

DRAFT

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

**TUESDAY, AUGUST 3, 2021
6:00 P.M.**

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

1) CALL TO ORDER

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

2) PLEDGE OF ALLEGIANCE

Commissioner McCafferty led the Pledge of Allegiance.

3) ROLL CALL

Present: Chair Chuck Merritt; Commissioner John McCafferty; Commissioner Teena Meadors; Commissioner Robert Switzer; Commissioner William Welker; Commissioner David Somerville

Absent: Vice-Chair Gary Pasciak

Staff Present: Interim Development Services Director Laurie Lineberry; Town Manager Cindy Blackmore; Public Works Director /Town Engineer Frank Marbury; Senior Planner Will Dingee; Administrative Tech Lisa Nottebaum; Customer Service Supervisor Dee Dee Moore; Audio Video Technician Lawrence Digges; Deputy Town Clerk Traci Lavelle

Attendees: Tom Armstrong, Councilmember, Eric Granillo, Councilmember

4) MINUTES

- a)** Consideration and possible action to approve the June 1, 2021, regular meeting minutes.

MOVED by Commissioner Teena Meadors, seconded by Commissioner David Somerville to accept the June 1, 2021, regular meeting minutes.

AYE: Chair Chuck Merritt, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner Robert Switzer, Commissioner William Welker, Commissioner David Somerville

6 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve the June 29, 2021, special meeting minutes.

MOVED by Commissioner Teena Meadors, seconded by Commissioner John McCafferty to accept the June 29, 2021, special meeting minutes.

AYE: Chair Chuck Merritt, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner Robert Switzer, Commissioner William Welker, Commissioner David Somerville

6 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve the July 6, 2021, regular meeting minutes.

MOVED by Commissioner Teena Meadors, seconded by Commissioner John McCafferty to accept the July 6, 2021, regular meeting minutes.

AYE: Chair Chuck Merritt, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner Robert Switzer, Commissioner William Welker, Commissioner David Somerville

6 - 0 PASSED - Unanimously

5) **STAFF REPORTS**

Will Dingee reported the following:

- Staff had been asked to research whether a comment, made by a member of the public in opposition to a proposal and all future proposals that were similar, needed to be considered at each meeting for each similar project going forward. Staff spoke to legal counsel, and the Town did not need to do that. If that member of the public was in opposition, their position needed to be stated for each separate item going forward. There was no way to have a blanket opposition to everything the Commission did.

Chair Merritt explained that there had been difficulty with the correct spelling of names for the minutes. He requested that when members of the public spoke, they complete a form with the correct spelling of their names.

Mr. Dingee explained there were two subdivision items on the agenda, and staff would be recommending there be a continuation on both items due to technical aspects. Following the continuation, members of the public would be asked to complete a form with their names and addresses, so they could be notified of the next meeting that the item would be discussed.

6) **PUBLIC HEARING**

- a) Consideration and possible recommendation of approval to Town Council to rezone approximately 41 acres of real property located on the southwest corner of the intersection of West Road 2 North and North Road 1 West from the SR-1 (Single Family Residential 1-acre Minimum) zoning district to the SR-0.16 (Single Family Residential 0.16-acre Minimum) zoning district with a PAD (Planned Area Development) to develop 207 lots with an approximate density of 5.05 dwelling units per acre. Applicant is Geoff Brisbin, and the parcel number is 306-21-167.

Will Dingee presented the following:

- The applicant was requesting a continuation of the item to a future date. There was currently no set date. The applicant was working with his engineer to rework the site plan based on public comments and consideration.
- Staff would re-notify the public in accordance with State Statute and with the information from the submitted comment cards.
- Staff recommended that Item 6(a) be continued to a future date.

Commissioners and staff discussed the following:

- This Item had been continued at a previous meeting to a specific date. The applicant was not able to make all the modifications by the new date, so it could not be agendaized. This was the applicant's last continuation, and the item could not be continued into perpetuity.

MOVED by Commissioner John McCafferty, seconded by Commissioner Teena Meadors to postpone item 6(a) until a date to be determined by staff on the next available agenda.

AYE: Chair Chuck Merritt, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner Robert Switzer, Commissioner William Welker, Commissioner David Somerville

6 - 0 PASSED - Unanimously

- b) Consideration and possible recommendation to Town Council of approval to rezone approximately 12.78 acres of real property located approximately 500 feet west of the intersection of West Center Street and North Road 1 West on the north side of West Center Street from SR-1 (Single Family Residential 1-Acre Minimum) to SR-0.16 with a PAD (Planned Area Development) to develop 20 half-acre lots. APN 306-21-011E. Applicant, Rosie Soto

Will Dingee presented the following:

- The applicant had requested a continuation to the next Planning and Zoning meeting on September 7, 2021 due to engineering issues on reworking the site plan.
- Staff recommended a continuation of Item 6(b) to September 7, 2021.

Commissioners and staff discussed the following:

- This was the second time there had been a request for continuation on the item. Staff would need to confirm if it would be the last time the item could be continued.

MOVED by Commissioner John McCafferty, seconded by Commissioner Teena Meadors to continue Item 6(b) to the next meeting date of September 7, 2021.

AYE: Chair Chuck Merritt, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner Robert Switzer, Commissioner William Welker, Commissioner David Somerville

6 - 0 PASSED - Unanimously

- c) Request to rezone approximately 2.53 acres of real property from SR-2.5 (Single Family Residential 2.5 acre minimum) zoning district to SR-1 (Single Family Residential 1- acre minimum) zoning district in order to divide the property.

Will Dingee presented the following:

- The requested rezone would allow the applicant to subdivide the parcel.
- The property was 2.53 acres.
- An overview of the subject property location and surrounding properties was provided.
- The property was being used as two single family residences, each with a Town permitted individual address.
- The General Plan designation for the area was Medium Density Residential 2 acres or less. The requested rezone to SR-1 was consistent with the General Plan.
- The surrounding property zones were reviewed. The two properties directly south of the subject property zoned SR-2.5 were only a little over one acre in size. They were non-conforming.
- The requested zoning of SR-1 was in conformance with the surrounding zoning area.
- A neighborhood meeting was held on July 28th and all property owners within 300 feet had been notified. No members of the public attended the meeting.
- Staff recommended the Commission forward a recommendation of approval to Town Council.

Commissioners, applicant Craig Dillenbeck, and staff discussed the following:

- He had lived on the subject property since 1988.
- In 2007 he built a separate garage and then he put a double wide home on the back acre of the property. His family had been living there but were leaving. Nothing would change, except they wanted to split the lot so they could sell one section. He would be staying on his lot.
- Staff explained there were no issues with the lot split. There was an easement on the west side of the property and a town dedicated and maintained road to the north. There were no access issues.
- The Town did not have any water or sewer in the area, so the lots would be served by well and septic.

There were no public comments.

MOVED by Commissioner Robert Switzer, seconded by Commissioner Teena Meadors to forward a recommendation of approval to Town Council to rezone approximately 2.53 acres of real property from SR-2.5 (Single Family Residential 2.5 acre minimum) zoning district to SR-1 (Single Family Residential 1- acre minimum) zoning district in order to divide the property with no stipulations.

AYE: Chair Chuck Merritt, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner Robert Switzer, Commissioner William Welker, Commissioner David Somerville

6 - 0 PASSED - Unanimously

- d) Request for a Conditional Use Permit allowing for the construction and use of a sanctuary for house cats. Property address: 2497 North Road 1 East. Applicant: Alie Amato

Will Dingee presented the following:

- The Conditional Use Permit (CUP) was for the allowance of a house cat sanctuary on the subject parcel.
- He had provided an updated recommendation to the Commission that had been tweaked since the recommendation in the staff report. He would provide an explanation for the changes.
- The subject property was six acres.
- An overview of the subject property location and surrounding properties was provided.
- The applicant owned the Winey Cats at Granite Creek Vineyard next door to the subject property.
- The current use of the property was the cultivation of grapes. The project would be limited to the southern portion.
- The proposal consisted of three prefab buildings oriented in the shape of a U. Each building had two associated open air enclosures, which the applicant referred to as catios. The catios allowed the cats to experience the outdoors but be completely contained.
- The buildings would be located outside the setbacks and would be behind a tree line that shielded it from the adjacent roadway.
- The applicant had submitted a portion of her business plan, which was included in the CUP. The use associated with the permit would be tied to the operation.
- There would be three separate structures attached with open air enclosures that would house the cats. Each open air enclosure would be constructed of wood or wire mesh and enhanced with cat friendly features.
- Each enclosure would hold no more than 15 cats, with a maximum of 45 cats onsite.
- There would be daily cleaning and maintenance of the enclosures to remove excrement and urine. There would be an onsite dumpster specifically for the excrement. The waste would be bagged and placed in the dumpster. The dumpster would be emptied weekly.
- The facility would be staffed from 10:00 a.m. to 6:00 p.m. daily or 8:00 a.m. to 8:00 p.m. seven days a week.
- Any cat that passed away would be cremated offsite.
- A neighborhood meeting was held on July 28th, and all properties within 300 feet had been notified. There were 11 property owners in attendance who had the following comments questions, and concerns.
 - What would be done with the waste from the operation – It would be placed in a

dumpster, and nothing would be buried onsite. Internal facilities would be mopped, and outdoor areas would be raked and maintained daily.

- Would the vineyard stay open and how would the operation impact it – The vineyard and the sanctuary would be separate. It was intended to have the vineyard open during operation of the sanctuary.
 - The types of cats that would be accepted – The operation was for cats that were sick, dying or injured, and at the end of their life. Typically, no cats were adoptable, and the vast majority would live out their lives on the property.
 - What would happen with the CUP if the applicant sold the property- CUP's run with the land and not ownership of the property. The next owner of the property would be able to continue the operation in the same nature the applicant was running it. Any changes would need to go back to the Commission and Council for approval.
 - Could the applicant expand – If the applicant expanded or made any modification to the site plan, they would need to go through the process and present it to the Commission and Council for approval.
 - The number of cats on the property – there would be no more than 45 cats on the property at one time, but the applicant did not desire to have more than 30 for an extended period of time.
 - The preventable measures taken to avoid people dumping their cats off at the property – The location would not be signed and would not be shielded from the roadway through onsite landscaping. If cats were dumped, the applicant had a network of people she could call to get the cats cared for.
 - Would it be limited to only house cats – Yes, no dogs or other animals would be onsite.
 - If it were approved, what would happen if there were smells, odors, or other nuisances – Any issues that arose that the Town had been made aware of would be considered during the renewal period. Staff would be including a provision to take the item before Council for any revisions if significant issues arose.
 - How many employees and volunteers and traffic generated – The applicant had two volunteers that would be onsite daily, with one trip in and out.
- Verbal correspondence was received from an adjacent property owner. She gave gracious support for the proposal and thought that over time neighbors would see what an asset the applicant and the proposed sanctuary were for the community.
 - Staff recommended the Commission forward a recommendation of approval to Council, with following stipulations.
1. The Conditional Use Permit be granted with a two (2) year review period by staff. If staff determines there has been a negative impact on the surrounding area, staff will bring the item through the public hearing process for reconsideration. If staff determines there is no need for reconsideration, the use will be granted in perpetuity so long as stipulations 2, 3 and 4 are met.
 2. The operation will need to be consistent with the business plan outlined in the staff report.
 3. In the event of issues arising from valid code enforcement complaints such as excess noise, odor or visual appearance or deviation from stipulation 2, staff can bring the item back before Council at any time for reconsideration, modification, or revocation.
 4. The onsite dumpster will need to be screened from public view per Town Code (Stipulation added as a result of the neighborhood meeting).

Commissioners, applicant Alie Amoto, and staff discussed the following:

- If there was a valid code enforcement complaint, the officers were trained to

determine if something was a nuisance, and the applicable codes associated with the complaint. There was written code that could be used for blight, odor, and noise complaints.

- Blight in the code referred to a visual impact. If there were some types of disease caused by the operation, the stipulations staff had requested should be sufficient for the Town to act accordingly.
- Typical code enforcement inspections were complaint driven, but with the addition of another code enforcement officer, they had begun doing proactive work. Regular inspections could be something that was stipulated.
- Any noise nuisance would be subject to the same laws that animal control used.
- After the first two-year review, a CUP in perpetuity could be granted if the Commission stipulated it. The Commission would not review the CUP unless there were issues. Staff could present their review findings in a staff report if the Commission requested it.
- Ms. Amoto had been running a not-for-profit corporation for 26 years towards Crown King. It was not a new business, but a corporation that had operated for the 26 years. For 25 of those years, she had been licensed by Arizona Game and Fish working with wildlife. She was now only working with house cats. She knew about the maintenance and cleaning because it was not new to her.
- Due to a couple of sick cats, the hours were different. Once those cats passed away, then the hours would be consistently 10 a.m. to 6 p.m.
- She had a vested interest in keeping the property clean because of the winery and adjacent tasting room where people often visited. She paid a lot of money for the winery, and intended to keep it open.

There were no public comments.

MOVED by Commissioner Robert Switzer, seconded by Commissioner David Somerville to forward a recommendation of approval to Town Council to approve a Conditional Use Permit allowing for the construction and use of a sanctuary for house cats with the following stipulations:

1. The Conditional Use Permit be granted with a two (2) year review period by staff. If staff determines that there has been a negative impact on the surrounding area, staff will bring the item through the public hearing process for reconsideration. If staff determines there is no need for reconsideration, the use will be granted in perpetuity so long as stipulations 2, 3 and 4 are met.
2. The operation will need to be consistent with the business plan outlined in the staff report.
3. In the event of issues arising from valid code enforcement complaints such as excess noise, odor or visual appearance or deviation from stipulation 2, staff can bring the item back before Council at any time for reconsideration, modification, or revocation.

The onsite dumpster will need to be screened from public view per Town Code.

AYE: Chair Chuck Merritt, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner Robert Switzer, Commissioner William Welker, Commissioner David Somerville

6 - 0 PASSED - Unanimously

7) NON-PUBLIC HEARING ACTION ITEMS

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 Commissioner Robert Switzer, seconded by Commissioner Teena Meadors to adjourn the meeting at 6:38 p.m.

A YE: Chair Chuck Merritt, Commissioner John McCafferty, Commissioner Teena Meadors, Commissioner Robert Switzer, Commissioner William Welker, Commissioner David Somerville

6 - 0 PASSED - Unanimously

Chair Charles Merritt

Date