1. Planning And Zoning Commission - Regular Meeting

Documents:

2018_11_06_PZ_RG_AG.PDF
2018_11_06_PZ_RG_PK.PDF
AGENDA

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. MINUTES

   a. Consideration and possible action to approve October 2, 2018 regular meeting minutes.

5. STAFF REPORTS

6. PUBLIC HEARING

   a. Consideration and possible action to approve Ordinance 18-855 to rezone 1.74 acres of real property generally located on the northeast corner of North Road 1 West and Reyes Road at 920 Reyes Road from AR-5 (Agricultural Residential-5 Acre Minimum) zoning district to SR-1.6 (Single Family Residential-1.6 Acre Minimum) zoning district. (Owner of Record: Fillebrown Living Trust & Fillebrown Roger & Sharon Trustees) (Alex Lerma, Planner)

   b. Consideration and possible action to approve Ordinance 18-857 to rezone 2 acres of real property located approximately 612 feet north of the northeast corner of Red Cinder Road and Kachina from AR-5 (Agricultural Residential-5 Acre Minimum) zoning district to SR-2 (Single Family Residential-2 Acre Minimum) zoning district. (Owner of Record: Thomas G. Romanek and Princess C. Romanek) (Alex Lerma, Planner)
c. Consideration and possible action to approve Ordinance 18-858 to rezone 2.71 acres of real property located approximately 375 feet east of the northeast corner of State Route 89 and Road 4 North intersection at 868 East Road 4 North from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district. (Owner of Record: Corey and Robin Mendoza) (Alex Lerma, Planner)

d. Consideration and possible action to approve Ordinance 18-856 to rezone 12.35 acres (approx. 535,788 sq. ft.) of real property located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North from SR-1 (Single Family Residential-1 acre minimum) to CL (Commercial Light) to allow wholesale nursery. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

e. Consideration and possible action to approve a Conditional Use Permit (CUP18-006) for 12.35 acres (approx. 535,788 sq. ft.) of real property located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North to allow the existing single family residential use within the CL (Commercial Light) zoning district. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

7. NON-PUBLIC HEARING ACTION ITEMS

8. DISCUSSION ITEMS

9. PUBLIC COMMENTS

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10. ADJOURN

Dated this 31st day of October, 2018.

By: Alex Lerma, Planner

A copy of the agenda and background material provided to the Commissioners is available for public inspection at the Marion Lassa/Chino Valley Library, 1020 W. Palomino Road, Chino Valley, Arizona. Further details may be obtained by contacting Development Services Department at 1982 Voss, Chino Valley, Arizona (928) 636-4427.

The Town endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 636-2646 (voice) or use 711 (Telecommunications Arizona Relay Service) to request an accommodation to participate in this meeting.
AGENDA

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10. ADJOURN

Dated this 31st day of October, 2018.

By: Alex Lerma, Planner

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Planning and Zoning Commission Regular

Meeting Date: 11/06/2018

October 2, 2018 Minutes

CASE DESCRIPTION:
Consideration and possible action to approve October 2, 2018 regular meeting minutes.

ANALYSIS:

RECOMMENDATION
Approve October 2, 2018 regular meeting minutes.

Attachments

October 2, 2018 Minutes
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 Present: Development Services Director Jason Sanks; Planner Alex Lerma; Public Works 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
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
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

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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
Planning and Zoning Commission Regular  
Meeting Date: 11/06/2018
Fillebrown Rezone

CASE DESCRIPTION:
Consideration and possible action to approve Ordinance 18-855 to rezone 1.74 acres of real property generally located on the northeast corner of North Road 1 West and Reyes Road at 920 Reyes Road from AR-5 (Agricultural Residential-5 Acre Minimum) zoning district to SR-1.6 (Single Family Residential-1.6 Acre Minimum) zoning district. (Owner of Record: Fillebrown Living Trust & Fillebrown Roger & Sharon Trustees) (Alex Lerma, Planner)

LOCATION:
Located on the northeast corner of North Road 1 West and Reyes Road at 920 Reyes Road.

FACTS:
1. Applicant: Fillebrown Living Trust
2. Owner: Fillebrown Living Trust & Fillebrown Roger & Sharon Trustees
4. Site Area: 1.74 acres (approx. 75,794 sq. ft.)
5. Existing zoning: AR-5 (Agricultural Residential-5 Acre Minimum)
6. Intended Use: Existing Residential Use

ANALYSIS:
See attached Staff Report

SITE PLAN
See attached Site Plan

RECOMMENDATION
Staff recommends that the Planning and Zoning Commission forward to Town Council a recommendation of approval to adopt Ordinance 18-855 to rezone 1.74 acres of real property from AR-5 (Agricultural Residential-5 Acre Minimum) to SR-1.6 (Single Family Residential-1.6 Acre Minimum for Assessor Parcel No.306-23-101B.

Attachments
Fillebrown Rezone Staff Report
Fillebrown Rezone Site Plan
APPLICATION SUMMARY

File Number: Z18-000020

Assessor’s Parcel Number: 306-23-101B

Site Location: Located on the northeast corner of North Road 1 West and Reyes Road at 920 Reyes Road.

Property Owner: Fillebrown Living Trust & Fillebrown Roger & Sharon Trustees

Applicant: Fillebrown Living Trust

Request: Request to rezone approximately 1.7 acres from AR-5 (Agricultural Residential – 5 Acre Minimum) zoning district to SR-1.6 (Single Family Residential – 1.6 Acre Minimum) zoning district.

SITE DATA

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>AR-5 (Agricultural Residential - 5 Acre Minimum)</th>
</tr>
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<tbody>
<tr>
<td>Lot Size</td>
<td>1.74 acres (approx. 75,794 sq. ft.)</td>
</tr>
<tr>
<td>Subdivision</td>
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</tr>
<tr>
<td>General Plan Land Use</td>
<td>Medium Density Residential (2 acres or less)</td>
</tr>
<tr>
<td>Designation</td>
<td></td>
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<tr>
<td>Existing Land Use</td>
<td>Single Family Residence w/ accessory structures</td>
</tr>
</tbody>
</table>

BACKGROUND

SITE DESCRIPTION

The subject property is located on the northeast corner of North Road 1 West and Reyes Road at 920 Reyes Road. The property is accessed by Reyes Road. The site has a zoning classification of AR-5 (Agricultural Residential - 5 Acre Minimum) under the Town of Chino Valley Unified Development Ordinance. The parcel is identified with a Land Use Designation of Medium Density Residential (2 acres or less) under the Town of Chino Valley General Plan Potential Land Use Map. Property improvements include a single family residence and accessory structures. See Figure 1.
The area is predominantly low/medium density single family residential. The properties directly north are zoned AR-5 (Agricultural Residential- 5 Acre Minimum) with single family residential homes. To the east, properties are zoned AR-5 (Agricultural Residential- 5 Acre Minimum) with agricultural land, further east of the subject property lots are zoned SR-1 (Single Family Residential- 1 Acre Minimum) with medium density single family residential properties within Granadas Estates Subdivision. Directly south, properties are zoned SR-1 (Single Family Residential- 1 acre minimum) and SR-2.5 (Single Family Residential- 2.5 acres minimum). To the west, properties are zoned AR-5 (Agricultural Residential- 5 Acre Minimum) and SR-1 (Single Family Residential- 1 Acre Minimum) with a single family residence and vacant land. See Figure 2

<table>
<thead>
<tr>
<th>AREA</th>
<th>ZONING</th>
<th>GENERAL PLAN LAND USE DESIGNATION</th>
<th>LAND USE</th>
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<tbody>
<tr>
<td>North</td>
<td>AR-5</td>
<td>Medium Density Residential (2 ac or less)</td>
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</tr>
<tr>
<td>East</td>
<td>AR-5, SR-1</td>
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<td>Agricultural Land, Granadas Estates Subdivision</td>
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<td>South</td>
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<td>Single Family Residence, Vacant Green Houses</td>
</tr>
<tr>
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<td>AR-5, SR-1</td>
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<td>Single Family Residence, Vacant</td>
</tr>
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</table>
PROJECT DESCRIPTION

Staff has interpreted the subject property as a legal non-conforming lot based on the current zoning classification. Records show that along with the subject property, properties to the north and west were subdivided without first rezoning the parent parcel. The area has resulted in six separate properties which Staff defined as legal non-conforming with an AR-5 zoning classification but with a lot sizes of 2.5 to 1.5 acres.

The applicant has request to rezone approximately 1.74 acres from AR-5 (Agricultural Residential–5 Acre Minimum) zoning district to SR-1.6 (Single Family Residential–1.6 Acre Minimum) zoning district. The SR-1.6 zoning district is the closest zoning district based on the property’s lot size, the requested zoning district will give the property the correct classification.

CITIZENS REVIEW & PUBLIC HEARING PROCESS

Town Staff notified property owners within a 300’ radius, resulting in thirteen (13) notices for the neighborhood meeting and public hearings. Property owners received information regarding the applicants request for a zone change. To date, Staff has not received a request for this application.

The neighborhood meeting was held on October 15, 2018 at Town Hall.

The item will go before the Planning and Zoning Commission on November 6, 2018.
STAFF ANALYSIS AND RECOMMENDATION

GENERAL PLAN CONFORMANCE

The proposed zoning request of SR-1.6 (Single Family Residential- 1.6 Acre Minimum) will continue to be in conformance with the Medium Density Residential (2 acres or less) General Plan land use designation. The Medium Density Residential Land Use designation will continue to focus on the Land Use Goals and Strategies by protecting existing residences in low/medium density areas as new development comes in.

ZONING

The properties to the north and east of the subject property are legal-nonconforming lots with an AR-5 zoning classification but the size of these lots are less than five (5) acres. The surrounding area is that of medium-density single-family residential lots. The applicant’s request of the SR-1.6 zoning district will allow the property to have the right zoning classification. The SR-1.6 zoning district will not have a negative impact on surrounding properties. The property will continue to be that of a residential land use.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission forward to Town Council a recommendation of approval for Ordinance 18-855 to rezone 1.7 acres of real property from AR-5 (Agricultural Residential- 5 acre minimum) to SR-1.6 (Single Family Residential- 1.6 acre minimum) for APN 306-23-101B.

Parliamentary Procedure

Chairman: I would entertain a motion

Commissioner: I move to recommend (approval/denial) to Town Council of this request to rezone approximately 1.7 acres of real property located on the northeast corner of North Road 1 West and Reyes Road at 920 Reyes Road from AR-5 (Agricultural Residential- 5 Acre Minimum) to SR-1.6 (Single Family Residential- 1.6 Acres Minimum).

Chairman: Do we have a second?

Commissioner: I’ll second

Chairman: All in favor

Commission: Aye (or nay)

Chairman: Anybody opposed?

Chairman: Motion is carried (or denied)
Property Description

APN: 306-23-101B
Site Address: 920 Reyes Road
Lot Size: 1.74 Acres (approx. 75,794 sq. ft.)
Existing Zoning: AR-5 (Agricultural/Residential-5 Acre Minimum)
Proposed Zoning: SR-1.6 (Single Family Residential-1.6 Acre Minimum)
General Plan Designation: Medium Density Residential (2 ac or less)
Existing Land Use: Single Family Residence
CASE DESCRIPTION:
Consideration and possible action to approve Ordinance 18-857 to rezone 2 acres of real property located approximately 612 feet north of the northeast corner of Red Cinder Road and Kachina from AR-5 (Agricultural Residential-5 Acre Minimum) zoning district to SR-2 (Single Family Residential-2 Acre Minimum) zoning district. (Owner of Record: Thomas G. Romanek and Princess C. Romanek ) (Alex Lerma, Planner)

LOCATION:
Located approximately 612 feet north of the northeast corner of Red Cinder Road and Kachina.

FACTS:
1. Applicant: Tom Romanek
2. Owner: Thomas G. Romanek and Princess C. Romanek
3. Parcel Number: 306-17-018Z
4. Site Area: 2 acres (approx. 87,120 sq. ft.)
5. Existing zoning: AR-5 (Agricultural Residential-5 Acre Minimum)
6. Intended Use: Existing Residential Use

ANALYSIS:
See attached Staff Report.

SITE PLAN
See attached Site Plan.

RECOMMENDATION
Staff recommends that the Planning and Zoning Commission forward to Town Council a recommendation of approval to adopt Ordinance 18-857 to rezone 2 acres of real property from AR-5 (Agricultural Residential-5 Acre Minimum) zoning district to SR-2 (Single Family Residential-2 Acre Minimum) zoning district at Assessor Parcel Number 306-17-018Z.
APPLICATION SUMMARY

File Number: Z18-000021
Assessor’s Parcel Number: 306-17-018Z
Site Location: Located approximately 612 feet north of the northeast corner of Red Cinder Road and Kachina.
Property Owner: Thomas G. Romanek and Princess C. Romanek
Applicant: Tom Romanek
Request: Request to rezone 2 acres of real property from AR-5 (Agricultural Residential–5 Acre Minimum) zoning district to SR-2 (Single Family Residential–2 Acre Minimum) zoning district.

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BACKGROUND

SITE DESCRIPTION

The subject property is located approximately 612 feet north of the northeast corner of Red Cinder Road and Kachina. The property is accessed by Kachina. The site has a zoning classification of AR-5 (Agricultural Residential-5 Acre Minimum) under the Town of Chino Valley Unified Development Ordinance. The parcel is identified with a Land Use Designation of Medium Density Residential (2 acres or less) under the Town of Chino Valley General Plan Potential Land Use Map. There is currently no property improvements. See Figure 1.
SURROUNDING PROPERTIES ZONING AND LAND USES

The area is predominantly identified with low/medium residential uses and commercial uses further east. The properties directly north are zoned AR-5 (Agricultural Residential- 5 Acre Minimum) with single family residential homes and a vacant property. To the east, properties are zoned CH (Commercial Heavy), I (Industrial) and AR-5 (Agricultural Residential- 5 Acre Minimum). These properties are currently vacant. Directly south, properties are zoned SR-2.5 (Single Family Residential- 2.5 Acre Minimum) with single family residential development. To the west, properties are zoned AR-5 (Agricultural Residential- 5 Acre Minimum) and SR-2.5 (Single Family Residential- 2.5 Acre Minimum) with vacant land and single family residential development. See Figure 2

<table>
<thead>
<tr>
<th>AREA</th>
<th>ZONING</th>
<th>GENERAL PLAN LAND USE DESIGNATION</th>
<th>LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>AR-5</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Single Family Residence, Vacant</td>
</tr>
<tr>
<td>East</td>
<td>I, AR-5, CH</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>SR-2.5</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Single Family Residence, Vacant</td>
</tr>
<tr>
<td>West</td>
<td>AR-5, SR-2.5</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Vacant, Single Family Residence</td>
</tr>
</tbody>
</table>
PROJECT DESCRIPTION

The subject property is a legal non-conforming lot based on the current zoning classification. Records show that along with the subject property, other surrounding lots to the north, south and west were subdivided without first rezoning the parent parcel. The area has resulted with several legal non-conforming lots with AR-5 and SR-2.5 zoning classifications but with the actual lot sizes being below the classified acreage.

The applicant has requested to rezone approximately 2 acres from AR-5 (Agricultural Residential–5 Acre Minimum) zoning district to SR-2 (Single Family Residential–1.6 Acre Minimum) zoning district. The SR-2 zoning district will give the property the correct classification and will make the lot into conformance.

CITIZENS REVIEW & PUBLIC HEARING PROCESS

Town Staff notified property owners within a 300’ radius, resulting in ten (10) notices for the neighborhood meeting and public hearings. Property owners received information regarding the applicants request for a zone change. To date, Staff has not received any request for this application.

The neighborhood meeting was held on October 17, 2018 at Town Hall. There were no attendees at said meeting.

The item will go before the Planning and Zoning Commission on November 6, 2018.
STAFF ANALYSIS AND RECOMMENDATION

GENERAL PLAN CONFORMANCE

The proposed zoning request of the SR-2 (Single Family Residential - 2 Acre Minimum) zoning district will continue to be in conformance with the Medium Density Residential (2 acres or less) General Plan land use designation. The Medium Density Residential Land Use designation will continue to focus on the Land Use Goals and Strategies by protecting existing residences in low/medium density areas as new development comes in.

ZONING

Several of the properties located to the north, south and east of the subject parcel are interpreted as legal-nonconforming lots with lot sizes less than what the zoning district indicates. The surrounding area is that of medium-density single-family residential lots. The applicant’s request of the SR-2 zoning district will allow the property to have the right zoning classification. The SR-2 zoning district will not have a negative impact on surrounding properties. The property’s land use will continue to be that of a residential use. The SR-2 zoning district will serve as a transitional zoning between the SR-2.5 zoning district to the south and the AR-5 zoning district to the north.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission forward a recommendation of approval to Town Council to adopt Ordinance 18-857 to rezone 2 acres of real property from AR-5 (Agricultural Residential - 5 acre minimum) zoning district to SR-2 (Single Family Residential - 2 acre minimum) zoning district for APN 306-17-108Z.

Parliamentary Procedure

Chairman: I would entertain a motion

Commissioner: I move to recommend (approval/denial) to Town Council of this request to rezone 2 acres of real property located approximately 612 feet north of the northeast corner of Red Cinder Road and Kachina from AR-5 (Agricultural Residential - 5 Acre Minimum) zoning district to SR-2 (Single Family Residential - 2 Acres Minimum) zoning district.

Chairman: Do we have a second?

Commissioner: I’ll second

Chairman: All in favor

Commission: Aye (or nay)

Chairman: Anybody opposed?

Chairman: Motion is carried (or denied)
Property Description

APN: 306-17-118Z
Site Address: N/A
Lot Size: 2 Acres (approx. 87,120 sq. ft.)
Existing Zoning: AR-5 (Agricultural/Residential-5 Acre Minimum)
Proposed Zoning: SR-2 (Single Family Residential-2 Acre Minimum)
General Plan Designation: Medium Density Residential (2 ac or less)
Existing Land Use: Vacant
CASE DESCRIPTION:
Consideration and possible action to approve Ordinance 18-858 to rezone 2.71 acres of real property located approximately 375 feet east of the northeast corner of State Route 89 and Road 4 North intersection at 868 East Road 4 North from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district. (Owner of Record: Corey and Robin Mendoza) (Alex Lerma, Planner)

LOCATION:
Located approximately 375 feet east of the northeast corner of State Route 89 and Road 4 North intersection at 868 East Road 4 North.

FACTS:
1. Applicant: Corey and Robin Mendoza
2. Owner: Corey and Robin Mendoza
3. Parcel Number: 306-04-010U
4. Site Area: 2.71 acres (approx. 118,047 sq. ft.)
5. Existing zoning: CH (Commercial Heavy)
6. Intended Use: Low impact commercial uses

ANALYSIS:
See attached Staff Report.

SITE PLAN
See attached Site Plan.

RECOMMENDATION
Staff recommends that the Planning and Zoning Commission forward to Town Council a recommendation of approval to adopt Ordinance 18-858 to rezone 2.71 acres of real property from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district for Assessor Parcel No. 306-04-010U.

Attachments
Mendoza Road 4 North Staff Report
Mendoza Road 4 North Site Plan
APPLICATION SUMMARY

File Number: Z18-000022

Assessor’s Parcel Number: 306-04-010U

Site Location: Located approximately 375 feet east of the northeast corner of State Route 89 and Road 4 North intersection at 868 East Road 4 North.

Property Owner: Corey and Robin Mendoza

Applicant: Corey and Robin Mendoza

Request: Request to rezone approximately 2.71 acres of real property from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district.

SITE DATA

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>CH (Commercial Heavy)</th>
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</thead>
<tbody>
<tr>
<td>Lot Size</td>
<td>2.71 acres (approx. 118,047 sq. ft.)</td>
</tr>
<tr>
<td>Subdivision</td>
<td>N/A</td>
</tr>
<tr>
<td>General Plan Land Use</td>
<td>Potential Community Core</td>
</tr>
<tr>
<td>Designation</td>
<td></td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>trucking business, medical marijuana research and development facility</td>
</tr>
</tbody>
</table>

BACKGROUND

SITE DESCRIPTION

The subject property is located approximately 375 feet east of the northeast corner of State Route 89 and Road 4 North intersection at 868 East Road 4 North. The site is currently accessed through East Road 4 North. The site has a zoning classification of CH (Commercial Heavy) under the Town of Chino Valley Unified Development Ordinance. The property has a Land Use Designation of Potential Community Core under the Town of Chino Valley General Plan Potential Land Use Map. The site is currently being used for a trucking business and a medical marijuana research and development facility. See Figure 1: Site Map
PROJECT HISTORY

One June 24, 2010 Town Council adopted Ordinance 10-733 to provide for the zone change of Assessor’s Parcel Number 306-04-01J, the property’s parent parcel, from AR-5 (Agricultural/Residential- 5 Acre Minimum) to CH (Commercial Heavy).

One April 25th, 2017 Town Council approved a Conditional Use Permit (CUP17-001) for Assessor’s Parcel Number 306-04-010U to allow a medical marijuana research facility within the (CH) Commercial Heavy zoning district, subject to the following conditions:

1. The CUP shall be in effect for a period of 10 years, unless terminated earlier by the Owner or Town pursuant to the UDO.
2. There shall be no indication of the use of the structure visible from the outside, i.e., no signage.
3. Product shall be transferred to other recognized medical research facilities only. No product produced at the facility shall be offered for sale or distribution to the public or to wholesale outlets.
4. Leaves, stems and all other parts of the plant that are not processed or grown specifically for research purposes shall be destroyed before leaving the facility.
5. Access to the facility is limited to research staff only. No members of the general public shall be admitted.
6. No hazardous materials shall be used or created.

7. Security measures shall be equal to or greater than that which is required by A.R.S. Title 36, Public Health and Safety, Chapter 28.1 Arizona Medical Marijuana Act, and Arizona Administrative Code Title 9 Health Services, Chapter 17 Medical Marijuana Program.
8. All research activities shall take place within an enclosed, locked facility.

9. The owner or operator of the facility shall comply with all federal, state, and local laws and regulations and shall obtain all licensing and certifications required by federal, state and local laws for the research conducted within the facility.

**SURROUNDING PROPERTIES ZONING AND LAND USES**

The area is predominantly that of commercial uses and vacant land. The property directly north is zoned CL (Commercial Light) and is currently being used for a MMJ growing facility. To the east, properties are zoned CH (Commercial Heavy). Those properties are currently used as a fueling station and vacant land. Further east, properties are zoned AR-5 (Agricultural Residential-5 Acre Minimum), those properties are currently residential uses. Directly south, properties are zoned AR-5 (Agricultural Residential-5 Acre Minimum), CL (Commercial Light) and CH (Commercial Heavy). These properties to the south are being used for frozen good sales/delivery, a Baptist church and vacant land. To the west, properties are zoned CH (Commercial Heavy), these properties are currently vacant land. **See Figure 2: Zoning Map**

<table>
<thead>
<tr>
<th>AREA</th>
<th>ZONING</th>
<th>GENERAL PLAN LAND USE DESIGNATION</th>
<th>LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>CL</td>
<td>Potential Community Core</td>
<td>Commercial Use</td>
</tr>
<tr>
<td>East</td>
<td>CH</td>
<td>Potential Community Core</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>AR-5, CL, CH</td>
<td>Potential Community Core, Commercial/ Multi-Family Residential</td>
<td>Commercial Use, Vacant</td>
</tr>
<tr>
<td>West</td>
<td>CH</td>
<td>Potential Community Core</td>
<td>Vacant</td>
</tr>
</tbody>
</table>
PROJECT DESCRIPTION

The applicant has requested to rezone approximately 2.71 acres from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district. C&R Trucking, the primary business on the property, will be relocating to another location. The more intense land use of trucking maintenance will no longer be needed on the site. The existing tenant will be using the entire property for themselves. The applicant believes that removing the trucking business and down-zoning the property will reduce the impact on the surrounding area based on the less intense uses allowed in the CL (Commercial Light) zoning district. All existing building will remain and will be used for future purposes. See Appendix A: Site Plan

CITIZENS REVIEW & PUBLIC HEARING PROCESS

Town Staff notified property owners within a 300’ radius, resulting in nine (9) notices informing them of the scheduled neighborhood meeting and public hearings. Property owners received information regarding the applicant request for a zone change. To date, Staff has not received any request for this application.

The neighborhood meeting was held on October 24, 2018 at Town Hall. There were no attendees at said meeting.

The item will go before the Planning and Zoning Commission on November 6, 2018.

STAFF ANALYSIS AND RECOMMENDATION

GENERAL PLAN CONFORMANCE

The property has a General Plan Land Use Designation of Commercial and Potential Community Core. Through the General Plan, the Town has identified six Community Cores and the types of Land Uses for each Core. The Cores should be a mixture of land uses that implement important components such as pedestrian, building appearance, colors street trees and other types of vegetation. The Cores should offer alternative lifestyles, should support local businesses and should promote future business expansion.

The subject property is within one of the Cores that has been identified as a Long-Term Core or a Core that will begin development after 10 years. The Future Mixed-Use Hub Road 4 North/State Route 89 Core identifies two Corridor Potentials. The first, which has been completed, is a planned round-about with construction completed in 2013-2014. The second is a future north loop to Old Home Manor developments.

Although the 4 North/State Route 89 Potential Community Core is a long-term core, preparation for the future is essential. Having several different zoning districts within the core will allow different land uses to develop within the core. The use of residential development with a mix of different commercial land uses will conform to the Towns vision of Community Cores. The CL zoning district will allow for less intense land uses within a Core that has more intense uses.
ZONING

The property directly south is a 30-acre lot subdivision within the AR-5 zoning district, this property has the potential to be developed as a medium density residential subdivision or subdivided into low density residential lots. Having residential zoning districts abutting a Commercial Heavy zoning district becomes a concern to staff based on the intense uses allowed in the CH zoning district and the negative impact they might have on abutting residences. Negative impacts such as noise, dust, lights and smells are factors more commonly attributed to more intense commercial uses. The CL zoning district will reduce the impact the property might produce on the adjacent property by down-zoning to lighter commercial land uses. The adjacent properties to the north and south have a zoning classification of CL and will support the applicants zoning request of the same classification.

CONDITIONAL USE PERMIT (CUP17-001)

The Conditional Use Permit approved by Council on April 25th, 2017 to allow a medical marijuana research facility will not have an effect on the zone change. The Conditional Use Permit is static or separate from the property’s zoning classification. If the applicant’s zoning request is approved, the Conditional Use Permit will remain the same. Since the approval date of April 25, 2017, the applicant has abided by all conditions set forth in CUP17-001 and will need to abide by the same conditions under the new zoning district.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission forward a recommendation of approval to Town Council to adopt Ordinance 18-858 to rezone 2.71 acres of real property from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district for APN 306-04-010U.

Parliamentary Procedure

Chairman: I would entertain a motion

Commissioner: I move to recommend (approval/denial) to Town Council of this request to rezone approximately 2.71 acres of real property located approximately 375 feet east of the northeast corner of State Route 89 and Road 4 North intersection at 868 East Road 4 North from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district.

Chairman: Do we have a second?

Commissioner: I’ll second

Chairman: All in favor

Commissioner: Aye (or nay)

Chairman: Anybody opposed?

Chairman: Motion is carried (or denied)
Driveway  
Landscaped  

APN: 306-04-010U  
Site Address: 868 East Road 4 North  
Site Area: 2.7 Acres (118,047 sf)  
Existing Zoning: Commercial Heavy  
General Plan Land Use Designation: Potential Community Core  
Site Improvements: Two (3) Commercial Buildings, One (1) Office Building  
Proposed Project Description: Request to rezone approximately 2.71 acres from CH zoning district to CL zoning district.
CASE DESCRIPTION:
Consideration and possible action to approve Ordinance 18-856 to rezone 12.35 acres (approx. 535,788 sq. ft.) of real property located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North from SR-1 (Single Family Residential-1 acre minimum) to CL (Commercial Light) to allow wholesale nursery. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

LOCATION:
Located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North.

FACTS:
1. Applicant: Chino Valley Growers, Catherine Cox
2. Owner: Donald K. Cox and Catherine Cox
3. Parcel Number: 306-14-003S
4. Site Area: 12.35 acres (approx. 535,788 sq. ft.)
5. Existing zoning: SR-1 (Single Family Residential- 1 acre minimum)
6. Intended Use: wholesale nursery

ANALYSIS:
See attached Staff Report

SITE PLAN
See attached Site Plan

RECOMMENDATION
Staff recommends that the Planning and Zoning Commission forward to Town Council a recommendation of approval to adopt Ordinance 18-856 to rezone 12.35 acres of real property from SR-1 (Single Family Residential-1 acre minimum) zoning district to CL (Commercial Light) zoning district for Assessor Parcel No. 306-14-003S.
APPLICATION SUMMARY

File Number: Z18-000019
Assessor’s Parcel Number: 306-14-003S
Site Location: Located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North.
Property Owner: Donald K. Cox and Catherine Cox
Applicant: Chino Valley Growers, Catherine Cox
Request: Request to rezone approximately 12.35 acres of real property from SR-1 (Single Family Residential- 1 acre minimum) to CL (Commercial Light) to allow wholesale nursery. Request for a CUP (Conditional Use Permit) to allow the existing residential use within the CL (Commercial Light) zoning district.

SITE DATA

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>SR-1 (Single Family Residential- 1 acre minimum)</th>
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</thead>
<tbody>
<tr>
<td>Lot Size</td>
<td>12.35 acres (approx. 535,788 sq. ft.)</td>
</tr>
<tr>
<td>Subdivision</td>
<td>N/A</td>
</tr>
<tr>
<td>General Plan Land Use Denomination</td>
<td>Commercial/ Multi-Family Residential</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Single Family Residence</td>
</tr>
</tbody>
</table>

BACKGROUND

SITE DESCRIPTION

The subject property is located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North. The property is accessed by West Road 4 North. The site has a zoning classification of SR-1 (Single Family Residential- 1 acre minimum) under the Town of Chino Valley Unified Development Ordinance. The parcel is identified with a Land Use Designation of Commercial/ Multi Density Residential under the Town of Chino Valley General Plan Potential Land Use Map. Improvements to the site include a single family residence and an accessory structure. See Figure 1.
SURROUNDING PROPERTIES ZONING AND LAND USES

The area is predominantly low/medium density single family residential development and commercial uses further east. The property directly north is zoned AR-5 (Agricultural Residential- 5 Acre Minimum) with a residence and agricultural land. To the east, properties are zoned CL (Commercial Light), AR-5 (Agricultural Residential- 5 Acre Minimum) and CH (Commercial Heavy). The property directly east is Chino Valley Growers nursery, further east is vacant land and commercial properties. The south property is zoned AR-5 (Agricultural Residential- 5 acre Minimum) and is currently vacant. To the west, properties are zoned AR-5 (Agricultural Residential- 5 Acre Minimum) and SR- 1 (Single Family Residential- 1 Acre Minimum) with vacant land and single family residential development. See Figure 2

<table>
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<tr>
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<th>GENERAL PLAN LAND USE DESIGNATION</th>
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<tbody>
<tr>
<td>North</td>
<td>AR-5</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Agricultural Residential</td>
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<tr>
<td>East</td>
<td>CL, AR-5, CH</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Vacant , Commercial Properties</td>
</tr>
<tr>
<td>South</td>
<td>AR-5</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Single Family Residence, Vacant</td>
</tr>
<tr>
<td>West</td>
<td>AR-5, SR-1</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Single Family Residence, Appaloosa Meadows Subdivision</td>
</tr>
</tbody>
</table>
PROJECT DESCRIPTION

Prescott Valley Growers is a family owned tree and shrub wholesale supply company. They have been supplying plants and trees to the wholesale landscape trade since 1991. They currently occupy the property directly east of the subject parcel for their business as well as another location in Prescott Valley.

The applicant is requesting to rezone the property from SR-1 to CL in order to allow wholesale nursery. The applicant plans to install post and wire rows for trees and greenhouses for shrubs and perennials. This will be similar to the tree farm they currently operate to the east of the subject parcel. All four sides of the property will have extensive, permeant landscaping to beautify and shelter the trees.

The applicant is also applying for a CUP (Conditional Use Permit) to allow the existing single-family residential use within the CL (Commercial Light) zoning district. The yard foreman will occupy the existing house and an additional house is planned for development in the near future. The existing barn is being used for storage purposes. See Appendix A: Site Plan

CITIZENS REVIEW & PUBLIC HEARING PROCESS

Town Staff notified property owners within a 300’ radius, resulting in eight (8) notices for the neighborhood meeting and public hearings. Property owners received information regarding the applicants request for a zone change and CUP. To date staff has received an email from a property owner directly west of the subject property. The concerns he raised dealt with the decrease of property value being next to a commercial business and the risk of negative impact the commercial business might cause. He concluded by requesting a privacy fence or barrier between both properties.

The neighborhood meeting was held on October 15, 2018 at Town Hall. There were four residents who attended the meeting. Those who attended were provided a conceptual site plan of the subject property.
Mrs. Cox explained to them her desire to develop the subject property into a nursery similar to their property to the east.

One property owner was concerned about the nursery being open to the public and becoming similar to retail and by doing so would increase traffic in the area. Mrs. Cox clarified that the intent was to use the property strictly for growing and for wholesale. She explained that all shrubs and trees would be shipped to their Prescott Valley location once orders were placed. Staff informed the residents that if the subject property was to be rezoned to the requested CL (Commercial Light) zoning district, by right the property could develop into any of the land uses allowed within the CL classification.

A property owner also raised the issue that rezoning the subject property to Commercial Light would start a pattern of commercial development further west along West Road 4 North. Staff clarified that when applicants request a change of zoning on their properties, said properties need to be in conformance with the Town of Chino Valley General Plan land use designations. Staff explained that the area west of the subject property has a land use designation of Medium Density Residential (2 acres or less) on the General Plan Map and that the Town did not foresee any commercial development west of the subject property.

The item will go before the Planning and Zoning Commission on November 6, 2018.

**Figure 3: General Plan Map**

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**STAFF ANALYSIS AND RECOMMENDATION**

**GENERAL PLAN CONFORMANCE**

The zoning request of CL (Commercial Light) will be in conformance with the property’s Commercial/Multi-Family Residential General Plan land use designation. Commercial/Multi-Family Residential designation will continue to focus on the Land Use Goal and Strategies promoting local commercial businesses. See Figure 3: General Plan Map
ZONING

Section 3.15.B.14 of the Unified Development Ordinance list “indoor and outdoor sales of nursery stock” as a permitted use in the Commercial Light zoning district. The operation and design of the site will be very similar to the property to the east. The landscaping along the property perimeters will serve not only as a means to beautify the property but will also serve as a natural buffer from the single family residential lots to the west and all other future residential development in the area.

CONDITIONAL USE PERMIT

Section 3.15.C.1 list Single-family residences as a permitted use in the Commercial Light zoning district with a Conditional Use Permit. The Conditional Use Permit is subject to discretionary approval by Council if the location and context of the site is suitable for the requested use. The subject property is located in a residential area with single family residence/agricultural residential zoning to the west and south of the subject property.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission forward a recommendation of approval to Town Council to adopt Ordinance 18-856 rezoning 12.35 acres of real property from SR-1 (Single Family Residential- 1 acre minimum) zoning district to CL (Commercial Light) zoning district.

Parliamentary Procedure

Chairman: I would entertain a motion

Commissioner: I move to recommend (approval/denial) to Town Council of this request to rezone approximately 12.35 acres of real property located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North from SR-1 (Single Family Residential-1 Acres Minimum) zoning district to CL (Commercial Light) zoning district.

Chairman: Do we have a second?

Commissioner: I’ll second

Chairman: All in favor

Commission: Aye (or nay)

Chairman: Anybody opposed?

Chairman: Motion is carried (or denied)
STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission forward a recommendation of approval to Town Council for a Conditional Use Permit (CUP18-006) for APN 306-14-0035 to allow the existing single family residential use within the Commercial Light zoning district.

Parliamentary Procedure

Chairman: I would entertain a motion

Commissioner: I move to recommend (approval/denial) to Town Council of this request for a Conditional Use Permit for 12.35 acres of real property located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North to allow the existing residential use within the Commercial Light zoning district.

Chairman: Do we have a second?

Commissioner: I’ll second

Chairman: All in favor

Commissioner: Aye (or nay)

Chairman: Anybody opposed?

Chairman: Motion is carried (or denied)
**Design Criteria**

- Roof Slope/Load: 2/12
- Wind Exposure: C
- Frost Line: 18 inches
- Site Zone: 4

**Project Description**

- New Nursery, New Green Houses, Existing Residence to Remain, Existing Storage Building to remain, New residence - Current Zoning SR-1. Change zoning to R.

**Site Data**

- APN: 260-43-520
- Address: 641 West Road 4 North
- Site Area: 13.30 Acres

**Building Data**

- Floor area: 1,283.88 ft²
- Existing Buildings: 1,456 ft²
  - New Nurses: 710 ft²
  - New Green Houses: 5530 ft²
  - Existing Residence: 413.42 ft²
- Existing Barn: 2,300 ft²
- Occupancy Group: Chapter 3
  - Type: B - Agriculture

**Minimum travel distance:** Table 104.2

**Occupancy:** U - Without Sprinklers, Distance: 300 ft

**Buildings with eaves:** Table 102.1 J.N.A.

**Corridor Width:** 10 ft, Table 101.8

**Occupancy less than 50': 36 inches**

**Exterior Wall Fire Resistance:** Tables 601.1 and 602.1 N.A.

**Zoning Zone:** ARS (Current SR-1)

**Setbacks**

- Front: 25 ft
- Rear: 25 ft
- Side: 25 ft

**Height**

- Actual: 20' 0" ft. for Greenhouse
- Available: 35 ft.

**Coverage Maximum:** 35%

**Plants**

- Trees:
  - 17 Trees are Existing.
  - 47 Trees are required (Deduced 40' front and rear landscape - So as to not count twice)
  - 6 Trees 0'-0" Box
  - 15 Trees 15 Gallon
  - 15 Trees 24" Box
  - 5 Trees 30 foot diameter

- Shrubs:
  - 47 Trees provided
  - 24 Trees 0'-0" Box
  - 15 Trees 15 Gallon
  - 15 Trees 24" Box

- Ground Cover:
  - Grass

**Oil Valley Landscape Requirements**

- All plant materials required shall be selected from the ADWR drought tolerant/low water use plant lists and meet the following criteria for use at the time of planting.
  - Trees: Minimum 15 gallon. 24" box or larger.
  - Shrubs: Minimum 5 gallon or better.
  - Mulching, Ground Covers and weed control:
    - All required shrubs and trees shall be mulched and maintained with shredded hardwood bark, cypress, or gravel mulch.
    - Plant groupings shall be mulched in a continuous bed.

**Mechanical Code:**

- FRAXINUS VELOUTINA, 30' Height 20' Width; 24'oc.

**IFGC:**

- 30 Trees are shown.

**Design Criteria**

- Roof Slope/Load: 2/12
- Wind Exposure: C
- Frost Line: 18 inches
- Site Zone: 4

**Project Description**

- New Nursery, New Green Houses, Existing Residence to Remain, Existing Storage Building to remain, New residence - Current Zoning SR-1. Change zoning to R.

**Site Data**

- APN: 260-43-520
- Address: 641 West Road 4 North
- Site Area: 13.30 Acres

**Building Data**

- Floor area: 1,283.88 ft²
- Existing Buildings: 1,456 ft²
  - New Nurses: 710 ft²
  - New Green Houses: 5530 ft²
  - Existing Residence: 413.42 ft²
- Existing Barn: 2,300 ft²
- Occupancy Group: Chapter 3
  - Type: B - Agriculture

**Minimum travel distance:** Table 104.2

**Occupancy:** U - Without Sprinklers, Distance: 300 ft

**Buildings with eaves:** Table 102.1 J.N.A.

**Corridor Width:** 10 ft, Table 101.8

**Occupancy less than 50': 36 inches**

**Exterior Wall Fire Resistance:** Tables 601.1 and 602.1 N.A.

**Zoning Zone:** ARS (Current SR-1)

**Setbacks**

- Front: 25 ft
- Rear: 25 ft
- Side: 25 ft

**Height**

- Actual: 20' 0" ft. for Greenhouse
- Available: 35 ft.

**Coverage Maximum:** 35%

**Plants**

- Trees:
  - 17 Trees are Existing.
  - 47 Trees are required (Deduced 40' front and rear landscape - So as to not count twice)
  - 6 Trees 0'-0" Box
  - 15 Trees 15 Gallon
  - 15 Trees 24" Box
  - 5 Trees 30 foot diameter

- Shrubs:
  - 47 Trees provided
  - 24 Trees 0'-0" Box
  - 15 Trees 15 Gallon
  - 15 Trees 24" Box

- Ground Cover:
  - Grass

**Oil Valley Landscape Requirements**

- All plant materials required shall be selected from the ADWR drought tolerant/low water use plant lists and meet the following criteria for use at the time of planting.
  - Trees: Minimum 15 gallon. 24" box or larger.
  - Shrubs: Minimum 5 gallon or better.
  - Mulching, Ground Covers and weed control:
    - All required shrubs and trees shall be mulched and maintained with shredded hardwood bark, cypress, or gravel mulch.
    - Plant groupings shall be mulched in a continuous bed.

**Mechanical Code:**

- FRAXINUS VELOUTINA, 30' Height 20' Width; 24'oc.

**IFGC:**

- 30 Trees are shown.
CASE DESCRIPTION:
Consideration and possible action to approve a Conditional Use Permit (CUP18-006) for 12.35 acres (approx. 535,788 sq. ft.) of real property located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North to allow the existing single family residential use within the CL (Commercial Light) zoning district. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

LOCATION:
Located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North.

FACTS:
1. Applicant: Chino Valley Growers, Catherine Cox
2. Owner: Donald K. Cox and Catherine Cox
3. Parcel Number: 306-14-003S
4. Site Area: 12.35 acres (approx. 535,788 sq. ft.)
5. Existing zoning: SR-1 (Single Family Residential- 1 acre minimum)
6. Intended Use: wholesale nursery

ANALYSIS:
See attached Staff Report.

SITE PLAN
See attached Site Plan

RECOMMENDATION
Staff recommends that the Planning and Zoning Commission forward to Town Council a recommendation of approval for a Conditional Use Permit (CUP18-006) for 12.35 acres (approx. 535,788 sq. ft.) to allow the existing single family residential use within the CL (Commercial Light) zoning district for Assessor Parcel No. 306-14-003S.

Attachments
Cox_CUP Staff Report
Cox_CUP Site Plan
APPLICATION SUMMARY

File Number: Z18-000019
Assessor’s Parcel Number: 306-14-0035
Site Location: Located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North.
Property Owner: Donald K. Cox and Catherine Cox
Applicant: Chino Valley Growers, Catherine Cox
Request: Request to rezone approximately 12.35 acres of real property from SR-1 (Single Family Residential- 1 acre minimum) to CL (Commercial Light) to allow wholesale nursery.

Request for a CUP (Conditional Use Permit) to allow the existing residential use within the CL (Commercial Light) zoning district.

SITE DATA

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>SR-1 (Single Family Residential- 1 acre minimum)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Size</td>
<td>12.35 acres (approx. 535,788 sq. ft.)</td>
</tr>
<tr>
<td>Subdivision</td>
<td>N/A</td>
</tr>
<tr>
<td>General Plan Land Use Designation</td>
<td>Commercial/ Multi-Family Residential</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Single Family Residence</td>
</tr>
</tbody>
</table>

BACKGROUND

SITE DESCRIPTION

The subject property is located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North. The property is accessed by West Road 4 North. The site has a zoning classification of SR-1 (Single Family Residential- 1 acre minimum) under the Town of Chino Valley Unified Development Ordinance. The parcel is identified with a Land Use Designation of Commercial/ Multi-Density Residential under the Town of Chino Valley General Plan Potential Land Use Map. Improvements to the site include a single family residence and an accessory structure. See Figure 1.
SURROUNDING PROPERTIES ZONING AND LAND USES

The area is predominantly low/medium density single family residential development and commercial uses further east. The property directly north is zoned AR-5 (Agricultural Residential- 5 Acre Minimum) with a residence and agricultural land. To the east, properties are zoned CL (Commercial Light), AR-5 (Agricultural Residential- 5 Acre Minimum) and CH (Commercial Heavy). The property directly east is Chino Valley Growers nursery, further east is vacant land and commercial properties. The south property is zoned AR-5 (Agricultural Residential- 5 acre Minimum) and is currently vacant. To the west, properties are zoned AR-5 (Agricultural Residential- 5 Acre Minimum) and SR- 1 (Single Family Residential- 1 Acre Minimum) with vacant land and single family residential development. See Figure 2

<table>
<thead>
<tr>
<th>AREA</th>
<th>ZONING</th>
<th>GENERAL PLAN LAND USE DESIGNATION</th>
<th>LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>AR-5</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Agricultural Residential</td>
</tr>
<tr>
<td>East</td>
<td>CL, AR-5, CH</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Vacant , Commercial Properties</td>
</tr>
<tr>
<td>South</td>
<td>AR-5</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Single Family Residence, Vacant</td>
</tr>
<tr>
<td>West</td>
<td>AR-5, SR-1</td>
<td>Medium Density Residential (2 ac or less)</td>
<td>Single Family Residence, Appaloosa Meadows Subdivision</td>
</tr>
</tbody>
</table>
**PROJECT DESCRIPTION**

Prescott Valley Growers is a family owned tree and shrub wholesale supply company. They have been supplying plants and trees to the wholesale landscape trade since 1991. They currently occupy the property directly east of the subject parcel for their business as well as another location in Prescott Valley.

The applicant is requesting to rezone the property from SR-1 to CL in order to allow wholesale nursery. The applicant plans to install post and wire rows for trees and greenhouses for shrubs and perennials. This will be similar to the tree farm they currently operate to the east of the subject parcel. All four sides of the property will have extensive, permeant landscaping to beautify and shelter the trees.

The applicant is also applying for a CUP (Conditional Use Permit) to allow the existing single-family residential use within the CL (Commercial Light) zoning district. The yard foreman will occupy the existing house and an additional house is planned for development in the near future. The existing barn is being used for storage purposes. See Appendix A: Site Plan

**CITIZENS REVIEW & PUBLIC HEARING PROCESS**

Town Staff notified property owners within a 300’ radius, resulting in eight (8) notices for the neighborhood meeting and public hearings. Property owners received information regarding the applicants request for a zone change and CUP. To date staff has received an email from a property owner directly west of the subject property. The concerns he raised dealt with the decrease of property value being next to a commercial business and the risk of negative impact the commercial business might cause. He concluded by requesting a privacy fence or barrier between both properties.

The neighborhood meeting was held on October 15, 2018 at Town Hall. There were four residents who attended the meeting. Those who attended were provided a conceptual site plan of the subject property.
Mrs. Cox explained to them her desire to develop the subject property into a nursery similar to their property to the east.

One property owner was concerned about the nursery being open to the public and becoming similar to retail and by doing so would increase traffic in the area. Mrs. Cox clarified that the intent was to use the property strictly for growing and for wholesale. She explained that all shrubs and trees would be shipped to their Prescott Valley location once orders were placed. Staff informed the residents that if the subject property was to be rezoned to the requested CL (Commercial Light) zoning district, by right the property could develop into any of the land uses allowed within the CL classification.

A property owner also raised the issue that rezoning the subject property to Commercial Light would start a pattern of commercial development further west along West Road 4 North. Staff clarified that when applicants request a change of zoning on their properties, said properties need to be in conformance with the Town of Chino Valley General Plan land use designations. Staff explained that the area west of the subject property has a land use designation of Medium Density Residential (2 acres or less) on the General Plan Map and that the Town did not foresee any commercial development west of the subject property.

The item will go before the Planning and Zoning Commission on November 6, 2018.

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**STAFF ANALYSIS AND RECOMMENDATION**

**GENERAL PLAN CONFORMANCE**

The zoning request of CL (Commercial Light) will be in conformance with the property’s Commercial/Multi-Family Residential General Plan land use designation. Commercial/Multi-Family Residential designation will continue to focus on the Land Use Goal and Strategies promoting local commercial businesses. See Figure 3: General Plan Map
ZONING

Section 3.15.B.14 of the Unified Development Ordinance list “indoor and outdoor sales of nursery stock” as a permitted use in the Commercial Light zoning district. The operation and design of the site will be very similar to the property to the east. The landscaping along the property perimeters will serve not only as a means to beautify the property but will also serve as a natural buffer from the single family residential lots to the west and all other future residential development in the area.

CONDITIONAL USE PERMIT

Section 3.15.C.1 list Single-family residences as a permitted use in the Commercial Light zoning district with a Conditional Use Permit. The Conditional Use Permit is subject to discretionary approval by Council if the location and context of the site is suitable for the requested use. The subject property is located in a residential area with single family residence/agricultural residential zoning to the west and south of the subject property.

STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission forward a recommendation of approval to Town Council to adopt Ordinance 18-856 rezoning 12.35 acres of real property from SR-1 (Single Family Residential- 1 acre minimum) zoning district to CL (Commercial Light) zoning district.

STAFF RECOMMENDATION

Parliamentary Procedure

Chairman: I would entertain a motion

Commissioner: I move to recommend (approval/denial) to Town Council of this request to rezone approximately rezone 12.35 acres of real property located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North from SR-1 (Single Family Residential-1 Acres Minimum) zoning district to CL (Commercial Light) zoning district.

Chairman: Do we have a second?

Commissioner: I’ll second

Chairman: All in favor

Commission: Aye (or nay)

Chairman: Anybody opposed?

Chairman: Motion is carried (or denied)
STAFF RECOMMENDATION

Staff recommends that the Planning and Zoning Commission forward a recommendation of approval to Town Council for a Conditional Use Permit (CUP18-006) for APN 306-14-003S to allow the existing single family residential use within the Commercial Light zoning district.

Parliamentary Procedure

Chairman: I would entertain a motion

Commissioner: I move to recommend (approval/denial) to Town Council of this request for a Conditional Use Permit for 12.35 acres of real property located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North to allow the existing residential use within the Commercial Light zoning district.

Chairman: Do we have a second?

Commissioner: I’ll second

Chairman: All in favor

Commission: Aye (or nay)

Chairman: Anybody opposed?

Chairman: Motion is carried (or denied)
APPENDIX A: SITE PLAN

Chino Valley Landscape Requirements

As a planner, you are expected to ensure that all elements of the Chino Valley landscaping are in compliance with the following guidelines:

1. Trees: The minimum size of trees shall be 3 inches in diameter at breast height (DBH) for all species.
2. Shrubs: Shrubs shall be at least 3 feet in height and 3 feet in width.
3. Ground Cover: Ground cover shall be selected for drought tolerance and shall not require frequent irrigation.

Hardscape Design

All hardscape elements shall be designed to complement the overall landscape plan. The materials used shall be durable and aesthetically pleasing.

Landscaping Zones

Zone 1: Front Yard
- Trees: At least two medium-sized trees, spaced no closer than 20 feet.
- Shrubs: At least ten large shrubs, spaced no closer than 5 feet.
- Ground Cover: Drought-tolerant ground cover, no sprinkler irrigation required.

Zone 2: Back Yard
- Trees: At least four large trees, spaced no closer than 30 feet.
- Shrubs: At least twenty medium-sized shrubs, spaced no closer than 10 feet.
- Ground Cover: Drought-tolerant ground cover, no sprinkler irrigation required.

Additional Notes

- All plants shall be installed at least 12 inches away from the foundation of the house.
- All plantings shall be adapted to the local climate and soil conditions.
- All plantings shall be watered regularly to ensure proper establishment.

KMA
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Office: 928-634-3000

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