

# DRAFT

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

**JUNE 5, 2018  
6:00 P.M.**

The Planning and Zoning Commission of the Town of Chino Valley met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona.

**1) CALL TO ORDER**

**Chair Chuck Merritt called the meeting to order at 6:00 p.m.**

**2) PLEDGE OF ALLEGIANCE**

**3) ROLL CALL**

Present: Chair Chuck Merritt; Vice-Chair Gary Pasciak; Commissioner Tom Armstrong; Commissioner Michael Bacon; Commissioner John McCafferty; Commissioner Teena Meadors; Commissioner William Welker

Staff Present: Development Services Director Jason Sanks; Associate Planner Alex Lerma; Public Works Director/Town Engineer Frank Marbury; Deputy Town Clerk Vickie Nipper

**4) MINUTES**

- a)** Consideration and possible action to approve May 1, 2018 regular meeting minutes.

MOVED by Commissioner Tom Armstrong, seconded by Vice-Chair Gary Pasciak to approve the May 1, 2018 regular meeting minutes.

**Vote: 7 - 0 PASSED - Unanimously**

**5) STAFF REPORTS**

Development Services Director Sanks reported on the following:

- Several meetings had been held on the Village North Project, an apartment building behind Safeway, but plans have been abandoned. A feasibility meeting was held regarding the land owner's new proposal to facilitate the development of a mobile home park and self-storage building, which would require a rezone because it is a Planned Area Development (PAD).
- The department received preliminary plat applications for JC Villas and for the Century Ranch development, consisting of 172 one acre lots north of Bright Star.
- Two agenda items were listed under Discussion Items instead of Public Hearing. The items had been publicly noticed for a public hearing and the Commission could have a full discussion with comments from the public, but the Commission would be unable to make

any recommendations. Staff was proposing a special meeting on June 13th at 6:00 p.m.

**6) PUBLIC HEARING**

**7) NON-PUBLIC HEARING ACTION ITEMS**

**8) DISCUSSION ITEMS**

- a) Consideration and possible action regarding a request to rezone 6.85 acres of real property generally located approximately 1,400 feet west of State Route 89 and 620 feet south of West Road 2 North at 740 West Road 1 North, from MR-1 (Multiple Family Residential-1 acre minimum) zoning district to MR-1 PAD (Multiple Family Residential-1 acre minimum) zoning district with a Planned Area Development Overlay zoning district to modify the density development standard in the MR-1 zoning district. (Jason Sanks, Development Service Director)

Development Services Director Sanks presented the following:

- The application was initially submitted to the Town on March 1, 2018 and it was immediately brought to the Commission in a Study Session.
- The project was referred to as the Brook Apartments, with a proposed 192 units situated on 6.85 acres. That is approximately 28 units per acre, which is a 90% density increase from what is allowed by code. The developers had met or exceeded every other development standard in the code (four structures that would be three story buildings).
- The property is located southwest of Walgreens, due south of the Hawksnest development. Because the property has no frontage on Road 2 North, a street would need to be constructed to connect the property to the road.
- The property owners of the single-family homes near the project do not support the project due to the project density as well as other concerns. The owner of the property to the west also expressed concerns and had met with staff to discuss those concerns.
- The property was zoned as multi-family in 2006 and has been vacant since that time.
- He clarified that this was a rezoning case even though the applicant publicly stated at the neighborhood meeting that it was not. Adding a PAD on top of the zoning creates a customized new zoning district, specifically modifying the density for this property.
- Adjacent zoning is SR-1, which is relatively low-density residential zoning. The project is south of the commercial subdivision and is in the Town's largest community core, which is typically comprised of denser housing and intense commercial use with excellent access to Highway 89 or any arterial roads.
- Hawksnest, a nearby approved development consisting of 15 acres, was rezoned multi-family with about 15 units per acre as allowed by MR-1 standards. It was not developed and there had been discussion for other projects including senior housing or possible lower density housing and possible development of single family housing on the residual portion of the property.
- The Village North PAD project had fallen out of escrow and the developer was no longer involved. The landowners wanted to proceed with development but as a higher end mobile home park and mini self-storage units.
- He reviewed the site plan including street development, building locations, open space, setbacks, parking, signage, chain-link fencing, wall and vegetative landscape buffering and exterior and interior amenities. The applicant provided additional amenities that had been requested but were not discussed at previous meetings. Staff had added two rows of trees as a vegetative buffer as a condition on the application.
- Key concerns were about the aesthetics of the building mass as well as the increased activity and noise.

- Staff had not received confirmation from the applicant that they would agree to the application conditions set by staff. Staff would request that the project enter into a development agreement to assure the necessary offsite improvements would be completed to help mitigate the proposed density. The improvements included paving, sidewalk, curbs and gutter out to Road 2 North and an improved pathway to connect to the sidewalk that ended behind Walgreens. Staff informed the applicant that without those improvements, staff would not support the project. If the applicant did not agree to the improvements, the Commission could take that as a recommendation of denial from staff. The applicant had also requested financial reimbursement for the offsite conditioned improvements and staff would recommend a denial to that request because development pays for itself.
- Staff recommended that conditions include: paving through the commercial subdivision, connection to Road 2 North, a left turn lane, and improvement of a pathway that is walkable to connect to the sidewalk that runs across the Hawksnest boundary (minimum decomposed granite stabilized pathway).

Commissioners and staff discussed:

- The fact that the applicant was not in attendance at the meeting and was unable to answer any questions.
- The lack of transition from properties inside the core district to those that lie outside the core district, which is low density. The applicant believed that the large setbacks and wall would buffer those types of properties. The new UDO rewrite would address all district issues including multi-family development.
- The type of housing that the project would be providing would be market rate housing and not age restricted or income assisted housing.
- The buildings would be sprinkled and would not pose any fire department related issues. The police did not have any formal comments on the design safety. All rental rates include a 3% tax that is intended to cover operational impacts for town services.
- Concerns included the increased traffic, access, and having only one ingress/egress area. The traffic impact analysis for the area requested improvements to Road 2 North and the accessibility to the commercial subdivision street. The applicant provided a traffic study and the Town hired an engineer to look at the impacts of all the proposed developments in the area.
- The area due east of the project, a 27-foot parcel that came within 300 feet of the project property and was designated for a future roadway, as well as the vacant land south of the project that was for sale. Commissioners questioned if the applicant had considered purchasing the property to bring another access into the complex from the southeast corner. Lack of more than one access point to the property was a concern. Mr. Sanks stated that the Commission could require in a PAD that the applicant design another emergency access point in the southeast corner that could be built in the future if needed. The applicant would need to reach out to the private owner of the property for a legal easement.
- Commissioners questioned if the complex entrance occurred in the school zone and if the speed limit would need to be reduced to 15 mph. Mr. Marbury stated that he believed it fell outside the school zone and he would research it further.
- Controlling the density could include control of the building height and the number of stories, larger setbacks, traffic improvements within the project, or other additional mitigation tactics. The Commission may also require certain outdoor amenities such as playgrounds, dog walking areas, etc.
- Possible drainage issues, working with neighboring properties for offsite drainage

improvements, and abiding by Town standards for a 100-year flood event. Addressing the project drainage is a condition requirement.

- The Town had discussed with the applicant reducing the outer buildings to two stories with a three-story building in the center, reducing the density by 48 units and mitigating the building mass to the surrounding homes but the applicant said they could not do it.
- The total square feet for the project buildings is 169,200 sf with one or two-bedroom units for approximately 750-950 sf per unit. The ratio of the amenities provided compared to the total square footage of the complex seemed small for the density and commissioners questioned if the apartments would have washer and dryer hookups within the units. The Commission could require more or larger amenities. The Commission requested that staff provide the ratio percentage of money making square footage compared to the residential amenities and then compare those numbers to other multi-family projects in the area.
- Commissioners requested that legal counsel attend or Skype the next meeting.
- Commissioners requested clarification as to whether a supermajority of council members would be needed to approve something if more than twenty percent of adjoining property owners were in opposition. Mr. Sanks stated that he had a brief discussion with the applicant and she was made aware that some of the residents had obtained legal counsel and he anticipated hearing from that legal counsel to discuss the legal provisions for a protest. The current UDO is out of date for legal protest provisions because the State passed a House bill last year that could require a supermajority council vote if more than 25% of property owners oppose the project, which would mean a  $\frac{3}{4}$  vote or six out of seven votes would be needed by Council.

Public Works Director/Town Engineer Marbury provided a summary of the traffic impact report and explained that if every project in the area was developed, the recommendation would be a three-lane section in each direction with a center turn lane to accommodate the turning movements in the different areas. There was also a recommendation for adjustments at Highway 89 and the traffic signal. He provided an overview of the current conditions in the area. The recommendation for this project was a dedicated left turn lane coming off Highway 89 to access the apartments until the town develops a newer roadway section. There was no other level of traffic that warranted adjustments but there was a need for crosswalks depending on where the sidewalks would be located. Without sidewalks, there cannot be a crosswalk.

#### Public Comments:

- Carolyn Stickroth opposed the entire project as it did not fit into the area, and she had concerns about lack of medical services for so many new residents, fencing locations, and increased traffic. She believed that there should also be a requirement for a six-foot fence on the west side of the property. Mr. Sanks explained that there would be a six-foot vinyl coated chain link fence near the equestrian center, and a six-foot block wall on the south side of the property line. The east side did not have a fence requirement.
- Tina Harmon, nearby resident, expressed concern about the density, apartment residents' animals, and impacts to neighboring property values. She agreed with the Commissioners' concerns and desired a six to eight-foot fence for privacy and a buffer from lights.
- Wayne Moyers, resident, believed a block wall was necessary and he formally invited anyone from the Commission or the Council to come look at the impact to neighboring properties. He also expressed concern about water supply.
- Jean McFadson stated the biggest problem was the density. She expressed concern about mixed housing being more for urban, not rural, areas; the homes in the immediate area being all one acre or more; a left-turn lane into the apartments not being enough; no non-motorized plan being implemented per the General Plan; and the complex being out

of step with the General Plan's sense of place as rural and open spaces. She also asked about the Town's economic plan for the area and the ongoing commercial development plans that would employ the influx of people, and the steps being taken per the 2014 Strategic Plan to attract small and large commercial industry.

- Cindy Cole, nearby resident, opposed the project due to the negative impacts to her nearby subdivision and the increased density.
- Chris Foley, nearby resident, did not oppose the original 90 units, but opposed the double-density.
- Doug McHanson opposed the higher density.
- Anna Myslewic spoke about the applicant not being present at the meeting to address the residents and the general public.
- Mark Levinger, speaking on behalf of his mother, a nearby resident, opposed the project due to concerns about flooding issues at the end of the cul-de-sac; traffic; pedestrian safety; and sewage plant issues that could arise.
- Mary Turner, nearby resident, spoke about not receiving any notification regarding the project and commented on the small plot size compared to surrounding developments. She asked where the dumpsters were located and if there would be flood lights on the building that could shine in her yard. Mr. Sanks reported that all property owners within 300 feet were notified and he was glad to see neighbors sharing the information. He could do a re-notice and expand the notification to 500-1000 feet. The Commission concurred. Mr. Sanks added that the Commission was not obligated to hold a June 13 meeting but could instead push the hearing out to the next regular meeting in July.
- Dan Pierce, new resident, expressed concern about the project's impacts to the area and local area kids.
- Tina Harmon, speaking on behalf of her father, Beryl Nixon, asked about studies on the water table for the 92 apartments versus 192 apartments. Mr. Marbury explained that this was not a subdivision, so they were not required to obtain a certificate of assured water supply, and the Town would provide water to the complex.
- Donna Armstrong asked about the timelines for other proposed developments in the area and properties possibly becoming landlocked. Mr. Sanks explained that they would not have to wait for other properties to develop.

Development Services Director Sanks further responded to the public comments:

- The Town was required by law to accept the zoning application, which did not mean it would be approved.
- He had not had the opportunity to respond to many of the citizen concerns because he had been waiting for follow up from the applicant.
- The Town could take availability of jobs and employment into consideration. The Town had been working to bring development into the area with the master planning of the Old Home Manor Industrial Park. Typically, housing development preceded commercial and industrial development. Commercial development would not want to come to an area unless there was sufficient housing.
- The density did not have to be approved. They could still build an apartment complex on the property without the increase in density.
- Trash enclosures were located throughout the property, typically on the perimeter. They could suggest that the trash enclosures located to the farthest south be relocated further north.
- The Town would never support flood lights on the building. Only the minimum heights necessary would be approved for lighting for security reasons.

Mr. Marbury added that staff anticipated a traffic light on Road 1 North and Highway 89 in 2023, and that could be moved up depending on availability of funds. He also stated that as a rule, drainage on another property would not be impeded.

Commissioners and staff discussed:

- Drainage – Concerns about insufficient drainage mechanisms and the design process being completed by a licensed engineer.
- Fencing requirements.
- General Plan – Target strategies and how best to use the land in the community core. Processes included revising the UDO to specifically address what properties are appropriate to protect the neighborhood’s larger lots on the edge of the identified cores.
- Transitions – Mr. Sanks explained that the General Plan should be amended to address transitional strategies. The zoning code is black and white and more zoning areas are needed to address transitional zoning districts.
- Project team – Mr. Sanks explained for the record that a member of the project team was in attendance at this meeting as a citizen, not as a member of the project team.
- Concerns – The overall concerns about compromise, transitional areas, vegetative buffers, density, egress and ingress access, buildings and block wall fences, and infrastructure costs were the developer’s responsibility. Development should be done at a controlled pace, but the Town needed development to continue to exist.

MOVED by Commissioner Michael Bacon, seconded by Commissioner John McCafferty to continue item 8a for consideration and possible action to the regular July 3, 2018 Planning and Zoning Commission Meeting at 6:00 pm in the Council Chambers.

**Vote:** 7 - 0 PASSED - Unanimously

- b) Consideration and possible action regarding a request for a Conditional Use Permit for 1.38 acres of real property located approximately .25 mile north of the northwest corner of Center Street and State Route 89 intersection at 246 North State Route 89. The request of the CUP is to allow a food truck court on a CL (Commercial Light) zoned property. (Jason Sanks, Development Service Director)

Development Services Director Sanks presented the following:

- Food trucks were considered an accessory use to a primary business. Several food trucks clustered together on one property was considered a food truck court, which was not currently defined in the UDO, and would be considered similar to a swap meet.
- The food truck court would provide a centralized location for food trucks to cluster, which could generate a hub of activity similar to a mall food court. They would provide outdoor seating which would be folded up and stored during off hours.
- Requirements included onsite restrooms, trash receptacles, at least 10 feet of space between trucks, and parking spaces for customers. The site covered all those requirements. There could be up to two or three trucks on the property.
- This needed to be a CUP because there was only a two-week temporary use permit (TUP) available that could be issued and anything beyond that required Council approval.
- Staff recommended limiting the area to two trucks onsite.
- The State passed a statute to take effect in August that significantly reduced the restrictions that can be placed on food trucks, but it did not address the issue of food truck courts.
- Staff recommended a continuance to the July 3rd regularly scheduled meeting for

recommendation to the Council.

Commission Members and staff discussed the following:

- If site improvements were made in the future, the applicant could come back and amend the CUP. Parallel parking spaces could be utilized to make room for one or two additional food trucks.
- Residential water could not be used nor could they permanently connect water to the food cart. Power must be done through power pedestals.
- The current condition of the property was unsafe for anyone who was disabled or in a wheelchair.

Applicant Bruce Eldredge related that:

- He was approached by vendors to use the property.
- He had completed electrical pedestal improvements approved by the Town and provided a gravel area between the asphalt and the concrete; and he could address ADA issues with a sidewalk.
- The site could provide space for three food carts with room to remove the carts when necessary.

Public Comments:

- Anna Myslewiec, a food truck owner who had not set up in Town but did events and caterings, stated that she had discussed a food court at one time with the Town and was given several restrictions that do not seem to have been given to this applicant. She asked about enforcement of County health regulations and requirements; truck owners dumping grey water on the cement and refilling with garden hoses or permanently connecting to spigots and using splitters; several trucks that did not seem to comply with regulations; and food trucks being regulated by the hours of the bathroom at the local business.

Commissioners and staff responded to public comment:

- Concerns expressed were correct but were regulated and enforced by Yavapai Environmental Services, not the Town.
- Site improvements, including electric and power, should be done correctly. Any violations would be cited by County Health, not the Town.
- Previous food court sites that the Town had reviewed had different issues. One did not have a commercially operating business and needed many improvements. No outdoor seating had been restricted, but the same concerns about flying trash have been stated. Mr. Sanks clarified that Ms. Myslewiec went through a feasibility meeting, but never formally applied, and he could not personally approve or disapprove a permit, as that decision was left to the Town Council, which was explained to Ms. Myslewiec during the process.
- They recommended working with the property owner, the building department, and development services to come up with a cohesive plan to improve the site.

MOVED by Commissioner Michael Bacon, seconded by Commissioner John McCafferty to recommend to continue item 8b for consideration and possible action to the regular July 3, 2018 Planning and Zoning Commission Meeting at 6:00 pm in the Council Chambers.

**Vote: 7 - 0 PASSED - Unanimously**

**9) PUBLIC COMMENTS**

*Call to the Public is an opportunity for the public to address the Commission on any issue within the jurisdiction of the Commission that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Commission action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.*

Public Comment:

- Jackie Flannigan, Adair Drive resident, spoke about an issue with the ramp at West Road 2 South causing lights to shine so turn signals were not visible and the right turn lane and the straight-ahead lane being in the same lane, possibly causing accidents. The Commission stated they did not have jurisdiction over road issues and directed her to the Town Engineer.
- Carolyn Stickroth questioned the Commission about voting rules when a member of the Commission was absent. Mr. Sanks explained that the public meetings law provided the ability for members to participate from a remote location. Typically, with the Planning and Zoning Commission, there was an alternate to take the place of an absent person. A minimum of four persons must be present for a quorum.

**10) ADJOURN**

MOVED by Commissioner Tom Armstrong, seconded by Vice-Chair Gary Pasciak to adjourn the meeting at 8:45 p.m.

**Vote: 7 - 0 PASSED - Unanimously**

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Chair Charles Merritt

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Date