

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

April 13, 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 6:01 pm.

2) **PLEDGE OF ALLEGIANCE**

Commissioner Sloan led the Pledge of Allegiance.

3) **ROLL CALL**

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

Absent: Commissioner Claude Baker

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

Commissioner Lane appeared telephonically.

4) **MINUTES**

- a) Consideration and possible action to accept the March 1, 2016 regular meeting minutes.

MOVED by Commissioner Florence Sloan, seconded by Alternate Commissioner Julie Van Wuffen to approve the March 1, 2016 regular meeting minutes as written.

Vote: 6 - 0 PASSED - Unanimously

5) **STAFF REPORTS**

There were no staff reports.

6) **PUBLIC HEARING**

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

Planner Gardner explained why the UDO should be amended.

- Originally, 1 dispensary per 10 register pharmacies in the state was allowed. (*Arizona Revised Statutes ("A.R.S.") Section 36-2804*)
- State had to figure out how to distribute the dispensaries.
- Created Community Health Assessment Areas (CHAAs)
- After first dispensary license issued, 3 year window to stay within designated CHAA [*Arizona Administrative Code § R9-17-306(B)(1)(b)*]
- *3 years is expired, dispensaries can move around the state as they wish now.*

Planner Gardner explained why the UDO should be amended.

- In anticipation of the move of dispensaries throughout the state
- Possibility of additional dispensaries to locate within Town
- Possibility of current dispensary moving, being replaced with a new dispensary in Town.

The intended effect would:

- Prevent proliferation of new dispensaries along highway frontage
- Limit visibility of these uses along highway. Doesn't zoning cover this? – This is a safeguard in case a property is zoned Industrial for another use within 500 feet of the highway.

Commissioners wanted to clarify that if a dispensary moved out of town another dispensary would have to occupy the same space within 6 months of being vacated.

MOVED by Commissioner Michael Bacon, seconded by Vice-Chair Gary Pasciak move to put this on the agenda for the May 3, 2016 at the Planning Commission meeting.

Vote: 6 - 0 PASSED - Unanimously

- b) Consideration and possible action to hold a public hearing and to recommend to the Town Council adoption of Ordinance 16-817 to rezone approximately 2.0 acres of real property, located at 1650 Granite Creek Lane, Chino Valley, Arizona, consisting of a portion of the Northeast quarter of Section 11, Township 16N, Range 02W, Gila and Salt River Base and Meridian (Yavapai County Assessor's Parcel number 306-17-110C) from I (Industrial) to SR-1 (Single Family Residential, 1 acre minimum). (Applicant: TDH Investments) (James Gardner, Associate Planner)

Planner Gardner provided the following information:

- Currently there is a manufactured home, garage and well house. The home was permitted in 1984, 9 years after it was rezoned to Industrial.
- The applicant mailed letters and posted the site in conformance with state statute and the UDO.
- Both the applicant and current tenant held a neighborhood meeting on February 22, 2015. A representative for the adjacent neighbor was in attendance and expressed opposition

Effect of Proposed Zone Change on Surrounding Parcels

- Industrial/Residential Buffer (Landscaping)
- UDO §4.8(A)(1) requires a 10 foot landscape buffer on the side of a fence facing a

- residential property in accordance with UDO §4.26.4(B)(2)
- UDO §4.26.4(B)(2) would require a 5 foot wide landscape strip along street frontage adjacent to residential zoning

Opposition is due to perception of a diminished right to develop the adjacent Industrially zoned parcels.

This rezone is in compliance with the General Plan. The property is not inside a community core.

Applicant Tim Hendrickson has owned the property for several years. Mario Ramirez has worked for him for 20 years and has lived in the home with his wife for several years and recently asked to buy the property. Due to the current zoning they cannot get a loan. The property was zoned industrial in the early 1980s.

The other parcels have been sitting there for several decades.

Jay Wilmore opposes the rezone and thinks it will impact his property which is located to the south and east. He offered an alternative to trade 2 acres near the tree farm for the log cabin. In addition he will finance the buyer and carry the note.

Real estate agent John Kuzicki stated that he opposed the rezone and that there is a need to be consistent on what is residential and what is industrial.

At the time the home was established residential was ok on industrial zoned property.

The impact to the adjacent property rights would include:

- Landscape buffer and fencing.
- If the property was more than 500ft deep a Medical Marijuana facility could be built.
- If the opposing party made a Prop 207 claim the Town could grant a Protected Development Rights Plan.

MOVED by Alternate Commissioner Julie Van Wuffen, seconded by Commissioner Michael Bacon to change the zoning on the parcel to be residential.

Vote: 6 - 0 PASSED - Unanimously

7) NON-PUBLIC HEARING ACTION ITEMS

There were no Non-Public Hearing Action Items.

8) DISCUSSION ITEMS

- a) Presentation of upcoming UDO amendments to Section 4.21, Sign Regulations, and methods for community and business outreach on this process.

Planner Gardner provided an update regarding amendments to the sign code.

- Provided handout regarding Reed v. Gilbert case.
- Survey instrument sent thru Chamber of Commerce and Town website.
- Comparative analysis of sign codes in Prescott, Prescott Valley & Yavapai County.
- Conducted office outreach when business owners came in to renew sign permits and were invited to participate.
- Mass email was sent to business license holders.
- Survey results have been posted to the Town Website
- Formation of committee.

Planner Gardner will continue to:

- Update the Planning & Zoning Commission.
- Hold monthly committee meetings.
- Attend Chamber luncheon.
- Finalize survey results.
- The final steps will be to hold a public hearing at the Planning & Zoning Commission and Town Council.

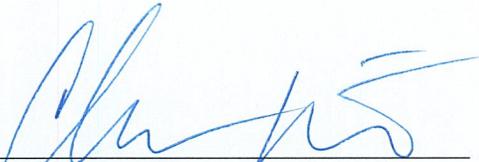
9) **PUBLIC COMMENTS**

There were no comments from the public.

10) **ADJOURN**

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

Vote: 6 - 0 PASSED - Unanimously



Chair Chuck Merritt

5-3-2016
Date