

## Planning and Zoning Commission Meeting Minutes September 7, 2021

A regular meeting of the Town of Chino Valley Planning and Zoning Commission was held on Tuesday, September 7, 2021, at the Town of Chino Valley Council Chambers, 202 N. State Route 89, Chino Valley, Arizona.

**PLANNING AND ZONING COMMISSION MEMBERS** present were Chair Chuck Merritt; Commissioner Teena Meadors; Commissioner Gary Pasciak; Commissioner David Somerville; Commissioner Mark Switzer; Commissioner William Welker; Vacant

**STAFF MEMBERS** present were Laurie Lineberry, Development Services Director; Frank Marbury, Public Works Director; Will Dinger, Senior Planner; Bethan Heng, Planner; Dee Dee Moore, Customer Service Supervisor; Lawrence Digges, Audio/Video Technician.

**CALL TO ORDER:** Chair Merritt called the meeting to order at 6:00 p.m., and noted there was a quorum present.

**CONSENT CALENDAR** – Item C.1, Approval of Minutes from the August 3, 2021 Planning and Zoning meeting was removed from the consent agenda. Two corrections were requested, 1) to correct the misspelling of Councilmember Armstrong name and 2) to remove the word “not” in the following sentence, “...be signed and would not be shielded from the roadway...” **A motion was made by Commissioner Welker and seconded by Commissioner Switzer to approve the minutes of the August 3, 2021 Planning & Zoning Commission meeting with the above two corrections. This motion passed unanimously by a 6-0 vote.**

### **PUBLIC HEARING**

**CASE # Z21-014:** *This is a request by Rosie Soto, to **Rezone** approximately 12.78 acres of land from SR-1 (Single Family Residential 1 acre) to SR-0.16 with a PAD (Planned Area Development) Overlay, to develop 20 half-acre lots, for property located approximately 500 feet west of the intersection of West Center Street and North Road 1 West, on the north side of Center Street, Chino Valley, AZ.*

**Will Dinger, Senior Planner**, presented the staff report and identified that the plan is a revision to the original layout. It is still for 20-one-half acre lots, but the roadway has been modified to circle the subdivision and provide more open space. The applicant is requesting no sidewalks. Additionally, Town sewer is available and is recommended. The City of Prescott will be providing water services. It has been identified that there are a couple of lots that may have sewer connection difficulties due to slope. Staff is recommending **APPROVAL**.

**Commissioner Meadors** asked about the last 2-4 lots and how those lots could be connected to town sewer. Code states that all should connect to sewer. **Commissioner Somerville** ask if we were minimizing those stipulations. **Dinger** deferred that question to **Frank Marbury, Public Works Director**.

**Marbury** shared that in Chino Valley the water flows from south to north and that the main sewer line is at the south, so the last couple of lots will be fighting the lay of the land. **Marbury** identified that there are a couple of mechanical systems that could be put in place to meet the sewer connection requirement. Public Works staff is also requiring 24' of pavement and recommending sidewalks.

**Chair Merritt** continued the discussion regarding alternative sewer system, pumps, etc., in regards to the northern-most lots. **Marbury** mentioned that alternate systems generally have back-flow preventer valves and maintenance would fall on the property owner. **Commissioner Switzer** asked what Public Works staff recommendation is. **Marbury** stated that it is to have the connection to town sewer. **Commissioner**

**Meadors** was concerned about the fire protection. **Marbury** added that the City of Prescott water company would need to state that they have adequate fire flow and that there are minimum fire codes that would be enforced by Central Arizona Fire and Medical Authority (CAFMA)

**Chair Merritt** asked the applicant to speak. **Rosie Soto** stated that concerns during the 1<sup>st</sup> group of meetings have been addressed and she has tried to incorporate those into this plan. She has restructured the roadway, increased the open space and is planning to set up a limited HOA for maintenance of the road and the park. The commission had no further questions for the applicant.

**Toby Butterworth**, the applicants Contractor for building and excavation, discussed the slope of the land issues. He felt that the topo maps were old and outdated and that they may be able to get all properties on sewer. He said it would depend on the slope percent and where the main line depth on Center Street is actually located. He added that raising the pad elevation could help out with the slope.

## **PUBLIC COMMENTS**

**Cathy Middlested, 380 Lauren Lane** provided a handout emphasizing wording in the General Plan, the UDO Codes. She identified that zoning SR-0.16 purpose was “not the intention of the Town ...”. She shared that this project is not in compliance with the UDO or the General Plan since this whole area is identified as medium density. She questioned how this zoning, or anything less than 1 acre could be identified at medium density, not high density. She does not believe that this development fits these descriptions.

**Floyd & Celia Dugan, 1250 W Center Street** stated that they agreed with what **Ms. Middlested** said and also added that there is a lot of water that flows through that area. They felt that this development belongs on the other side of Highway 89 and they don't want to be seeing this here, in this area. They like having a little bit of space around their property.

**Alex Harris of 1350 W Center Street** shared that he had to drill a new well because the water levels are dropping which would be made worse with these new lots and new homes. He also had concerns about increased traffic on Center and added that weeds are not maintained. **Harris** stated that new houses will create a strain on water, increased traffic, increase for schools. Chino is growing too fast. His concerns included not getting a new grocery store, and that the street and roads are in terrible shape. He stated the town needs to look forward to sustain growth and he is opposed to this project.

**Sandra Tuttobene, 490 Lauren Lane** had concerns of water. She shared that she lives on Laurel Lane and there is no water pressure. She does not want to see another 20 homes placed in this area. Any zoning should be R-2 Medium Density.

**Carolyn Strickroth, 518 Grove Lane** added that she drives by this location and that the town needs wise development. She stated that she agrees with all the previous speakers said.

**Larry Holt, 525 Homestead Mesa** stated that this is an area where people ride their horses and we need to buffer for those people on horseback. People need to look at the property they are buying and developers need to look at the zoning on a parcel before they buy it. **Holt** stated that the mission statement for the Town and the General Plan echo that desire. **Holt** continued, saying that five years ago you could see wild pronghorn grazing in the area, now only skunks are left because of all the building. The opportunity for smaller lots exists in Brightstar. **Holt** continued, this area is one acre for a reason, deny this request.

**Tonya Hebel 1335 McKay Way** stated that she agreed with everything that has been said and that the roads are terrible.

**Brenda Warnock, 3845 Cole Lee Court** started by sharing that she doesn't live near the development but that developers are buying up properties and not maintaining the grounds. She stated that these "outsiders" don't care about our community.

**Public comment period was closed.**

**Chair Merritt** had concerns about the Unified Development Ordinance not being met for this project. **Dingee** stated that there is a Site Built Home overlay on this property. He added that the General Plan identifies this area as medium density and added that 75% of Chino Valley is medium density (at 2 acres or less). There has been conversation about a zoning designation of SR-22000 (approximately ½ acre) in size, but that has not been finalized.

**Chair Merritt** asked about the infrastructure and CAFMAs' concerns. **Dingee** stated that the water will be served by City of Prescott water. Because a water company meters their customers, generally people tends to be more aware about water usage. Sewer customers then use that water and through the sewer process, that water goes back into the aquifer. Questions were also asked about the sewer design, yard lines, low, etc. **Marbury** said a sewer system construction needs to meet standards and have the velocity to flush the solid waste out. Water drainage is to stay within the property and civil engineering drawing will identify those areas.

**Commissioner Somerville** asked if the attached RV Garages are included in the size of the house on the lots. **Dingee** stated they were included.

**Chair Merritt** asked about the parcel size and the easement along each parcel and how much land is left after the easement is identified. **Dingee** shared that road easements are counted towards the total property acreage. **Marbury** added that there is a 50 foot road easement with 24 feet being paved.

**Commissioner Switzer** mentioned the sidewalk and location required. **Marbury** stated that a 24-foot road is for 2-way traffic and require sidewalks. All subdivisions are built to the same standards even if the roads are private.

**Commissioner Somerville** and **Chair Merritt** talked with **Ms. Soto** regarding meeting town setbacks and using hardscape landscaping for minimal water usage. She stated that she is able to meet these recommendations.

**A motion was made by Commissioner Switzer and seconded by Commissioner Pasciak to approve the staff recommendation of approval with conditions as stated to satisfy #6 or homes must be sprinklered, and Chair Merritt added that the northern lots also have to be on sewer, gravity or pump fed. Motion carried with a 4-2 vote.**

#### **REASONS FOR DISSENTING VOTES:**

**Commissioner Meador** shared that the UDO does not intend SR0.16 development west of Highway 89. **Commissioner Somerville** agreed with **Commissioner Meadors** statement and they both felt the zoning was too dense and that traffic would be an issue.

**ACTION ITEMS** – There were no action items to discuss.

#### **INFORMATION ITEMS – FROM STAFF**

- Bethan Heng, Planner, and Laurie Lineberry, Director, were introduced.

**Council Action** – **Dingee** informed the Commission that the Planning & Zoning cases that went to Council on August 24, 2021 were approved.

New Agenda Format – **Director Lineberry** described the new P&Z Agenda Format with the Commission. **Chair Merritt** stated he preferred the choice of either using a Voice Vote or a Roll Call vote, depending on the case. He also mentioned that he appreciates the check boxes as it is easier to stay on track during the meetings and that he likes the feedback from the Town Council to know how the commission is doing. **Commissioner Meadors** also commented that she likes the new format. **Chair Merritt** requested that the Z21-014 number be used to identify the public hearings and **Commissioner Switzer** also asked that that number be placed in the suggested motion.

New Staff Report Format - **Lineberry** gave an overview of the new staff report format, stating that the format includes more visual data, prior actions & staff recommendation all in one location. A suggested motion is also included. **Commissioner Somerville** asked if the names of the commenters will be provided when comments are received at Neighborhood Meetings. **Lineberry** stated that if names are given staff will share the names with the Commission. **Commission Switzer** asked that the suggested motion be located at the end of the report, it's where they are accustomed to find it. Maybe with a box around it so it is easy to locate.

New Planning Case Process - **Lineberry** shared the steps in the Case Processing Timeline. This timeline will allow staff to provide definite dates during the application process. **Commissioner Somerville** stated that it looks like a flowchart of our process. **Lineberry** pointed out the longer review time of the P & Z packets by Commissioners before the actual meeting date. **Commissioner Meadors** felt that this will give Chino Valley a better representation with the builders by each "expert" being identified and that staff is the go-to person.

Updated By-Laws - **Lineberry** reviewed the updated by-laws with the Commission. One item to note, added to the by-laws was project continuations. If an item is continued to a date specific there is no legal requirement to re-notice the project. **Chair Merritt** felt that the Commission would like to re-send notification within the 300-foot buffer to make sure that the public has every chance to attend the meetings. If there was no opposition at the neighborhood meetings and nobody wished to speak at the meeting, then that item can stay on the consent agenda.


SR-22,000 Zone - **Lineberry** shared a draft half-acre zoning district. This new zone district will create approximately a one-half acre zoning and includes setbacks, allowed uses, and all other types of items that current districts provide. Questions regarding livestock, chickens, etc were asked, and the commission felt that ½ acre was not enough to keep some of the larger animals. **Commissioner Somerville** mentioned that there are more B & B coming into town and could it be stated that only a property owner run them and not a company. **Lineberry** stated that the State Legislature passed legislation that precludes cities & towns from regulating them.

**INFORMATION ITEMS – FROM COMMISSION:** There was no business from the Commission

**INFORMATION ITEMS – FROM THE PUBLIC:** There was no business from the Public

**ADJOURN** – A motion and second were made to adjourn the meeting at 8:02 p.m.

  
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Charles Merritt  
Chair

  
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Dee Dee Moore  
Prepared By