

# **DRAFT**

## **MINUTES OF THE SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF CHINO VALLEY**

**TUESDAY, JUNE 29, 2021  
6:00 P.M.**

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

Present: Chair Chuck Merritt; Vice-Chair Gary Pasciak; Commissioner Teena Meadors;  
Commissioner Robert Switzer; Commissioner William Welker

Absent: Commissioner John McCafferty; Commissioner David Somerville

Staff Present: Public Works Director Frank Marbury; Senior Planner Will Dingee; Audio/Visual  
Technician Lawrence Digges; Deputy Town Clerk Traci Lavelle (recorder)

**1) CALL TO ORDER**

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

**2) PLEDGE OF ALLEGIANCE**

Commissioner Welker led the Pledge of Allegiance.

**3) ROLL CALL**

**4) MINUTES**

**5) STAFF REPORTS**

**6) PUBLIC HEARING**

- a) Consideration and possible recommendation of approval to Town Council to rezone parcel 102-01-219K and parcel 102-01-219M containing approximately 5.08 acres and 6.86 acres of real property Located at the northwest and southwest corners of the intersection of East Road 4 ½ South and South Road 1 East, respectfully, from the CL (Commercial Light) to CH (Commercial Heavy) with a Planned Area Development (PAD). Applicant is Keith Hughes. (Will Dingee, Senior Planner)

Will Dingee presented the following:

- The requested rezone was for two parcels from Commercial Light (CL) to Commercial Heavy (CH) with a Planned Area Development (PAD).
- This was the second time the zoning request had been presented to the Commission, but this time it included the PAD.
- An overview of the subject property location and surrounding properties was provided.
- The approximate 12 acres of land was currently vacant.
- The General Plan Land Use Designation for the two parcels was Commercial Multi-Family. The properties to the north, west, and south had the same designation. Properties to the east were State land designated as future growth areas. There were also two potential community core areas to the north and south.
- The requested CH zoning designation conformed with the General Plan.
- The surrounding property zoning designations were reviewed. The requested CH Zoning conformed with the area, which was predominately commercial.
- The neighborhood meeting had been held on April 28, 2021, and subsequently was heard for the first time by the Commission on May 4, 2021, and Town Council on May 25<sup>th</sup>. At that time, Council requested the item go back through with a PAD in order to strip the uses for the parcels because they felt some CH uses were not ideal for the particular area.
- As requested by Council, the applicant had provided a conceptual plan for the RV Park. The RV Park was proposed to be on the Southern parcel.
- The applicant requested that the CH uses be restricted to RV in nature to include Recreational Vehicle Park, recreational vehicle storage, recreational vehicle accommodating car wash, recreational vehicle maintenance, and a portion of the northern property to be utilized as a mini storage. All the uses were specific to Commercial Heavy restrictions. Commercial Heavy also allowed for all other Commercial Light uses, which was currently allowed on the property. The applicant wished to retain that portion of Commercial Heavy uses as well.
- The requested PAD was not to ask for any variation from Town code but was a request from Council that specifically restricted the intensive commercial heavy uses. There was no need for the applicant to provide anything additional other than what was required by Town code.
- Although not required, the applicant was proposing a higher level of community open space amenities such as a splash pad or pickleball court in the open space area.
- Staff recommended forwarding a recommendation of approval to Council with the following stipulations:
  - Uses for the properties be restricted to accommodate the developer's request regarding Commercial Heavy use, Commercial Light uses will still be allowed per code.
  - Right of way dedication be made along East Road 4 ½ South and South Road 1 East.
  - Street improvements be made on East Road 4 ½ South, and South Road 1 East.

Commissioners and staff discussed the following:

- The Commercial Heavy zoning had a specific section in code that allowed outright all the permitted Commercial Light and Conditional Commercial Light uses. The applicant requested to retain all the CL uses with the only restrictions on the Commercial Heavy uses specific to the RV Park and mini storage. The more intensive CL uses were associated with a conditional use permit (CUP), but the uses Council had been concerned about included petroleum storage, outdoor commercial kennels, welding shop, fabrication yards, contractor yards, bottling and packaging plants, and other uses outside the Commercial Light district. The applicant currently had the CL zoning and the right to any uses listed under the CL zone.

Commissioners, applicant Keith Hughes, and staff discussed the following:

- The applicant planned to have an RV Park with RV storage and mini storage. The applicant was not changing anything from his first application but had brought in a conceptual drawing of the RV Park. He had included green space for the leach field that would also include uses such as picnic areas.
- The RV Park would be more upscale, but the applicant wanted space for RV storage and mini storage. He also wanted his clients to have the ability to have onsite motor home vehicle maintenance.
- The applicant wanted to ensure that he maintained the Commercial Light zoning. He only wanted the CH zoning to get the RV park developed.
- The RV Park would be on the southern property. On the other parcel, the applicant wanted to do only RV related uses and the PAD would be specific to that. He wanted to have covered RV storage and mini storage. The seven acre property would be for the RV Park with 90 spaces, which was all he could do with Arizona Department of Environmental Quality (ADEQ) and the septic systems.

Commissioners and staff discussed the following:

- Under the parcels current zoning, the applicant could request a CUP for the mini storage.
- ADEQ would regulate the water and septic used for the RV car wash facility. There was a certain level of treatment and water recycling for auto wash establishments. It had to meet State regulations to use the recycled water for landscaping purposes.

Public Comment:

- John Buss – The one thing that he remembered from college classes in development and planning and zoning was buffer zones. There was never industrial next to residential. He thought that was the reason the Town had designated the zoning for the subject parcels CL. The CL zone offered restaurants, office spaces, retail, personal services, etc. The residential neighborhoods that had been there for 60 years would not be compatible with CH. If there was approval for the CH zone change on the northern parcel, then the other area parcels could also apply for the CH zone. Only three parcels away there were three residential homes with a combined value of \$3.4 million. All three properties had or were undergoing ownership changes, and all those people had the opportunity to check out the surrounding zoning. The CL zoning and what it entailed seemed good to a prospective buyer. Water usage was a secondary concern to him. Those three homes could have only 60 feet away from their west border things like manufacturing, welding shops, and commercial outdoor kennels. The static water level had dropped five feet per year. The people in the area had a major investment to have the use of the water, and they did not bargain to have CH uses. CH would be hard to stop if this were approved because those uses were not CUP's.

- Randy Covert – He had the closest residential property to the proposed development. He was concerned because he had bought and put a lot of money into his property. They had cleaned up the area and were making it nice. He was also concerned about the traffic patterns because the current roads were not designed to handle 40,000 to 50,000 pound vehicles. That was what a Class A Motor home weighed, and many of those vehicles were 65 to 75 feet long. The RV spaces looked tight. He also did not see where the septic was on the plan. There were already a lot of traffic and people out walking. He was concerned with the change what could come in.

The public portion of the meeting was closed.

Commissioners and staff discussed the following:

- The original application for the zone change was for straight CH zoning. Town Council agreed with the presumption that it could be much more intensive, which was why they requested the applicant bring it back through the process with a PAD. This crossed out the possibility of the more intensive uses ever being allowed with the rezone. This CH rezone would be specifically restricted to RV similar uses and the existing CL uses that the applicant was already entitled to. Any future developments requesting a CH rezone, would most likely receive the same Council scrutiny, and they would request that uses be more closely related to the CL zone.
- The reason the applicant requested the CH zone was because RV Parks over 26 units were only allowed in the CH zone. CL zone only allowed up to 25 units. The technical review aspect of a development would determine if the property could handle the 90 proposed RV spaces. The applicant would also need to prove they satisfied State regulations for water and septic. The applicant was only seeking approval of the zoning so that he could pursue the development going forward. He would most likely need to provide some type of traffic analysis for circulation, ingress and egress information, and other such aspects.
- Staff reviewed the proposed location of the septic system.
- The current residential areas were not located in a CL zone and were zoned SR-1 or AR-5. There was a small area that was zoned CL. The General Plan designated Commercial Multi-Family area extended completely along East Road 4 South. The solar panel plant was zoned AR-5 but since it was a public utility, it was allowed.
- The PAD overlay limited the commercial heavy opportunities for the property to strictly RV usage. Any future CH uses would need to go through the same process as the current applicant.

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Teena Meadors to recommend the Planning and Zoning Commission forward a recommendation of approval to Town Council to rezone approximately 11.94 acres of real property from the CL (Commercial Light) zoning district to CH (Commercial Heavy) with a PAD (Planned Area Development) zoning district in order to develop the property with the stipulations as outlined in the staff report to include:

- That the uses on the properties be limited to only the following:
  - Recreational Vehicle Park
  - Recreational Vehicle Storage
  - Car wash that can accommodate RVs
  - Recreational Vehicle Maintenance
  - A portion of the northern property to be utilized as ministorage
- Per the Town Unified Development Ordinance § 5.3.2, Table 5-1, the minimum

required right-of-way dedications are as follows:

- Provide for a total of 60' (30' north and 30' south of the section line) for East Road 4 ½ South is dedicated for Right of way
- Provide for a total of 50' dedication of Right of Way for South Road 1 East.
- Per the Town's Unified Development Ordinance § 5.3.2, Table 5-1, the required offsite half-width (full width required when properties border north and south of East Road 4 ½ South) roadway improvements are as follows:
  - East Road 4 ½ South
    - 14' minimum roadway width without on street parking.
    - 6" vertical curb and gutter.
    - 5' minimum concrete sidewalk.
  - South Road 1 East
    - 6" vertical curb and gutter.
    - 5' minimum concrete sidewalk.
- The parcels would still retain Commercial Light zoning.

Nay was Commissioner Switzer. He thought it was a great project but thought it was the wrong area. Everything in the area was zoned CL, and it would set a precedent even with the stipulations. Councils and Commissions changed, and it could change where they did allow for Commercial Heavy if they allow the change now. He also thought a project of this magnitude should be on municipal water and sewer. He thought it was needed in Town but not at the current location.

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

NAY: Commissioner Robert Switzer

**4 - 1 PASSED**

**7) NON-PUBLIC HEARING**

**8) DISCUSSION ITEMS**

**9) PUBLIC COMMENTS**

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

**10) ADJOURN**

MOVED by Vice-Chair Gary Pasciak, seconded by Commissioner Teena Meadors to adjourn the meeting at 6:35 p.m.

AYE: Chair Chuck Merritt, Vice-Chair Gary Pasciak, Commissioner Teena Meadors, Commissioner Robert Switzer, Commissioner William Welker

**5 - 0 PASSED - Unanimously**

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Chair Charles Merritt

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Date