

DRAFT

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

OCTOBER 2, 2018
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**

3) **ROLL CALL**

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

Absent: Commissioner Michael Bacon

Staff Development Services Director Jason Sanks; Planner Alex Lerma; Public Works

Present: Director/Town Engineer Frank Marbury; Deputy Town Clerk Vickie Nipper

4) **MINUTES**

- a) Consideration and possible action to approve September 4, 2018 regular meeting minutes.

MOVED by Commissioner Tom Armstrong, seconded by Vice-Chair Gary Pasciak to approve the September 4, 2018 regular meeting minutes.

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

PASSED - Unanimously

5) **STAFF REPORTS**

Development Services Director Sanks reported on the following:

- Some Subcommittees would be taking a break on meetings through the holidays.
- Current Active Projects:
 - Town Center PV – The first set of construction documents for the park model and RV park for the Fletcher property had been submitted.
 - Century Ranch received the first review documents for their 172 one-acre lots north of Brightstar and the Town was waiting on the second resubmittal so the project could go before the Planning Commission.

6) PUBLIC HEARING

- a) Consideration and possible action to approve Ordinance 18-852 to rezone 7.06 acres of real property generally located approximately 900 feet east of Sycamore Vista Drive and 638 feet north of West Center Street, from AR-5 (Agricultural Residential-5 acre minimum) to SR-2 (Single Family Residential-2 acre minimum). (Jason Sanks, Development Service Director)

Development Services Director Sanks presented the following:

- The item was on the previous month's agenda and received several comments from neighboring properties.
- There were three primary concerns:
 - how the property would be developed;
 - the impact to neighboring properties especially those to the west;
 - access issues.
- Since the last meeting, the applicant agreed to change the zoning request from SR1 to SR2, which required the minimum lot size to be two acre lots, which would mean the maximum number of subdivided lots on seven acres would be three.
- The property took access to west Center Street through a 25-foot easement. The Commission had discussed if this easement could be widened to a 50-foot easement, and staff determined through legal counsel that property cannot be taken from another property for a rezone request on this property. The 25-foot easement would remain as it was currently.
- The access for the future requested three lots were not part of the rezone request but Mr. Sanks explained the planned access route for the properties would end in a cul-de-sac. There would not be a road along the eastside of the homes in Mesa View Subdivision.
- The surrounding zoning included SR1 to the East and SR1 to the North and West. The requested zone change would be less dense and impactful from a lot size perspective than the property zoning surrounding it.
- The citizen review process included a neighborhood meeting on August 20th and there were thirteen people in attendance. Their verbal and written concerns included drainage issues, location of the easement, and manufactured housing. Mr. Sanks explained that the commission should not consider the difference between manufactured housing and site-built housing when making their decision on the application because the Town Code did not delineate between the two. A developer could not be forced to build site-built homes. The Commission was tasked with determining if two acre lots were an appropriate residential zoning district for the subject property.
- Drainage and flooding issues should be settled through a separate mechanism and ongoing historic drainage issues should not influence a zoning decision by the Commission. Drainage was dealt with through various other processes such as improvement plans or property development plans. Public Works Director Marbury had offered to meet with neighbors onsite to look at any drainage issues.
- Staff recommended approval of the application request and forwarding it to Town

Council.

Commission Members and staff discussed:

- The 25-foot easement would have been sufficient even with the zoning request of SR1. Even though Council decided that 50-foot easements should be used, historically 25-foot easements have been used throughout the Town.
- Commissioners decision should keep in mind that there is no differentiation between manufactured homes versus site-built homes. Developments that had only site-built homes were done through the development stage and the implementation of CC&R's. The Town Code was willfully less restrictive.
- Drainage issues were solved through the building and engineering department if there ever was development on the property and the Planning and Zoning Commission had no authority over that matter. The issues were historic drainage issues and not a result of the proposed development.
- The applicant stated it would not be possible to dedicate more land to increase the size of the access easement. Mr. Sanks stated that even though the 25-foot easement was nonconforming and the preference was 50 feet, the Town could not force the applicant to dedicate more land. The property owner would have to willfully dedicate the land.

Public Comments:

- Sharon Baker – Was a neighbor to the subject property and had concerns regarding the access road along the back side of her property. She shared photos of her property and stated she had written several letters regarding her concerns about the rezone of the property including utilities, sewers, water and wells, and the traffic going by her fence. The elevation of the road would cause headlights to shine in her home. She opposed the location of the access road as it was designed and hoped the access road would be rerouted before it reached her property.
- Mike Dilla - Was a neighbor to the subject property. He had concerns regarding the access road and the possibility of future lot splits.
- Floyd Dugan - Was a neighbor to the subject property. He only had an issue with the access entrance off Center Street and the narrow 25-foot easement. He stated he was concerned about access for livestock or travel trailer access with that size road because of safety issues.

MOVED by Commissioner William Welker, seconded by Vice-Chair Gary Pasciak to recommend approval to Town Council of this request to rezone approximately 7.06 acres of real property located approximately 900 feet east of Sycamore Vista Drive and 638 feet north of West Center Street from (AR-5) Agricultural Residential-5 Acre Minimum to (SR-2) Single Family Residential-2Acres Minimum.

AYE: Chair Chuck Merritt, Vice-Chair Gary Pasciak, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner William Welker

NAY: Commissioner Tom Armstrong, Alternate Welles Geary

PASSED

- b) Consideration and possible action to approve Ordinance 18-854 to rezone 5 acres of real property generally located 625 feet south of the southeast corner of West Center Street and South Road 1 West from AR-5 (Agricultural Residential-5 acre minimum) to SR-1 (Single Family Residential-1 acre minimum). (Alex Lerma, Planner)

Development Planner Lerma presented the following:

- Property owner was requesting a rezone from AR-5 to SR-1.
- The surrounding property included the subdivisions of Chino Valley Estates, Harmony Acres, Mountain View Mobile Home Park and Mollie Rae Estates. The surrounding zoning supported the zoning request.
- The applicant would like to subdivide the property into three properties, with two one-acre properties to the front of the property and one three-acre property to the back where the applicant would reside.
- The Public Works staff was recommending the property owner dedicate additional square footage for the access easement to accommodate the necessary 50-foot easement requirement, which would be determined once a survey of the property was completed.
- Staff believed the rezone request conformed to the General Plan, which identified the area as two acres or less. SR-1 zoning surrounded the property to the East and to the West.
- Staff recommended forwarding a recommendation of approval to the Town Council with the condition regarding the additional ROW (Right-Of-Way) dedications sufficient so that the ultimate ROW line on Road 1 West is 50' west of the section line between sections 27 and 28.

Commission Members and staff discussed:

- The current width of the ROW (Right-Of-Way) must be 25 feet on the applicants' section of property. The only way to acquire the additional footage for the property owners for the ROW, is if they were to request a zone change or subdivision request.
- Mr. Sanks explained that the 50-foot requirement for dedication which should be done at the zoning level had not been properly requested in the past. By correctly requesting the dedication requirements or asking for a non-revocable dedication without actually taking it now, the Town would not have to condemn the property or purchase it at fair market value in the future. The zoning level was where the dedication should be requested.
- Each property would give 25-foot access to make an overall 50-foot access road.
- Applicant Jeff Lira introduced himself and explained he had not heard about the 75-foot easement on Road 1 West. He explained that the 50-foot easement requirement would come out of the three-acre property because the one-acre properties must net one acre. Mr. Sanks explained that from the centerline of Road 1 West there must be a full 50-foot dedicated or partially dedicated (non-revocable dedication) so that if the Town widens the road in the future, they would not be forced to purchase or condemn the property. It was listed in the code and staff did not have the discretion to not request the easement. There would also need to be a turnaround at the end for emergency vehicles. The code did not punish a property owner for dedication of land to the Town so a property owner could dedicate the easement from the once acre lots without penalty and the property owner would still own the land. If it was an easement it stayed on the land, if the property was dedicated, it became the property of the entity or person that the land had been dedicated.

Public Comments:

- Floyd Dugan – Had concerns about the width of the easement that the property owner

was required to give up. Mr. Sanks explained that the 50-foot requested was required by code. The property easement was also for the property owner's own use and benefit.

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Teena Meadors to recommend approval to Town Council of this request to rezone approximately 5 acres of real property located 625 feet south of the southeast corner of West Center Street and South Road 1 West from AR-5(Agricultural Residential-5 Acre Minimum) to SR-1(Single Family Residential-1 Acres Minimum) with the following conditions: 1. ROW dedications sufficient so that the ultimate ROW line on Road 1 West is 50' west of the section line between sections 27 and 28 (approximately 25 additional feet in width).

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

PASSED - Unanimously

7) NON-PUBLIC HEARING ACTION ITEMS

8) DISCUSSION ITEMS

Development Services Director Sanks spoke on the following:

- Staff was looking at using the Planning and Zoning and Town Council Consent Agenda for the nondescript zoning cases so that the Commissioner's and Council's time was used as wisely as possible. Items that had public interest or that staff or commissioners had concerns with, would always go on the Action Item Agenda. Staff would add this topic to a future agenda for Commission discussion.

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 Teena Meadors, seconded by Commissioner John McCafferty to adjourn the meeting at 6:55 p.m.

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

PASSED - Unanimously

Chair Charles Merritt

Date