

**MINUTES OF THE REGULAR MEETING
OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY**

**TUESDAY, MARCH 22, 2022
6:00 P.M.**

**CHINO VALLEY COUNCIL CHAMBERS
202 N. STATE ROUTE 89, CHINO VALLEY, AZ**

Present: Mayor Jack Miller; Vice-Mayor Annie Perkins; Councilmember Tom Armstrong; Councilmember Eric Granillo; Councilmember Cloyce Kelly; Councilmember John McCafferty; Councilmember Lon Turner

Staff Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire (remotely); Development Services Director Laurie Lineberry; Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Lieutenant Josh McIntire; Lieutenant Randy Chapman; Officer Roger Brown (Sgt at Arms); Public Works Director/Town Engineer Frank Marbury; Senior Planner Will Dingee; Planner Bethan Heng; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

1) CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL

Mayor Miller called the meeting to order at 6:03 p.m. and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

3) CALL TO THE PUBLIC - Individuals requesting to speak, please complete a Speaker Comment Card and return to the Clerk.

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council 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. Council 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.

4) CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

- a) Status reports by Mayor and Council regarding current events.

Vice-Mayor Perkins thanked everyone in the community for being involved and showing up at the meeting, and she understood there was an issue everyone was concerned about. She also liked the way the Pledge of Allegiance sounded with so many voices.

Councilmember Armstrong had attended training at the Urban Land Institute with Councilmembers Granillo and McCafferty. He had learned that 87% of large real estate companies dealing with urban land were owned and operated by females.

- b) Status report by Town Manager Cindy Blackmore regarding Town accomplishments, and current or upcoming projects.

5) CONSENT AGENDA

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Cloyce Kelly to approve Consent Agenda items 5(a), (b), (c), (d), (e), and (f) as written.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

- a) Consideration and possible action to regarding an Approach Main Repayment Agreement between the Town of Chino Valley and Brook Apartments, LLC. for repayment associated with the construction of water and sewer approach mains. The total estimated amount associated with the agreement is \$633,817.00. (Frank Marbury, Public Works Director/Town Engineer)
- b) Consideration and possible action regarding the application to re-plat lots 15 and 16, of the Yo He Wah Subdivision, in order to combine the two lots into a single lot. Applicant and property owner Leslie Doyle. APNs 306-05-059B & 058B. (Will Dingee, Senior Planner)
- c) Consideration and possible action to ratify the Cooperative Purchasing Agreement, creating a Job Order Contract with PCL Construction, and ratify the emergency authorization for Work Order number 1 thereto. (Frank Marbury, Public Works Director/Town Engineer)
- d) Consideration and possible action regarding the February 15, 2022, study session minutes. (Erin N. Deskins, Town Clerk)
- e) Consideration and possible action regarding the February 22, 2022, study session minutes. (Erin N. Deskins, Town Clerk)

- f) Consideration and possible action regarding the February 22, 2022, regular meeting minutes. (Erin N. Deskins, Town Clerk)

6) **ACTION ITEMS**

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a) Public Hearing and consideration and possible action regarding Ordinance 2022-915 to rezone approximately 30.15 acres of real property from the Agricultural/Residential 5-Acre Minimum (AR-5) to Commercial Heavy with a Planned Area Development Overlay (CH/PAD), for the property located south of 2820 N Road 1 East, Chino Valley, Arizona, APN 306-14-026A. Applicant - Jeremy Bach (Will Dingee, Senior Planner)

Recommended Action:

- (i) Hold public hearing
(ii) Deny rezone Ordinance 2022-915 per recommendation of Planning and Zoning and as presented.

Planner Bethan Heng reported on the following:

- The request was for a rezone for an RV park.
- The applicant was in attendance and was requesting that the item be continued to a date certain of June 28, 2022. He would address the reasons for the request to the Council.

Applicant Jeremy Bach, Council, and staff discussed the following:

- Mr. Bach wanted to go back to the Planning and Zoning Commission (P&Z), so that they could meet with the Development Service Director and the community to see if there was anything else they could do to get the support of the community.
- The applicant wanted to develop the parcel as an RV park.
- Mr. Bach did not think he had done a good job at the beginning in meeting with members of the community, and he wanted an opportunity to do that.
- Mr. Bach wanted an opportunity to conduct a traffic study and go over some of the water concerns.
- The applicant had made quite a few concessions in order to make it a better fit for the community, including developing more renderings.
- Mr. Bach wanted the opportunity to meet with staff to see if they could get the project back on track, and he requested Council consider the request for a continuation.
- Any major changes would need to go back to P&Z, otherwise it would come right back to the Council for consideration if they approved the continuation. Members did not think the changes proposed by the applicant were significant enough to warrant a new P&Z hearing.
- Members discussed if continuing the item to a later date was the correct way to handle the situation or if it was better to decide, giving the applicant a chance to start over if need be.
- If the applicant was denied or withdrew their application, Town Code required the applicant to wait one-year to reapply for the same project.
- The Council could make the motion to require the applicant to go back to P&Z before it

came back to Council.

- The staff administrator would determine if a change to the application was large enough that it warranted another P&Z hearing.
- The Town attorney explained that because code required Town to have a hearing, Council should hold their hearing before referring it back to P&Z. If the item was continued until June 28th, it would go to P&Z after that meeting. It could go to P&Z before that date if staff determined the changes were significant, at which time the June 28th meeting would be cancelled. The Town attorney clarified for Members that the public hearing could be continued to June 28th without holding the public hearing at the current meeting. The Council was not required to send it back to P&Z after their public hearing and could vote on the item after the public hearing.
- Members further discussed if it was fair to give more time to work on the project or if it was wasting everyone's time.
- The applicant's engineer was handling the traffic study, and it would be scheduled within 30-days or less.
- P&Z had requested getting a better analysis of the water situation and what the traffic would be like across the road. The applicant would be reaching out to staff and could be coming back with a completely different plan. The applicant explained he had the reputation of doing what he said he was going to do. The scope of the traffic study would be specific to their project and would focus on acceleration and deceleration lanes.
- They wanted to try and keep the existing layout because it had the least amount of impact to the road since it was closest to the roundabout.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Cloyce Kelly to continue Ordinance 2022-915 to rezone approximately 30.15 acres of real property from the Agricultural/Residential 5-Acre Minimum (AR-5) to Commercial Heavy with a Planned Area Development Overlay (CH/PAD), for the property located south of 2820 N Road 1 East, Chino Valley, Arizona, APN 306-14-026A, to the June 28, 2022, meeting.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Cloyce Kelly, Councilmember John McCafferty

NAY: Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Lon Turner

4 - 3 PASSED

- b) Consideration and possible action to approve Ordinance No. 2022-912 to rezone approximately 6.86 acres of real property from Commercial Heavy (with a Planned Area Development Overlay) (CH/PAD) to Commercial Light (CL), for the property located north of 2625 S State Route 89, Chino Valley, Arizona, APN 102-01-219M. (Bethan Heng, Planner)

Recommended Action: Approve Ordinance 2022-912 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Councilmember McCafferty recused himself due to a conflict.

Planner Bethan Heng reported on the following:

- The application was a request for a rezone for a soccer facility.
- The applicant was in attendance.
- The nearly seven-acre property location and the surrounding properties were reviewed.

- The property was currently vacant.
- The rezone request was to change the Commercial Heavy zone to Commercial Light with a PAD overlay.
- The applicant wanted to change the zoning to the same as the property adjacent to the south of the parcel, for the combined use of a soccer facility allowed in the CL district.
- The surrounding properties were mostly CL zoned with single family residential across State Route 89, and State land to the east.
- The rezone would be in conformance with the General Land Use Map, which designated the area for commercial, multifamily residential.
- The site plan was reviewed for Council.
- It was presented to P&Z on February 2, 2022.
- P&Z forwarded a recommendation of approval as presented and subject to the staff report and information provided and the conditions of approval in Attachment A.
- Staff overviewed a graphic overlay of the site from the staff report.
- The applicant planned development in two phases.

Applicant Glenn Daiutolo, Council, and staff discussed the following:

- Phase one of the project would be all artificial turf because it withstood more use and required less maintenance. The upfront costs were more.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Cloyce Kelly to approve Ordinance No. 2022-912 to rezone approximately 6.86 acres of real property from Commercial Heavy (with a Planned Area Development Overlay) (CH/PAD) to Commercial Light (CL), for the property located north of 2625 S State Route 89, Chino Valley, Arizona, APN 102-01-219M.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember Lon Turner

6 - 0 PASSED

- c) Consideration and possible action regarding Ordinance 2022-914 to rezone one (1) acre of approximately 14.79 acres of real property from AR-5 (Agricultural Residential 5-acre minimum) zoning district to CL (Commercial Light) zoning district. Applicant Ralph Baker, address 995 E Road 1 North, Parcel 306-23-048A. (Will Dingee, Senior Planner)

Recommended Action: Approve Ordinance No. 2022-914 to rezone ZC-2021-017 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment 2.

Senior Planner Will Dingee presented the following:

- The applicant was requesting to rezone one acre of property from AR-5 zoning district to CL district.
- The applicant was in attendance.
- The nearly 15-acre property's location and the surrounding properties were reviewed.
- The northeast corner of the property had been used as an office and storage yard location for CVID for the last 40 years.
- The use was AR-5 non-conforming but was grandfathered due to the length of operation.
- The rezone request was for only a portion of the property, cutting off the one-acre

where the operation was being held.

- Staff had conditioned the item to have the rezone and the lot split occur at the same time. If the rezone occurred, the lot split would occur at the same time. This would avoid the creation of a non-conforming lot creation.
- The land designation of the parcel and the properties to the north, south, and west was considered multi-family commercial. The CL zoning was in conformance with that designation.
- The surrounding property zones were reviewed.
- The item was presented to P&Z earlier in March, and they forwarded a recommendation of approval as presented, subject to the staff report, information provided during the hearing, and conditions of approval in Attachment A.

Applicant Rob Baker, Council, and staff discussed the following:

- The CVID headquarters would remain on the rezoned acre of property. The remaining nearly 14-acres would remain as AR-5. This brought them into compliance.
- The applicant had approached the Town about the change.
- Rob Baker, Irrigation Manager for CVID, explained this came up once they found out they were not in compliance. They wanted to bring it into compliance to be a friendly neighbor.
- It was originally going to be zoned all commercial, but there was opposition from the neighbors. To make everyone happy, staff had come up with the idea of breaking off one-acre. It would stay the way it was with no changes. They would keep the land.
- There was no requirement to offer public comment, and no one had completed a comment card.

MOVED by Vice-Mayor Annie Perkins, seconded by Councilmember Tom Armstrong to approve Ordinance No. 2022-914 to rezone ZC-2021-017 as presented, subject to the staff report and information provided during this hearing, and the Conditions of Approval in Attachment 2.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

7) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 6:43 p.m.

AYE: Mayor Jack Miller, Vice-Mayor Annie Perkins, Councilmember Tom Armstrong, Councilmember Eric Granillo, Councilmember Cloyce Kelly, Councilmember John McCafferty, Councilmember Lon Turner

7 - 0 PASSED - Unanimously



Jack W. Miller, Mayor

ATTEST:

Erin Deskins

Erin N. Deskins, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 22nd day of March, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of April, 2022.

Erin Deskins

Erin N. Deskins, Town Clerk