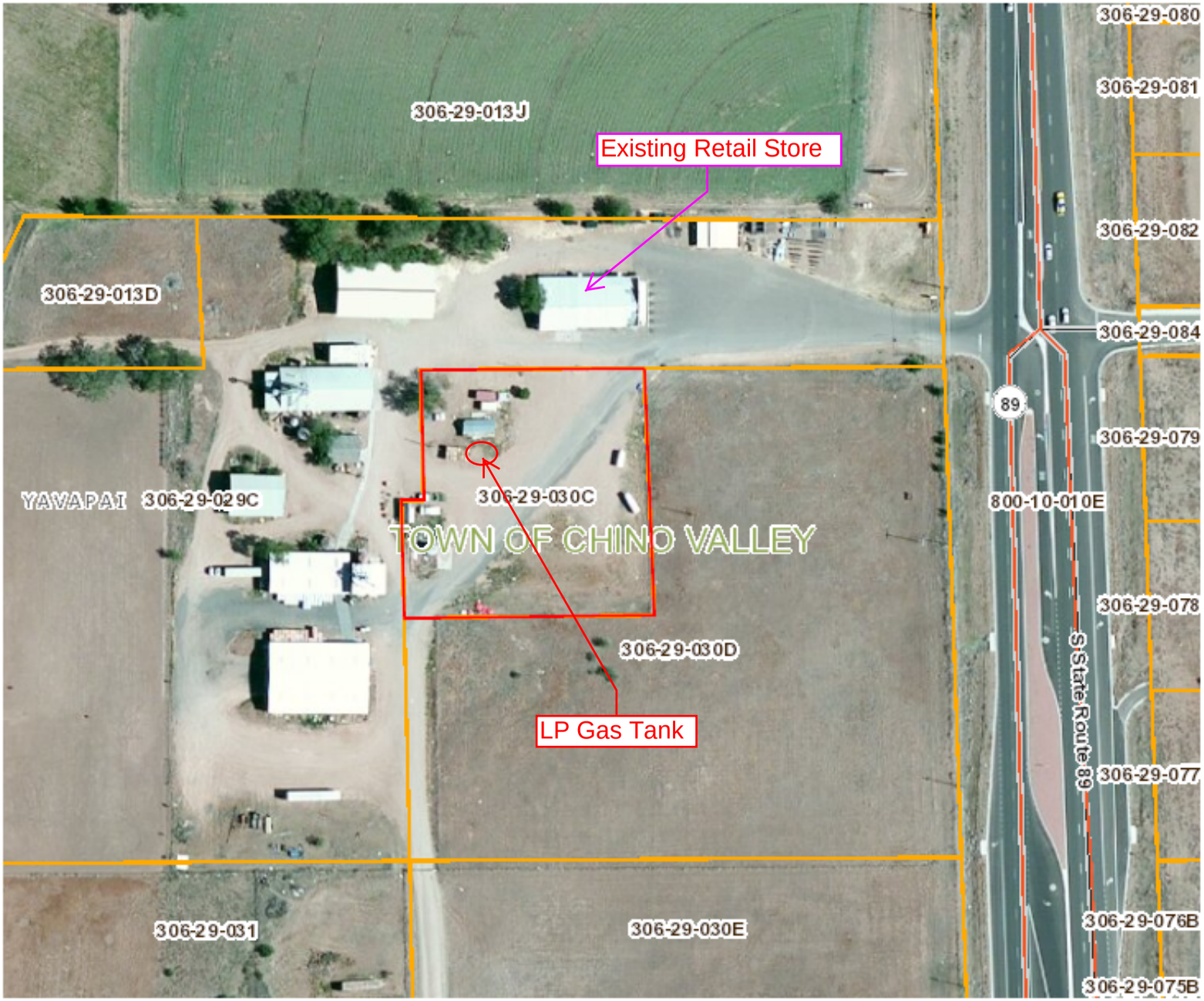
The subject parcels are located adjacent to an industrial park,and are in an area that has long been designated for such purposes. The request to rezone will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare. The request to rezone is in general conformance with the zoning classifications in the immediate area. Therefore, staff recommends forwarding ZC 16-006 to Town Council with a recommendation for approval.

MOTION: I move to forward Zone Change 16-006, rezoning approximately 61 acres from CL (Commercial Light) to I (Industrial), to Town Council with a recommendation for approval. VOTE.

Attachments

Wells Map

Wells Legal Description



Legend

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- Dewey-Humboldt
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- State Highways
- Major Roads
- Road Centerlines

Parcel Labels
- Cities

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- Clarkdale
- Dewey-Humboldt
- Jerome

Legend truncated...

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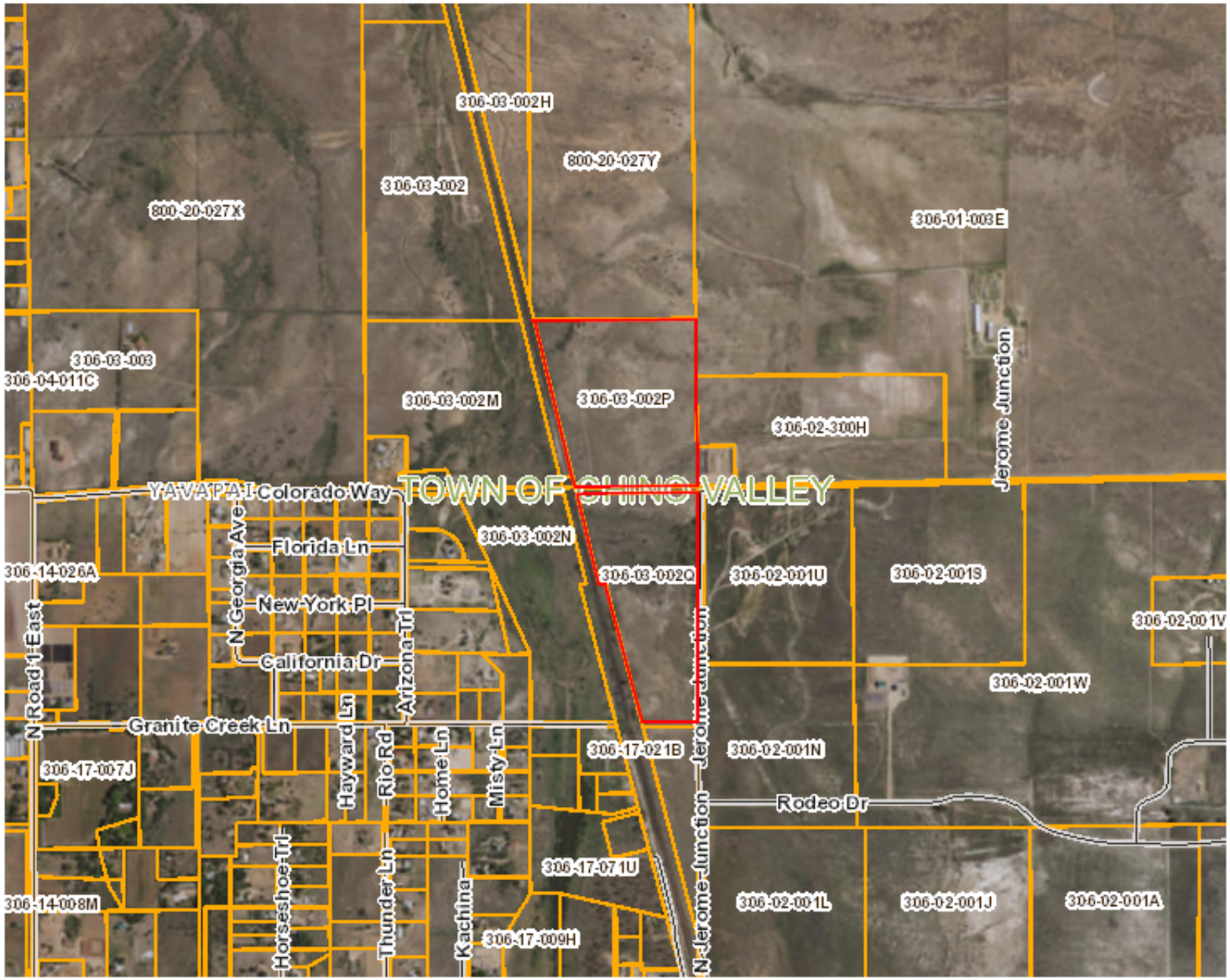
Map printed on: 10.27.2016

ZC 16-006 Wells



Legend

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