



A G E N D A

Town of Chino Valley
Planning & Zoning Commission

October 3, 2023



Commissioner's Agenda
Planning and Zoning Commission
Chino Valley Town Hall
202 N. State Route 89
October 3, 2023, 6:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. CONSENT CALENDAR – All items listed under the Consent Calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item. In which case, the Chair will pull the item from the Consent Calendar to be heard.
 - C.1. APPROVAL OF MINUTES – SEPTEMBER 5, 2023 REGULAR MEETING
 - C.2. WITHDRAWALS BY APPLICANT – NONE
 - C.3. TIME EXTENSIONS – NONE
 - C.4. CONTINUANCES – NONE
 - C.5. APPROVALS – NONE
- D. PUBLIC HEARINGS – ONE
 - D.1 **PP-2023-02** - This is a request by Jay Bates on behalf of Right Homes LLC, to subdivide approximately 20 acres of land into 15 one-acre lots for the Homestead Preliminary Plat. The property is located at the northeast corner of W Road 3 South and S Road 1 West, Chino Valley, Arizona.
- E. INFORMATION ITEMS
 - E.1 Staff
 - a. Prior Cases to Town Council: ZC-2023-02 – Antelope Valley Apartments; ZC-2023-04 – Saddle Butte SD; ZC-2023-05 – Tarpley Zone Change
 - b. Training
 - E.2 Commission
 - E.3 Chairman
 - E.4 Public
- F. ADJOURN

Planning and Zoning Commission Meeting Minutes September 5, 2023

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, September 5, 2023, at the Town of Chino Valley Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present: Chair Chuck Merritt; Vice-Chair Gary Pasciak, Commissioner Teena Meadors, Commissioner Ron Penn, Commissioner Robert Switzer, Commissioner William Welker; Commissioner Richard Zamudio.

STAFF MEMBERS present: Laurie Lineberry, Development Service Director; Will Dingee, Assistant Director; Frank Marbury, Public Works Director; Laurence Diggs, Audio/Video.

CALL TO ORDER: Chair Merritt called the meeting to order at 6:00 p.m. Commission meeting began with the Pledge of Allegiance led by Commissioner Penn.

CONSENT CALENDAR –A motion was made by Commissioner Meadors to accept the consent agenda. The motion was seconded by Commissioner Pasciak and passed unanimously by a 7-0 vote.

PUBLIC HEARING #D.1 – Case# ZC-2023-02 - *This is a request by Chris Fergus, on behalf of Antelope Valley Chino Valley LP, to rezone approximately 4.52 acres of land from Commercial Light (CL) to Multiple Family Residential (MR) for an existing apartment complex. The property is located at 1555 S. State Route 89, Chino Valley, Arizona. (Continued from August 1, 2023)*

Chair Merritt asked if anyone on the commission had a disclosure to declare regarding this project. There were none.

Assistant Director Will Dingee presented the staff report, stating the 64-units on the property were built in 2003, under different zoning district provisions. Changes to the code made the apartments non-conforming. The owner needed to rezone to Multiple Family in order for the property to be in conformance with the zoning code. Staff recommended approval.

Merritt opened the meeting for public comments.

There were no comments from the public and Merritt closed the public hearing.

Motion was made by Switzer, seconded by Meadors to approve ZC-2023-02, as presented, subject to the staff report and information provided during the hearing, and the Conditions of Approval in Attachment A. A voice vote was taken and the motion passed with a 7-0 vote. No explanations of the votes were requested by the Chair.

PUBLIC HEARING #D.2 – CASE# ZC-2023-04 - *This is a request by Weston Gibson to rezone approximately 14 acres of land from Agricultural Residential 5-Acre (AR-5) to Single Family Residential 1-Acre (SR-1). The property is located approximately 1,000 feet north of the intersection of N Road 1 West and W Road 4 North on the west side, Chino Valley, Arizona.*

Chair Merritt asked if anyone on the commission had a disclosure to declare regarding this project. There were none.

Dingee presented the staff report, identifying concerns from the neighborhood meeting. The applicant was in attendance.

Merritt opened the public hearing for public comments.

Carol Webber, 3942 Cole Lee Court, shared that she lived downstream from this project and was concerned about additional run-off from more impervious surfaces. She asked what would be done for mitigation.

Patricia Rendon expressed concern about more wells being drilled, more development and less country/farming community, which was the reason that she moved here.

Lester Oster, 3610 Yo He Wah Drive, said that more development reduces the farming community that attracted him here. He stated that the roads are bad and that local wells are pumping sand. He stated opposition to the project.

Claudia McGilvray, 997 West Road 5 North, shared about the impacts of the recent rains to the street conditions and neighboring properties that took the water overflow from the streets. Her parcel and neighboring parcels were flooded. She was unhappy with how the Town fixes potholes (two-man crew shovels asphalt into holes and lets cars driving the road compact it). She opposed the project.

Donna Armstrong, 2160 Mohave Street, asked if the units would be manufactured or site-built.

Merritt closed the public hearing.

In response to the questions/comments from the public, **Dingee** stated that the homes would be site-built. **Merritt** shared that the water approvals were handled by the State. **Marbury** added information about drainage, sharing that an engineering drainage study was required to look at before and after development flows, with the applicant restricted from increasing the after-development flow from the site. **Merritt** confirmed that the release of water can not be more than what happened before the development. **Marbury** added that the Town did not currently have drainage plans for Road 1 West. He added that sheet flow happened in this area of town. He shared that there are more mitigations put in place for subdivisions than for lot splits. He also stated that the Town is currently working on a Town water/sewer/drainage master plan.

Merritt asked about water usage. **Marbury** stated that generally houses use less water than landscaping and agriculture, depending on the type of landscaping and agriculture. Typically, the higher the density, the less water per unit is used because lawns and landscaping and open spaces are reduced.

Merritt asked the audience to not have side conversations during the hearing.

Switzer clarified that development does not cause more water on the ground but speeds up the water flow on the ground as a result of less permeable ground area to absorb the water, causing the water to flow faster. Drainage plans work to slow the flow off-site.

Merritt added that subdivisions must contain the water to release it at the rate of flow prior to the subdivision. **Marbury** stated drainage plans for subdivisions slow down the release of the water not soaking into the ground. The code does not improve the run-off pre vs. post development.

Weston Gibson, the applicant, said he knew there was a risk when they purchased the land, that they might not be able to rezone the property. He did his due-diligence and met with the Town to discuss his plan. He worked with an engineering company to address the drainage. He wanted to build homes that he and his contractors could afford for their younger families.

Merritt again interrupted the audience demanding that they be respectful of the speaker and the process.

Gibson acknowledged the existing poor condition of the road. He would make improvements to the road around his subdivision. He identified over an acre of land in the subdivision dedicated to drainage.

Switzer asked if the lots would be landscaped. **Gibson** stated that he couldn't answer that question until the final plat. The house footprints shown on the site plan were 2100 square feet and he believed he would need to reduce the size to somewhere around 1500-1900 square feet, with a 1000 square foot 3-car garage, in order to make them more affordable. He stated he was aiming for a sales price of around \$500,000-\$560,000. The design for the house was still in the works.

Merritt asked if he would be amenable to low water plants in the project. **Gibson** said he would.

Meadors asked if he would have CC&R's and an HOA. **Gibson** said he would have CC&R's but no HOA.

Merritt recapped that the Town had no jurisdiction on the water approvals and that the drainage from the site was required to be no worse than it was without the development.

The **Chair** entertained a motion. The Commission discussed the need for a time frame for the rezone. They agreed with a five-year time limit.

Motion was made by Switzer, seconded by Pasciak to approve ZC-2023-04, as presented, subject to the staff report and information provided during the hearing, and the Conditions of Approval in Attachment A, with the addition of condition of approval #7, that placed a 5-year time limit on the rezone. A roll-call vote was taken and the motion passed with a 7-0 vote.

PUBLIC HEARING #D.2 – ZC-2023-05 – This is a request by Julie Tarpley to rezone approximately 5 acres of land from Agricultural Residential 5-Acres (AR-5) to Single Family Residential 2-Acre (SR-2). The property is located at 833 W Road 1 South, Chino Valley, Arizona.

Chair Merritt asked if anyone on the commission had a disclosure to declare regarding this project. There were none.

Dingee presented the staff report and stated that no public comments were received regarding this case. The Commission had no questions for staff or the applicant.

Chair Merritt opened the public hearing and asked if anyone present wished to speak on the proposal. No one came forward. **Merritt** closed the public hearing.

Meadors asked about access to the property. **Dingee** shared an aerial photo and identified existing access points.

Motion was made by Switzer, seconded by Meadors to approve ZC-2023-05, as presented, subject to the staff report and information provided during the hearing, and the Conditions of Approval in Attachment A. A roll-call vote was taken and the motion passed with a 7-0 vote.

ACTION ITEMS: There were no action items for this meeting.

INFORMATION ITEMS – FROM STAFF: COUNCIL ACTION OF PRIOR P&Z CASES: **Dingee** updated the Commission about prior cases heard by Town Council on August 22, 2023: ZC-2023-01 Red Cinder, ZC-2023-03 Palomino Apartments, and CUP-2023-03 Stor-It Arizona.

INFORMATION ITEMS – FROM THE COMMISSIONERS: Commissioner **Pasciak** discussed past road tax efforts that failed to gain support of the voters in the Town. He stated that he had been in Chino Valley for 40 years and the wells had always dropped 2 feet per year – that is just what happens. Commissioner **Switzer** shared that he was pleased with recent road improvements within the Town and felt that the staff did a good job working with what they were given, to improve roadways.

INFORMATION ITEMS – FROM THE CHAIRMAN: Merritt shared that the meeting summarized the issue facing the town: using too much water, roads that need major repairs, demand for a second grocery store, opportunities to bring funds into the town, and the people always saying ‘no’. People want things in the Town but are not willing to pay for them. He continued by sharing that the Commission was not able to resolve any of those issues and that the Commission votes on the facts.

The General Plan election is coming up in November. The Chair encouraged everyone to get out and vote, noting that both the Planning Commission and Town Council had approved the General Plan. He stated that it was in the Town’s best interest to have a good General Plan in place.

INFORMATION ITEMS – FROM THE PUBLIC: NONE.

ADJOURN – A motion was made by Pasciak and seconded by Meadors to adjourn the meeting at 7:02 p.m.

Charles Merritt - Chair

Prepared By: Laurie Lineberry



TOWN OF CHINO VALLEY
Planning Commission Staff Report
October 3rd, 2023
File Number PP-2023-02
Preliminary Plat

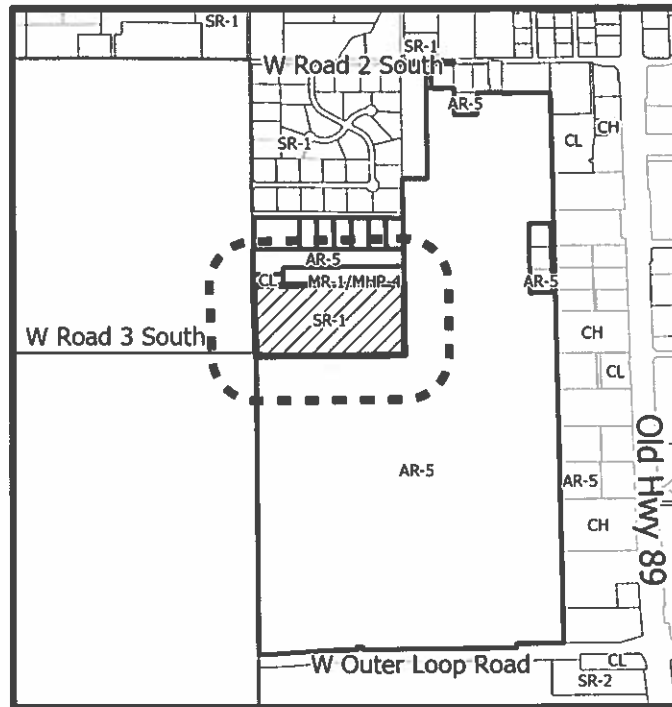
PROJECT DESCRIPTION

This is a request by Jay Bates, on behalf of Right Homes, to subdivide approximately 20 acres of land into 15 one-acre lots for the Homestead Preliminary Plat. The property is located at the northeast corner of West Road 3 South and South Road 1 West, Chino Valley, Arizona.

LOCATION DATA

| | Existing Zoning | Use(s) on-site | General Plan Designation |
|-------|---|---------------------------------|--|
| Site | Single Family Residential 1-Acre Minimum (SR-1) | Vacant | Medium Density Residential (2 Acres or Less) |
| North | Multiple Family Residential (MR) & Mobile Home Park (MHP) & Commercial Light (CL) | Residential and Slaughter House | Medium Density Residential (2 Acres or Less) |
| South | Agricultural Residential 5-Acre Minimum (AR-5) | Vacant | Medium Density Residential (2 Acres or Less) |
| East | Agricultural Residential 5-Acre Minimum (AR-5) | Vacant | Medium Density Residential (2 Acres or Less) |
| West | (RCU-2A) | Residential | Yavapai County Jurisdiction |

LOCATION MAP



PRIOR SITE ACTIONS:

Land Division Status

1973 – Result of Split from APN 306-33-009 (Sibling Parcel APN 306-33-009B).

Rezone

January 24, 2023 – Rezone from Agricultural Residential 5-Acre Minimum (AR-5) to Single Family Residential 1-Acre Minimum (SR-1).

Preliminary Plat

May 23, 2023 – Denied by Town Council (minutes attached)

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission forward to the Town Council a recommendation of **APPROVAL** to subdivide approximately 20 acres of land into 15 one-acre lots for the Homestead Preliminary Plat with Conditions of Approval found in Attachment A.

SUGGESTED MOTION:

Move to **APPROVE** Preliminary Plat PP-2023-02 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment A

EFFECT OF THE APPROVAL:

By approving this Preliminary Plat the Planning and Zoning Commission is recommending approval to Town Council for the Homestead Preliminary Plat, located at the northeast corner of West Road 3 South and South Road 1 West, Chino Valley, Arizona, subject to the staff report and information provided during this hearing, and affirmatively finds that the request is in conformance with the previously approved zoning on the parcel.

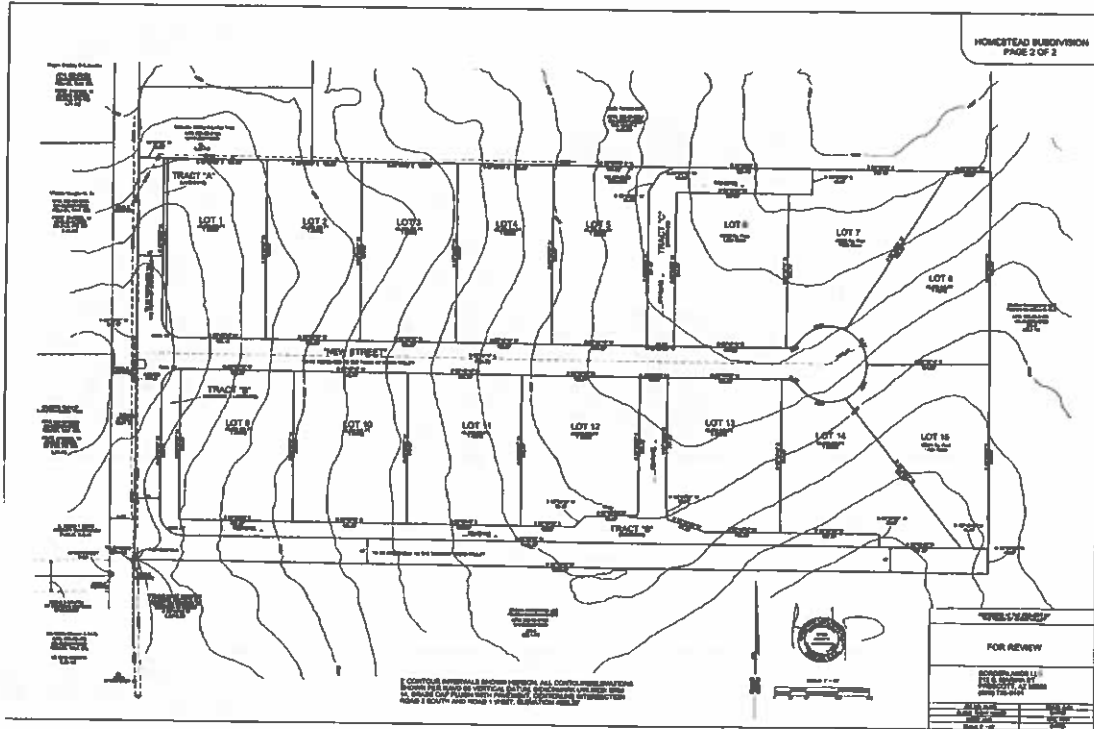
Staff Analysis:

The applicant is applying to subdivide approximately 20 acres of land into 15 one-acre lots. The subject property had a rezone request from AR-5 to SR-1, which was approved by Town Council on January 24th (Ord. 2023-931). Preliminary Plat case# PP-2023-01 was approved by Planning Commission on May 2nd, 2023, and forwarded to Town Council who denied the project with a 3-3 vote on the hearing held May 23rd 2023. The applicant has now returned with a plan change showing an increase in landscaping along Road 1 West, a Certificate of Assured Water Supply (dated March 31, 2023), and updated CC&R's.

To the north of the subject property is a slaughterhouse and the applicant agreed to include a disclaimer in a prominent location on the front page of the Final Plat for potential odors and noises originating from the adjacent slaughterhouse and their potential to impact future home buyers within this subdivision. At point of sales within the Subdivision, the developer must supply buyers within the Subdivision, as part of their closing documents, A Noise and Odor Disclosure Acknowledgment to sign. The buyer must acknowledge that they are purchasing property adjacent to a slaughterhouse, which may generate odors and noises associated with that land use.

After approval of the preliminary plat, the project will go through technical review and then come back through the public hearing process for approval of the final plat.

Homestead Preliminary Plat Submitted by Applicant at Point of Application



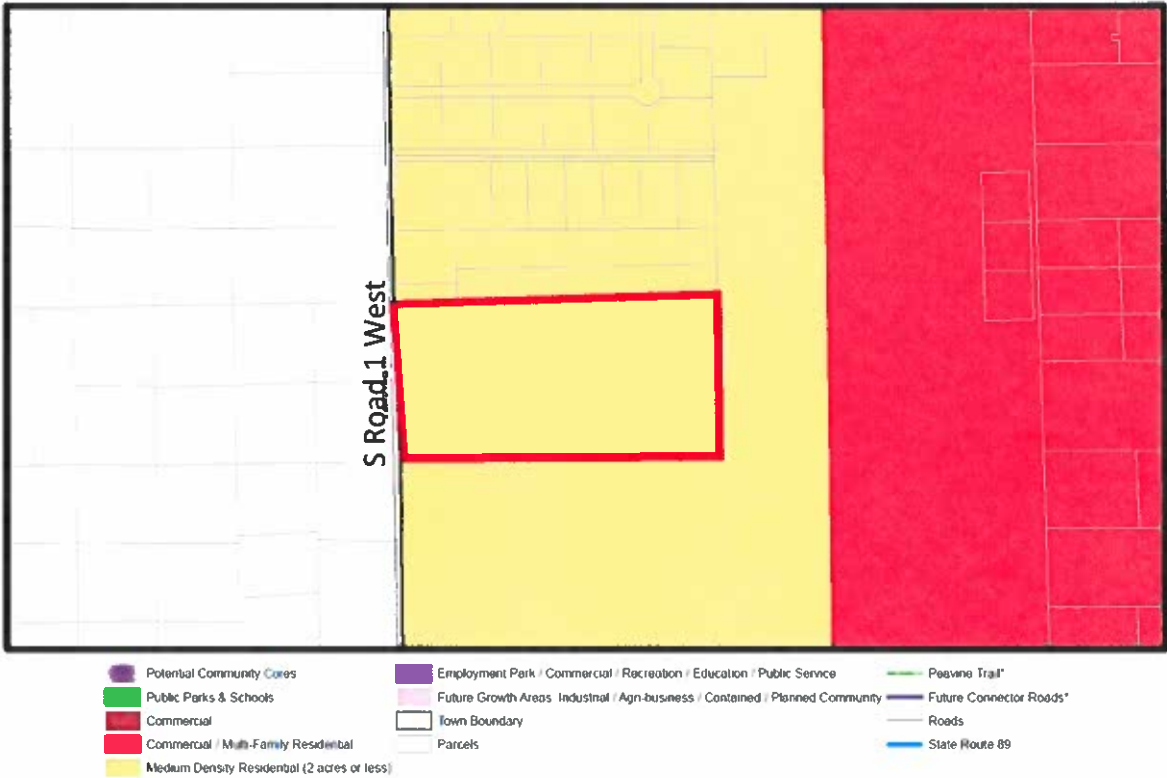
Zoning

Section 3.11 of the Unified Development Ordinance list “One (1) single-family dwelling” as a Permitted Use. The applicant intends for a residential subdivision of 1-acre lots with a single-family dwelling on each lot. The subject property is zoned appropriately for the requested subdivision.



General Plan

The General Plan designates the subject property as Medium Density Residential (2 acres or less). The request to subdivide approximately 20 acres of land into 15 one-acre lots is in conformance with the General Plan designation for the subject property.



PUBLIC COMMENTS RECEIVED: No written comments received.

EXTERNAL AGENCY COMMENTS: See Attachment B

NEIGHBORHOOD MEETING COMMENTS: See Attachment C

PROPOSED CONDITIONS DELIVERED TO APPLICANT ON: August 31, 2023

| | |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | Applicant agreed with all of the conditions of approval on (August 31, 2023) |
| <input type="checkbox"/> | Applicant did not agree with the following conditions of approval: (list #'s) |
| <input type="checkbox"/> | If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. |

ATTACHMENTS:

| A | B | C | D | E | F | G |
|------------------------|--------------------------|-------------------------------|----------------------|-------------|-----------------|----------------|
| Conditions of Approval | External Agency Comments | Neighborhood Meeting Comments | Site Plan & Exhibits | P&Z Minutes | Council Minutes | Staff Research |

PREPARED BY:

JESSICA BARRAGAN, SENIOR PLANNER
JBARRAGAN@CHINOAZ.NET
928 636-4427 – x1295

DATE:

AUGUST 31, 2023

APPROVED BY:

LAURIE LINEBERRY, AICP
DEVELOPMENT SERVICES DIRECTOR

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed preliminary plat for the site:

Development Services Comments: Laurie Lineberry, Director, 928 636-4427- x1217

1. The conditions listed below are in addition to Town codes, rules, fees, and regulations that are applicable to this action.
2. The Owner shall sign a Waiver of Claims form, which the Town will provide and record with the Yavapai County Recorder's Office, prior to the preliminary plat being heard by the Town Council.

Planning: Jessica Barragan, Senior Planner (928) 636-4427 – x1295

3. The developer shall include a disclosure on the front page of the Final Plat identifying the proximity of the slaughterhouse and stating the potential for odors and noises related to this type of land use.
4. As part of their closing documents, the developer shall require buyers to sign a Noise and Odor Disclosure, acknowledging the proximity of the existing slaughterhouse and the potential impact of related odors and noises.

Public Works/Engineering: Frank Marbury, Director, (928) 636-7140 – x1226

5. The owner shall dedicate right-of-way per UDO § 5.3.2 as follows:
 - a. South Road 1 West half-width: 40' east of the western line of section 34.
 - b. West Road 3 South half-width: 40' north of the east-west mid-section line of section 34.
 - c. Internal Street: Minimum right-of-way full-width is 50'. At street intersections, property line corners shall be rounded by circular arc having a minimum chamfer length of thirty-five (35) feet. The cul-de-sac shall terminate in a circular right-of-way 60' in radius.
6. The owner shall construct half-width improvements on the east half of South Road 1 West along the subdivision's frontage per the Town's Urban and Rural Roadways map as follows:

The improvements shall include, at a minimum, a 12' paved through lane, a 5' paved shoulder and a road side ditch.
7. The owner shall construct the following onsite improvements per UDO § 5.3.2:

Internal Street: Per Rural Local Road standards that includes 24' wide minimum asphalt roadway, 5' shoulder with thickened edge. The cul-de-sac shall have a minimum improved traffic turning circle 48' in radius.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B
EXTERNAL AGENCY COMMENTS

| | | | | | |
|---------|-----------------------------------|-------|-----------------|--------------|---------|
| DATE: | 4/9/2023 | NAME: | SUZANNE EHRLICH | TITLE: | MANAGER |
| AGENCY: | YAVAPAI COUNTY ENVIRONMENTAL UNIT | | PHONE: | 928-442-5450 | |

The Environmental Unit has completed the review and has identified the following deficiencies:

- Certificate of Sanitary Facilities for a Subdivision (CSF): Yavapai County Development Services has delegation from the Arizona Department of Environmental Quality for licensing decisions for the CSF. Preliminary plats, Final plats, applications, etc, must be submitted through Citizen Serve to the Certificate of Sanitary Facility permit.
- A subdivision proposing onsite wastewater systems will need to submit a geologic report sealed by an engineer registered in the State of Arizona that complies with Arizona Administrative Code (AAC) R18-5-Article 4. Additional guidance is available in Engineering Bulletin 19. A minimum of 25% of the lots included on the Application for Approval of Sanitary Facilities will be required to be tested in accordance with AAC R18-9-A310. Additional testing may be needed to determine if the lots are suitable for conventional or alternative onsite wastewater systems. The geologic report must include a Nitrogen calculation in accordance with AAC R18-9-A309.A.8.
- Subdivisions proposed with onsite wastewater systems must include a plat with topography to be submitted for the Environmental Unit's use for the review of the application.

In accordance with Arizona Revised Statutes ("A.R.S.") § 41-1072 through § 41-1079 and the licensing time frames rules under Arizona Administrative Code ("A.A.C.") R18-1-501 through R18-1-525. If the resubmitted documents do not correct the deficiencies identified above, the application may be denied, and a new application will need to be submitted and the appropriate fees paid.

PLEASE READ ALL OF THE BELOW:

· DO NOT REPLY TO ME. REPLIES TO MY EMAIL WILL NOT BE ANSWERED

· Contact the Environmental Unit at **(928) 442-5423** or enviro.services@yavapaiaz.gov with your questions or concerns regarding this review.

· Resubmittals must be submitted through the web portal at <https://www.citizenserve.com/yavapacounty>. **Resubmittals will not be accepted through email or in person.**

· Resubmittal reviews are worked in the order that they are received. Due to high volume, resubmittals are currently taking approximately 4 weeks to process. Status updates will not be given for any resubmittal until 4 weeks after the submittal is accepted. You can view the status of your permit by logging into your web portal account at <https://www.citizenserve.com/yavapacounty>. The status, "Under Review" means the resubmittal was received. The review is in the queue for review but not yet reviewed.

· For help with the web portal, please click on the "Chat" icon in CitizenServe or contact Yavapai County Development Services-Customer Services and Permitting at **(928) 771-3214** or web.development.services@yavapaiaz.gov.

ATTACHMENT C
NEIGHBORHOOD MEETING COMMENTS

DATE MEETING HELD: AUGUST 23, 2023

LOCATION: TOWN HALL COUNCIL CHAMBERS

ATTENDEES:

AGENT/DEVELOPER: JAY BATES, PROPERTY OWNER/DEVELOPER; JIM HOLT, WATER CONSULTANT;
ADAM HAYWOOD, SURVEYOR

TOWN STAFF: JESSICA BARRAGAN, SENIOR PLANNER

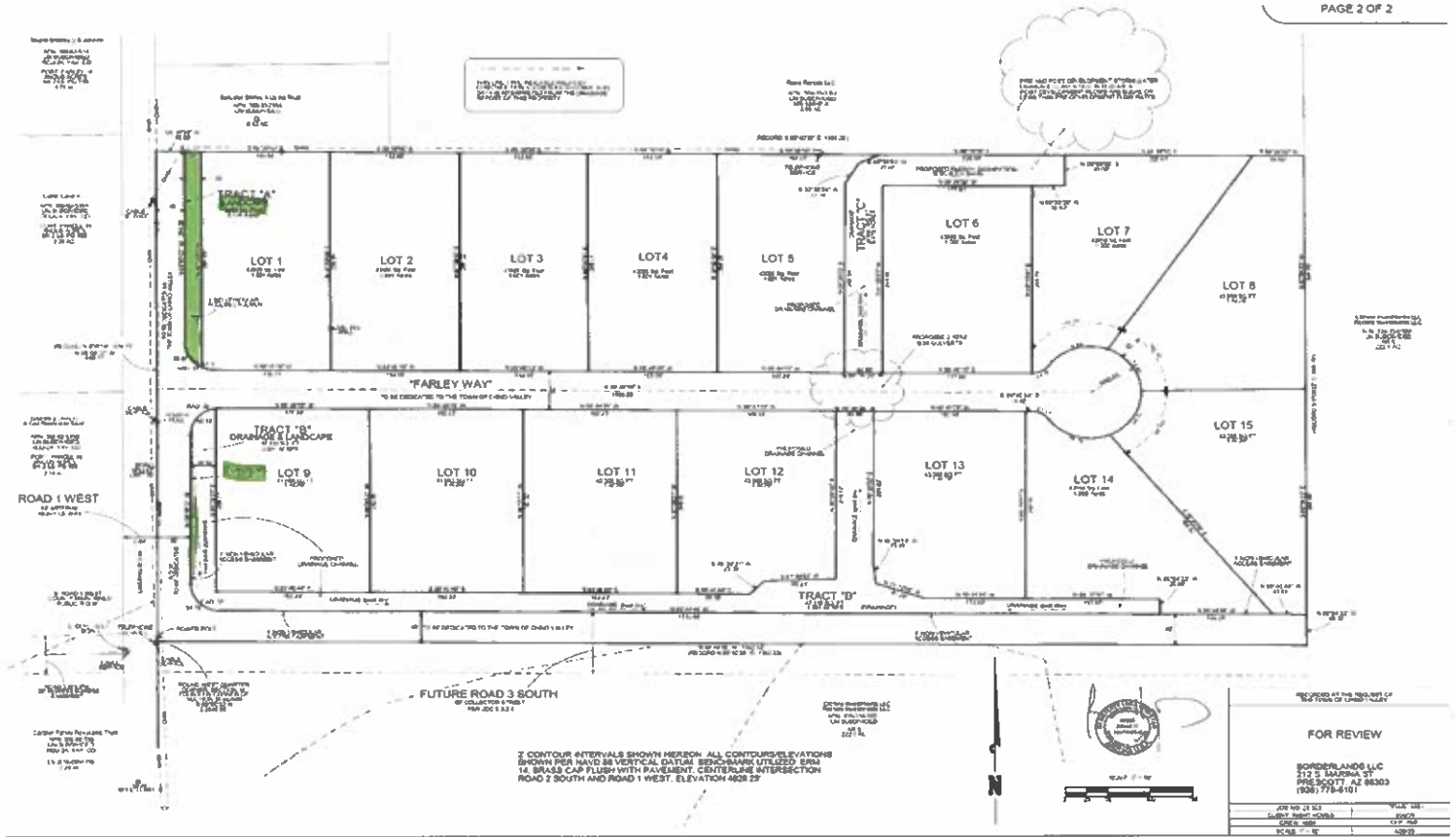
TWELVE (12) NEIGHBORS IN ATTENDANCE – SEE LIST ATTACHED

SUMMARY OF ATTENDEE(S)' COMMENTS RELATED TO THE PROJECT:

- Questions about water quality & arsenic levels.
- Questions about why the developer doesn't connect to town water and sewer.
- Concerns over the quality of the manufactured homes and the aesthetic impact to surrounding communities.
- Concerns over potential traffic increase.
- Concerns over roadway improvements.
- Concerns over the applicant's business integrity.

ATTACHMENT D SITE PLAN AND EXHIBITS

SITE PLAN SUBMITTED BY APPLICANT



ATTACHMENT D
SITE PLAN AND EXHIBITS

ADWR CERTIFICATE OF ASSURED WATER SUPPLY - SUBMITTED BY APPLICANT

STATE OF ARIZONA
DEPARTMENT OF WATER RESOURCES
CERTIFICATE OF ASSURED WATER SUPPLY

This is to certify that

Right Homes, LLC, an Arizona Limited Liability Company, Owner,
has met the requirements of A.R.S. §§ 45-576 and A.A.C.R12-15-701 et seq. and

By powers vested in the Director of the Arizona Department of Water Resources by the
State of Arizona, and subject to the conditions contained in the applicable regulations,

Is issued this Certificate of Assured Water Supply for

Homestead
Township 16 North, Range 2 West, Section 34
GSRB&M Yavapai County, PRESCOTT AMA Active Management Area

The referenced subdivision consists of 16 lots as described in the preliminary plat on file with the
Department, and has an estimated water demand of 2.82 acre-feet per year. The subdivision will be
served groundwater by exempt wells.

This Certificate is invalid as to any entity not named above.
This Certificate may be assigned pursuant to A.A.C. R12-15-706.

Certificate Number: 27-701257.0000



ARIZONA DEPARTMENT OF WATER RESOURCES

David L McKay

Program Manager

March 31, 2023

Date

TYPE B CERTIFICATE

Adobe Acrobat Sign Transaction Number: CBJCHBCAABAA21000R216DCge8536073110-Y11610M

ATTACHMENT D
SITE PLAN AND EXHIBITS

LETTER OF INTENT – SUBMITTED BY APPLICANT

Borderlands LLC
212 S Marina St.
Prescott, AZ 86303



Adam M Haywood, AZ RLS 67585
adamhaywood32@gmail.com
(928) 925-6135

July 18, 2023

Chino Valley Development Services
1982 Voss Dr.
Chino Valley, AZ 86323

RE: Homestead Subdivision, preliminary plat resubmittal

The area included in the Homestead Subdivision was re-zoned earlier this year (2023) from AG-5 to SR-1. The preliminary plat was originally submitted to the Town of Chino Valley in February of this year, but was not approved by Council in May. Changes have been made to the landscape strip of this subdivision and it is now being re-submitted.

The Homestead subdivision is a 15-lot subdivision, all lots will slightly over the 1 acre minimum, and roughly 3.2 acres of land will be dedicated to the Town for rights-of-way and drainage. All improvements, dedications, design and construction will conform to the Town of Chino Valley's Unified Development Ordinance.

Please feel free to contact me with any questions on this property in question.

Adam Haywood
Borderlands LLC
212. S. Marina
Prescott, AZ 86303
(928) 925-6135

ATTACHMENT E
MINUTES - P&Z MAY 2, 2023 (FOR REFERENCE ONLY)

Planning and Zoning Commission Meeting Minutes May 2, 2023

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, May 2, 2023, at the Town of Chino Valley Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were; Chair Chuck Merritt, Vice-Chair Gary Pasciak, Commissioner Teena Meadors, Commissioner Ron Penn, Commissioner Robert Switzer, Commissioner William Welker; Commissioner Richard Zamudio. Alternate Commissioner Rachelle Fernow was in attendance.

STAFF MEMBERS present were Laurie Lineberry, Development Service Director; Will Dingee, Assistant Director; Bethan Heng, Associate Planner; Frank Marbury, Public Works Director; Dee Dee Moore, Process Coordinator; Laurence Diggs, Audio/Video.

CALL TO ORDER: Chair Merritt called the meeting to order at 6:00 p.m. Commission meeting began with the Pledge of Allegiance led by Commissioner Switzer.

EXECUTIVE SESSION - Merritt stated that this item would be heard later in the agenda after the public hearing.

CONSENT CALENDAR – A motion was made by Commissioner Meadors to accept the consent agenda as presented. The motion was seconded by Commissioner Pasciak and passed unanimously by a 7-0 vote.

PUBLIC HEARING #E.1 - CASE# PP-2023-01 – *This is a request by Jay Bates on behalf of Right Homes LLC, to subdivide approximately 20 acres of land into 15 one acre lots for the Homestead Preliminary Plat. The property is located at the northeast corner of w Road 3 South and S Road 1 West, Chino Valley, Arizona.*

Chair Merritt asked the Commission if anyone had a disclosure to declare regarding this project. There were none.

Bethan Heng, Associate Planner presented the staff report for case PP-2023-01 and stated that staff recommended approval. There were no questions for staff from the Commission.

Applicant Jay Bates shared that this project consisted of 15 lots. The assured water supply had been received from the State. In addition, the CC&R's had been recorded and there was limited water usage stipulated per the Arizona Department of Water Resources (ADWR) approval. There were no questions from the commissioners.

Merritt opened the public hearing.

Bea Garcia shared that there are multiple projects going on along Road 1 West and that there is a current detour on that road already. She felt that the developer should wait until the other projects were completed to ease the congestion along that stretch of road.

Rachelle Fernow identified herself as the Planning and Zoning Commission Alternate and shared her concerns. She stated that, as a realtor, the disclosure to the buyers about the next door slaughterhouse was not a good sales point. She wondered what might happen if the manufactured homes were placed on the lots, and then didn't sell. She also brought up concerns about infrastructure and water usage. She

ATTACHMENT E
MINUTES - P&Z MAY 2, 2023 (FOR REFERENCE ONLY)

wondered where the benefit was to Chino Valley and felt that this was a capitalistic venture. She felt that there should be a park, child center and other improvements. She stated, based on her realtor background, that these homes would be selling in the range of \$500,000 and expressed concern about that price range not being affordable in this community. **Fernow** also felt this project should have curbs, gutters, and the homes should be placed on foundations. Generally, she felt that manufactured homes have small patios and would not provide a neighborhood feel for this project.

Jim Holt, Project Water Consultant, for Right Homes LLC, shared his background. With 25 years water consultant experience, he stated that when water is not in abundance, developers take that into account and refer to the requirements stipulated by the State to conserve water, using only state approved drought tolerant plants. He added that there is a restriction in the CC&R's to limit plants within an area 10,000 square feet adjacent to the home. Each well will be tested for contaminants and if needed, there will be home water filtration units installed.

There were no further public comments.

Merritt closed the public hearing.

Merritt asked if the commissioners had any questions. **Zamudio** asked about the building schedule for this project. **Switzer** asked what the zoning in the county area to the west was. **Heng** stated that the county had a zoning designation of RCU2, which is approximately equal to the SR-2. There were no further questions for staff.

Jay Bates returned to answer questions from the hearing. He began by stating that the price range of \$500,000, that was shared, was not where these homes would be priced. He provided an overview of the standard features of his homes, stating that every home had a front porch area of 12' x 12', and rear patio area minimum size of 12' x 25' (up to 50') with standard 2"x6" framing construction. He added that it is not his intent, as the developer/owner, to out-price these homes since he is in the business of selling homes. The home site is selected, and the sale is confirmed before the construction begins. He shared that his current project on the east side of town, is 25 lots and is on 40 acres, starting construction in the fall of 2023. **Merritt** asked about landscaping requirements along Road 1 West. **Bates** stated that the frontage area along that road would be landscaped similar to Mr. Fletchers' project on N. Road 1 East – Colonial Villas.

Switzer questioned that having $\frac{3}{4}$ of that acre as natural is not going to look very good. **Bates** stated that when you look around the town, some 1-acre parcels look nice and some do not. **Merritt** shared that his horse landscapes his property. **Pasciak** asked about the cul-de-sac radius. **Bates** stated that the radius does meet Central Arizona Fire and Medical Authority (CAFMA) requirements.

Merritt asked **Bates** if they were prepared to meet all the land requirements. **Bates** stated yes, and that he is familiar with the Town of Chino Valley requirements and has already built around 75 homes in town. **Switzer** asked about the front setbacks. **Bates** shared that these homes will be set back approximately 60-70 feet. Speaking about the proximity of the homes to the slaughterhouse and if that would be a deterrent to buyers, **Bates** added that that business had been in existence a long time, and **Merritt** added he thought it had been there around 50 years, and most all the homes built around it are not that old. **Merritt** asked about the turn lane and for clarification from **Marbury**. There were no further questions for the developer.

Marbury spoke regarding the stipulations/conditions and wanted to clarify details. He stated that one-half of the width of the street – 40-feet – is available for future growth along Road 3 North. Construction will be along Road 1 West and whether a turn-lane will be required is to be determined during the Final Plat review of the project. Currently, there is sufficient right-of-way. A traffic study/statement might be requested later

ATTACHMENT E
MINUTES - P&Z MAY 2, 2023 (FOR REFERENCE ONLY)

in the process; however, **Marbury** believed that the project number of lots was small and would not warrant a full traffic study. He confirmed that the cul-de-sac radius is large enough to meet fire truck and school bus requirements. **Marbury** added that the project is planned for interior roads with 24-feet of paved road and an additional 5-feet of paved shoulder on each side, making the street 34 paved feet wide. **Merritt** asked about drainage and grading. **Marbury** stated that those items were also approved during the Final Plat review. He cautioned about changing any language that would contradict the ADWR requirements.

Merritt closed the public hearing.

MOTION - A motion was made by Vice-Chair Pasciak and seconded by Commissioner Welker to approve PP-2023-01, as presented by staff. This motion passed with a 5-2 roll call vote (with Switzer & Meadors voting no).

Merritt asked each of the commissioners to explain their vote, they are as follows:

- **Switzer** - voted against – he felt this area should be 2-acre minimum to align with the county properties to the west. He also would like to see these types of projects on town water and sewer. This vote was consistent with his rezone vote for the property.
- **Zamudio** – voted in favor – he stated that this developer has fulfilled all his obligations and he believes the project will be developed properly.
- **Meadors** – voted against – she agreed with **Switzer** that this project should match with the county 2-acre parcels located to the west.
- **Pasciak** – voted in favor – he shared that sewer lines were more than 1-mile away and it was not cost effective (\$1,742,400) for the developer to extend them to this project. He also added that the homes in this area have all been built after the slaughterhouse business began. He believes that 1-acre lots are good for that area and that the homes will be affordable to buy.
- **Penn** – voted in favor – he did favor a 2-acre lot and had reservations that someone would buy next to the slaughterhouse, but ultimately, he thinks this will be a nice project.
- **Welker** – voted in favor – felt this project will be nice addition to the town when completed.
- **Merritt** – voted in favor – he stated that he was not concerned about the slaughterhouse since there are already existing homes on two sides of that location and it's obvious it is there. This project has the intent to maintain a rural lifestyle. The developer is meeting all the towns' landscaping and building requirements at this time. Regarding the capitalistic comment from the public, it is the property owners' right to profit from this project.

EXECUTIVE SESSION #C. - *An executive session pursuant to A.R.S. §38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding public hearings.*

Chairman Merritt closed the public portion of this meeting at 6:38 pm and moved that the Commission convene into a closed executive session. The commission, including the alternate, and staff left the town council chambers and met in the executive conference room for the executive session.

The Planning & Zoning Commission was re-convened at 6:45 pm.

ACTION ITEMS: There were no action items for this meeting.

INFORMATION ITEMS – FROM STAFF: COUNCIL ACTION OF PRIOR P&Z CASES: **Dingee** stated that the two Conditional Use Permit cases that were forwarded to Town Council were approved.

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Lineberry provided updates for the General Plan. She encouraged everyone to make comments and that all comments received are reviewed by the steering committee. **Meadors** asked if all the zoning districts were changing. **Lineberry** stated that those designations in the General Plan are Land Use Designations, not zoning districts. The new plan has more designations to help staff and the community regulate what can happen in certain places.

INFORMATION ITEMS – FROM THE COMMISSIONERS: There were no items from the commissioners.

INFORMATION ITEMS – FROM THE CHAIRMAN: **Merritt** shared a couple of educational items.

1. Sewer – Estimated Cost – He shared that he recently talked with a contractor who has done road work in this town and that this contractor estimated that the cost is about \$300 per foot, and for only pipe, it runs about \$220 per foot. These costs are part of the items taken into account by developers and determined whether it is cost-effective to move their projects forward.
2. Grocery Stores - **Merritt** again took advantage of talking with an acquaintance that is familiar with grocery stores and what it would take to have a second store in Chino Valley. That industry looks at things like population, overall positive 5-6 year population increase, and what type of store it would be. If the store provided other items than groceries, i.e., clothing, bbq, furniture, etc, then the pre-covid cost was estimated at \$24 Million to just build the store, and that estimate is over three years old. To operate that type of store the minimum sales per week would need to meet or exceed \$800,000 per week. That figures out to approximately \$52 per person (not families, but each person) per week to sustain that store. These figures highlight why the town currently has only one store. **Switzer** mentioned that some smaller towns have Wal-Marts, perhaps hoping for future development.

INFORMATION ITEMS – FROM THE PUBLIC: There were no comments from the Public.

ADJOURN – A motion was made by **Meadors** and seconded by **Pasciak** to adjourn the meeting at 7:06 p.m.

Charles Merritt - Chair

Prepared By: Dee Dee Moore

ATTACHMENT F
MINUTES – TOWN COUNCIL MAY 23, 2023 (FOR REFERENCE ONLY)

Item b) Public hearing, consideration, and possible action regarding the "Homestead" Preliminary Plat located at the Northeast corner of West Road 3 South and South Road 1 West from applicant Jay Bates, on behalf of Right Homes.

Will Dingee, Assistant Development Services Director, presented the following:

This was a request for approval for the Homestead Subdivision Preliminary Plat. This was the second time the project was coming before Council. The first time was for the rezone of the parcel. The applicant was in attendance.

The property was 20 acres in size, zoned Single Family Residential, one acre minimum, and located at the northeast corner of West Road 3 South and South Road 1 West. The proposal consisted of 15 one acre lots with a newly created east/west roadway, dubbed Farley Way. There would be drainage tracts and road improvements along South Road 1 West and landscaping along South Road 1 West. The property would be served by well and septic. Staff received one letter of opposition citing water, road conditions, and traffic as concerns.

Planning & Zoning provided a recommendation of approval with the conditions of approval found in attachment a.

Council and staff discussed the following:

Council inquired how the road would hold up to service trucks going to the end of the road and turning around. Frank Marbury, Town Engineer, stated that street would be designed to accommodate trucks, school buses, and emergency vehicles.

Council inquired if the road would be dedicated to the Town. Mr. Marbury stated that the cul-de-sac would be a public street.

One councilmember stated that the General Plan talked about the percentage of manufactured homes and asked if this subdivision was included in the 44% mentioned?

Will Dingee stated that number was specific to currently placed homes.

Jay Bates, Applicant, and Council discussed the following:

Council inquired about the ability to hook up to Prescott water. Mr. Bates stated that it was too far, as it only reached Road 2 South. Mr. Bates stated that he had obtained an assured water supply certificate from the State.

One councilmember made mention of condition number four, which stated that new buyers would sign a noise and odor disclosure acknowledging the nearby slaughterhouse. Mr. Bates stated a lot of people had moved in and out of the area a lot and it hadn't seemed to be an issue yet.

VM Granillo opened the Public Hearing. Rachelle

Fernow presented the following:

She stated that, to her knowledge, none of the existing homes had to sign a disclosure of noise or smell which she thought could be a deterrent to selling the properties.

In the previous budget meetings, Joe Duffy had talked in depth about the Town's waste water management plant losing money, and idea was to increase fees on those tied into those utilities. She felt there was a flaw in the UDO regarding the distance to tie into Town utilities. She stated

ATTACHMENT F
MINUTES – TOWN COUNCIL MAY 23, 2023 (FOR REFERENCE ONLY)

there was a trend with this specific developer in that his properties used to be 1,200 sq. ft. lots, but now they were all one acre with the intent of avoiding tying into Town services. She didn't see how the Town would survive if developers were not held accountable to tie into infrastructure. She stated the Town was borrowing from the General Fund to pay for the deficit in the wastewater treatment plant and the cost would now be passed onto the citizens who were already struggling. She stated developers could afford to tie in. She stated the flaw in the UDO needed to be addressed.

Jay Bates, applicant, presented the following:

As far as the disclosure, he stated that was on him and his company and that no one else could dictate if they should or shouldn't as they were taking the risk. He stated that he built 75 houses in Chino and hooked up to sewer and water a lot. It was just a matter of the cost being effective. If utilities were 600 to 1,000 feet away, the cost was prohibitive. There was a proposed project on Road 2 North which would be 70 homes and they would all be on Town sewer and water.

VM Granillo closed the Public Hearing.

MOVED by Councilmember John McCafferty, seconded by Vice-Mayor Eric Granillo to approve the preliminary plat.

AYE: Vice-Mayor Eric Granillo, Councilmember John McCafferty, Councilmember Sherri Phillips

NAY: Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember Robert Schacherer

3 - 3 FAILED

**ATTACHMENT G
STAFF RESEARCH**



STAFF RESEARCH – ZONE CHANGE

**CASE #: PP-2023-02
CASE PLANNER: JESSICA BARRAGAN**

I. PROJECT DATA

| | |
|--------------------------|---|
| Project Location: | Northeast of intersection at West Road 3 South and South Road 1 West. |
| Parcel Number(s): | 306-33-009A |
| Parcel Size(s): | 20 Acres |
| Total Acreage: | 20 Acres |
| Proposed Dwelling Units: | 15 Lots |
| Address: | None assigned. |
| Applicant: | Jay Bates, Right Homes |
| Applicant's Agent: | Adam Haywood |
| Zoning Overlay | PAD |
| | N/A |

| | Existing Zoning | Use(s) on-site | General Plan Designation |
|-------|---|---------------------------------|--|
| Site | Single Family Residential 1-Acre Minimum (SR-1) | Vacant | Medium Density Residential (2 Acres or Less) |
| North | Multiple Family Residential (MR) & Mobile Home Park (MHP) & Commercial Light (CL) | Residential and Slaughter House | Medium Density Residential (2 Acres or Less) |
| South | Agricultural Residential 5-Acre Minimum (AR-5) | Vacant | Medium Density Residential (2 Acres or Less) |
| East | Agricultural Residential 5-Acre Minimum (AR-5) | Vacant | Medium Density Residential (2 Acres or Less) |
| West | (RCU-2A) | Residential | Yavapai County Jurisdiction |

| Prior Cases or Related Actions: | | | | | |
|---------------------------------|----------|---|----|---|--|
| Type | Conforms | | | | Cases, Actions or Agreements |
| Pre-Annexation Agreement | Yes | | No | X | |
| Annexation | Yes | X | No | | November 13, 1970 – 1 st Annexation |
| General Plan Amendment | Yes | | No | X | |
| Development Agreement | Yes | | No | X | |
| Rezone | Yes | X | No | | January 3, 2023 – Rezone from Agricultural Residential 5-Acre Minimum (AR-5) to Single Family Residential 1-Acre Minimum (SR-1). |
| Subdivision | Yes | | No | X | |

**ATTACHMENT G
STAFF RESEARCH**

| | | | | | |
|---------------------------|---|---|----|---|--|
| Conditional Use Permit | Yes | X | No | | March 15, 1976 – Request for a CUP to Build a cutup room and small slaughter house for Beefway Ranch, Inc. Town has no minutes on file before May 29, 1977, so no record of the CUP being passed in on file. However, signatures for two petitions were submitted to Town Council prior to this case (June 17, 1975 and September 28, 1974). |
| Pre-Application Meeting | Yes | X | No | | December 15, 2021 – PA21-21 “Homestead Subdivision” |
| Preliminary-Plat | Yes | X | No | | May 2 nd , 2023- Request PP-2023-01 was heard & passed by P&Z with a 4-2 vote in favor to forward a recommendation of approval to Town Council. |
| Preliminary -Plat | Yes | | No | X | May 22, 2023 – Request PP-2023-01 was heard & Faild by Town Council with a 3-3 vote. |
| Enforcement Actions | Yes | | No | X | August 9, 1974 – “Violation of Zoning Codes”, although not specified what the violation was. |
| Land Division Status: | Yes | X | No | | 1960 – Dedication of Public Roadway – Resolution 854 1973 – Result of Split from APN 306-33-009 (Sibling Parcel APN 306-33-009B) |
| Irrigation District: | | | | | N/A |
| <u>Detailed Narrative</u> | This is a request by Adam Heywood, authorized agent for Jay Bates, on behalf of Right Homes, to subdivide approximately 20 acres of land into 15 one-acre lots for the Homestead Preliminary Plat. The property is located at the northeast corner of West Road 3 South and South Road 1 West, Chino Valley, Arizona. | | | | |

II. TOWN OF CHINO VALLEY GENERAL PLAN

| | | |
|---------------------------------|--|---|
| Land Use Element: | | |
| Land Use Designation: | Medium Density Residential (2 Acres or Less) | |
| Issues: | N/A | |
| Public Services Element: | | |
| Water Facility Plan: | Source: | Existing City of Prescott 8” or 6” Water main located 1,460 ft North of Site. |
| Sewer Facility Plan: | Treatment: | 12” Existing Gravity Main and 8” Existing Gravity Main located 1.11 mi North of Site. |
| Issues: | N/A | |
| Safety Element: | | |
| Flood Plain Designation: | N/A | |
| Issues: | N/A | |
| Transportation Element: | | |
| Road Classification | Not Designated | |
| Issues: | N/A | |
| Parks and Rec Element: | | |

**ATTACHMENT G
STAFF RESEARCH**

| | |
|-------------------------------------|--|
| Closest Park: | Peavine Trail 3.5 Miles from location. |
| Within 1 mile of the Peavine Trail? | No. |

NOTIFICATION

- **Legal Ad Published:** (09/05/23)
- **400' Vicinity Mailing:** (08/14/23)
- **20 Commenting/Reviewing Agencies noticed:** (08/23/2023)
- **Neighborhood Meeting:** (08/23/23)
- **Hearing Dates:** (10/03/23)
- **Comments Due:** (08/28/23)

| External List (Comments) | Response Received | Date Received | "No Comment" | Written Comments | Comments Attached |
|--|--------------------------|----------------------|------------------------|---------------------------|--------------------------|
| Samantha Alvarez – APS | | | | | |
| Richard Perez - A.D.O.T. | | | | | |
| Ralph Baker – C.V.I.D. | | | | | |
| Cody Rose - CAFMA | | | | | |
| Suzanne Ehrlich – YC ENV | X | 4/21/2023 | | X | X |
| Monica Kriner – YC Health | X | 3/20/2023 | X | | |
| SparkLight Cable | | | | | |
| LUMEN (Previously Centurylink) | | | | | |
| Unisource Gas | | | | | |
| CVUSD | | | | | |
| United States Postal Service | | | | | |
| Mark Holmes – Water Advisor | X | 4/6/2023 | | X | X |
| Town of Chino Valley Internal List (Conditions) | Response Received | Date Received | "No Conditions" | Written Conditions | Comments Attached |
| Jessica Barragan – Senior Planner (DS) | X | 8/30/2023 | | X | X |
| Will Dingee – Assistant Director (DS) | | | | | |
| Laurie Lineberry – DS Director | | | | | |
| Frank Marbury – PW Director | | | | | |
| Steve Sullivan – Assistant Engineer (PW) | X | 4/6/2023 | | X | X |
| Dan Trout – CBO (DS) | | | | | |
| Damon Stanley or Tracey Dashiell – Code Enforcement | | | | | |
| Chuck Winn – Chief of Police (Police) | | | | | |