

DRAFT

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

**MARCH 3, 2020
6:00 P.M.**

The Planning and Zoning Commission of the Town of Chino Valley 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 Chuck Merritt called the meeting to order at 6:00 p.m.

2) PLEDGE OF ALLEGIANCE

Alternate Commissioner Somerville led the Pledge of Allegiance.

3) ROLL CALL

Present: Chair Chuck Merritt; Commissioner Gary Pasciak; Vice-Chair Tom Armstrong; Commissioner John McCafferty; Commissioner Teena Meadors; Commissioner William Welker; Alternate David Somerville

Absent: Commissioner Robert Switzer

Staff Development Services Director Joshua Cook; Public Works Director/Town Engineer

Present: Frank Marbury; Assistant Planner Will Dingee; Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk Erin Deskins

4) MINUTES

- a)** Consideration and possible action to approve the January 7, 2020, regular meeting minutes.

MOVED by Vice-Chair Tom Armstrong, seconded by Commissioner Gary Pasciak to approve the January 7, 2020, regular meeting minutes.

AYE: Chair Chuck Merritt, Commissioner Gary Pasciak, Vice-Chair Tom Armstrong, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner William Welker, Alternate David Somerville

7 - 0 PASSED - Unanimously

- b)** Consideration and possible action to approve the February 4, 2020, regular meeting minutes.

MOVED by Vice-Chair Tom Armstrong, seconded by Commissioner Gary Pasciak to approve the February 4, 2020, regular meeting.

AYE: Chair Chuck Merritt, Commissioner Gary Pasciak, Vice-Chair Tom Armstrong, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner William Welker, Alternate David Somerville

7 - 0 PASSED - Unanimously

5) **STAFF REPORTS**

6) **PUBLIC HEARING**

7) **NON-PUBLIC HEARING ACTION ITEMS**

- a) Consideration and possible recommendation to Town Council for approval of a Conditional Use Permit to allow the construction and placement of a freestanding electronic message sign for Burger King.(Will Dingee, Assistant Planner)

Mr. Dingee presented the following:

- The conditional use permit (CUP) requested approval for the construction and placement of a freestanding electronic message center sign for the new Burger King.
- The applicant, Royal Sign Company, represented the landowner and developer Barnett Jacobs Real Estate, LLC, and co-owner Shane Jacobs.
- The subject site was located directly north of Walgreens on State Route 89.
- The existing zoning was commercial heavy and the General Plan placed the property in the community core.
- Within a 400 foot radius were three other electronic signs: Walgreens, Safeway and Chino Rentals. The proposed sign was a traditional electronic sign and the existing signs were more reader board type signs.
- The proposed sign would stand 14 feet tall and had an electronic sign area of 23.1 square feet on both sides of the sign.
- Sign placement indicated on the site plan was six feet behind the property line, which was acceptable under Town code.
- The sign height to grade, or from the ground to the bottom of the sign was eight feet.
- Under the Town's UDO sign code, a CUP was required for all electronic signs.
- The maximum height, area and sign standards were dictated specifically through the CUP itself, and there were no recommended or minimum requirements for the sign.
- Staff recommended the reader panel sign standards be followed: 32 square feet for maximum sign area; Maximum height of 14 feet; an eight-foot minimum height to grade or bottom of sign panel. The sign met all of these standards.
- Historically the Town had required three additional conditions for previous CUP's for electronic signs and would require the same for this sign.
 - Ensure compliance with the Town's Dark Sky Ordinance. Town code had provisions for electronic signage.

Staff recommended that for noncompliance and community complaints, the applicant provide modified sign plans in order to reduce brightness and glare to be reviewed and approved by staff.

- Off Premise versus On Premise signs as dictated by Arizona Department of Transportation (ADOT), classified the signs into those two categories. It was based on

how and what the sign advertised. ADOT required an additional permit for offsite signage. This was considered an outdoor advertising permit in addition to the Town approval. The ADOT permit stipulated location, size and lighting. Town code did not currently allow offsite signage.

Staff recommended that any information displayed on the electronic sign be exclusive to activities and events that occurred only on premise to ensure compliance with ADOT and Town regulations.

- o Traffic hazard and congestion issues: Staff had research and read through Arizona Revised Statutes and Arizona Administrative Code to ensure mitigation of traffic hazard issues. Staff recommended following Arizona standards be followed because they held higher standards than the Town dictated.

Staff recommended no animation be contained in advertisements, advertisements must remain static for at least eight seconds and all transition time between advertisements be no greater than two seconds

- Correct the Staff Report citing the incorrect Arizona Revised Statutes. The correct Arizona Revised Statute A.R.S 28-7901 through A.R.S 28-7915
- A directional issue on the property table was corrected. To the west of the property was a vacant agricultural property and to the east was KFC, Safeway, and Taco Bell commercial center.
- Staff recommended that the Planning and Zoning Commission forward to the Town Council a recommendation of approval for a Conditional Use Permit for the proposed fourteen (14) foot tall electronic message center sign with an electronic sign area of 23.1 square feet for Burger King, subject to the following conditions:

1. The electronic sign shall not contain any form of animation and must remain static for at least eight seconds with a transition time of no greater than two seconds. If the Town and/or Arizona Department of Transportation (“ADOT”) developed more stringent requirements for static and transition time code for electronic signs, the sign that was subject to this Use Permit shall be modified to comply.
2. If the Town received complaints from community residents of excessive brightness or glare at night, the applicant shall submit sign modification plans to the Development Services Department for review and approval that ensure brightness and glare were reduced to satisfactory levels.
3. Information displayed on the electronic sign shall be exclusive to activities and events that occurred only on the premises, in compliance with ADOT regulations (A.R.S. §§ 28-7901 through 28-7915 and A.A.C. §§ R17-3-701 and R17-3-701.01) and the Town’s prohibition of off-site commercial signs.

Commission and staff discussed the following:

- The CUP permits went with the property if the property were sold to a different owner and business. If the Commission put a time limit on the CUP, it could be reviewed at a later date. If it were reviewed and there were no compliance issues, it could be renewed for an additional time limit or a perpetual CUP. A new owner that was not compliant could be required to come back and go through the CUP process.
- This outdoor sign would have the L2 illumination sign criteria and limitations.
- Applicant/Owner Shane Jacobs introduced himself and explained he had a business partner by the name of Tom Barnett. He provided an overview of his business background.
- The animation could be considered the words going across the sign or pictures on the

sign. Regulations on electronic signs tried to mitigate any traffic hazards or distractions from driving. Animated signs drew more attention, which were bad for driving. Animation included anything that was not static. A standard transition was not considered animation.

- There were concerns that the complaints regarding brightness or glare could be subjective. Staff explained that any reviews would be based on code requirements and if the basic code requirements were met, a new plan would not need to be submitted. The illumines or the brightness of the sign would be considered to ensure compliance.
- To help eliminate unfounded complaints, the language could be changed to state that if staff reviewed the sign and it was found compliant, then no additional plan would be required. This same staff recommended stipulation had been used on other recently approved signs.
- The Commissioners agreed they should be consistent and not place a time stipulation on the permit.

Public Comments:

Kathy Equina – Questioned the direction of the sign to the street. Staff explained the direction of the sign was perpendicular to the street with the sign face to the north and the back to the south.

MOVED by Vice-Chair Tom Armstrong, seconded by Commissioner Gary Pasciak to forward to the Town Council a recommendation of approval for a Conditional Use Permit for the proposed fourteen (14) foot tall electronic message center sign with an electronic sign area of 23.1 square feet for Burger King, subject to the three conditions applied by the staff.

The electronic sign shall not contain any form of animation and must remain static for at least eight seconds with a transition time of no greater than two seconds. If the Town and/or Arizona Department of Transportation (“ADOT”) developed more stringent requirements for static and transition time code for electronic signs, the sign that was subject to this Use Permit shall be modified to comply.

If the Town received complaints from community residents of excessive brightness or glare at night, the applicant shall submit sign modification plans to the Development Services Department for review and approval that ensured brightness and glare were reduced to satisfactory levels.

Information displayed on the electronic sign shall be exclusive to activities and events that occurred only on the premises, in compliance with ADOT regulations (A.R.S. §§ 28-7901 through 28-7915 and A.A.C. §§ R17-3-701 and R17-3-701.01) and the Town’s prohibition of off-site commercial signs.

AYE: Chair Chuck Merritt, Commissioner Gary Pasciak, Vice-Chair Tom Armstrong, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner William Welker, Alternate David Somerville

7 - 0 PASSED - Unanimously

8) DISCUSSION ITEMS

Staff stated that at the next meeting there would be two text amendments, one for off site signage and the other to remove the term public way from the code. The commission asked if the school fell under the offsite rules and staff explained the school was their own type of government entity and government was not regulated by the code.

9) **PUBLIC COMMENTS**

Call to the Public is an opportunity for the public to address the Commission on any issue within the jurisdiction of the Commission that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Commission action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

10) **ADJOURN**

MOVED by Commissioner John McCafferty, seconded by Vice-Chair Tom Armstrong to adjourn the meeting at 6:26 p.m.

AYE: Chair Chuck Merritt, Commissioner Gary Pasciak, Vice-Chair Tom Armstrong, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner William Welker, Alternate David Somerville

7 - 0 PASSED - Unanimously

Chair Charles Merritt

Date