

**SPECIAL SESSION
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE 473 S. MAIN STREET
CAMP VERDE, AZ. 86322
COUNCIL CHAMBERS STE. 106
THURSDAY, AUGUST 6, 2020
6:30 PM**

All Commission meetings will end at 9 PM, any remaining agenda items will be heard at the next Commission meeting.

1. Call to Order

Chairperson McPhail called the meeting to order at 6:30 p.m.

2. Roll Call

Chair Cris McPhail, Vice Chair Steve Vanlandingham (zoom), Commissioners: Jackie Baker, Mike Hough, Greg Blue, and Chip Norton (zoom) are present.

Also Present

Community Development Director Melinda Lee, Assistant Planner Bobbi Webb and Recording Secretary Jennifer Reed.

3. Pledge of Allegiance

Commissioner Jackie Baker led the Pledge.

4. Consent Agenda

All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Commission so requests.

A. Approval of Minutes:

June 11, 2020 – Special Session- Work Session Only

B. Set Next Meeting, Date and Time:

TBA

Motion was made by Commissioner Hough to accept the consent agenda. Second was made by Commissioner Blue. **Motion** carried unanimously with Chairperson McPhail, Vice Chair Vanlandingham, Commissioners Blue, Baker, Norton and Hough approving.

5. Call to the Public for Items Not on the Agenda

Residents are encouraged to comment about any matter not included on the agenda. State law prevents the Commission from taking any action on items not on the agenda, except to set them for consideration at a future date.

No public comments.

6. Action Items:

A. Public Hearing, Discussion, and Possible Recommendation to the Town Council regarding an application submitted by Town of Camp Verde Community Development for a Zoning Map Change from C2 (Commercial: General Sales & Services) to C3 (Commercial: Heavy Commercial) for White Hawk Business Park, Lots 1-12. The property consists of approximately 5.82 acres and is located at the end of Homestead Parkway, east of State Route 260, APNs 403-23-107 through 403-23-118, in Camp Verde, Yavapai County, Arizona.

Public Hearing Open: 6:37pm

Staff Report

Community Development Director Melinda Lee gave an overview of the project. The application for a Zoning Map Change was submitted by the Town of Camp Verde Community Development Department. An agreement was made between the Town and the developer to process this application on their behalf as a result of the Homestead Parkway improvements. White Hawk Business Park is located at the end of Homestead Parkway, east of State Route 260. The property is currently zoned C2 (Commercial: General Sales and Services), and the applicant has requested a Zoning Map Change to C3 (Commercial: Heavy Commercial). The Final Plat for White Hawk Business Park, Lots 1-12, was approved by Town Council March 25, 2019. The property originated as approximately 6.59 acres of undeveloped land and was designed to include 12 commercial lots accessed from Homestead Parkway, with a new cul-de-sac located in the center of the property; this consists of a 24-foot wide asphalt surface and a rolled curb and gutter. The addition of the cul-de-sac resulted in approximately 5.82 acres of available property to develop, with a minimum lot size of .26 acres. Improvements included the extension of water, sewer and dry utilities to the cul-de-sac as well as minimal site grading. No specific building construction has been proposed by the developer. A Conceptual Site Plan was submitted to provide a visual representation. CC&Rs exist for White Hawk Business Park, and it is the intent of the developer to attract "clean" light industrial uses. A pocket of residential properties, which are zoned R1L (Residential: Single-family Limited), exist north of White Hawk Business Park. These properties are surrounded by C2 (Commercial: General Sales and Services), C3 (Commercial: Heavy Commercial), M1 (Industrial: General) Use Districts, and State Parks. The Town of Camp Verde Community Development is requesting a Zoning Map Change to C3 to provide for a heavy commercial zone, which would also allow light industrial uses, within the Town of Camp Verde.

The White Hawk Business Park is located in the Finnie Flat Character Area. Much of the area is comprised of commercial uses along State Route 260 and Industrial Drive. C2 District in this area tend to border State Route 260. C3 and M1 Districts are located in the interior of this area, along Industrial and Davidson Drive, near Homestead Parkway. The preferred non-residential zoning districts along Davidson Drive, near Homestead Parkway include RS, C1, C2, C3, PM, and M1. This request complies with the General Plan in the following areas:

Goal A:

A.1. Encourage regional commercial and employment centers to support the region's needs. *The light industrial businesses expected to locate here will benefit the region through its proximity to the Interstate 17 and State Route 260 Interchange.*

A.2. Promote the commerce corridor as a place for new businesses by partnering with other regional economic development agencies. *This business will promote economic growth within the Verde Valley.*

A.4. Promote commercial and mixed-use development adjacent to State Route 260 and adjacent to Finnie Flat Road. *Along State Route 260, this development will promote commercial and light industrial use within Camp Verde. Along Finnie Flat Road, this project will enhance the area for businesses and residents.*

Staff supports this project because the lots are smaller, business will be performed mostly indoors, and there are CC&R's existing. Only two residential parcels boarder the project, separated by a 50-foot buffer. There is no direct access from the Business Park to Peterson Road, so there will be no through traffic to the residential area. Also, the developer has provided additional drainage in the project. Photos are included in the meeting packet. The notification process is complete with 2 neighborhood meetings being held.

Public Comment-

Ms. Lee received a telephonic response from Steve Goetting on behalf of the Verde Valley Archeology Center. He does not believe C3 zoning should exist next door to the Center.

Several Neighbors spoke in person regarding:

- Buffer Zone- Most of the trees have been removed and neighbors are left with only 1 small row of trees and a drainage ditch. This should not be considered a buffer zone. Neighbors are concerned with getting someone else in there and the property getting dustier and toxic.
- Planning for 12 units on less than 6 acres and a C3 zone seems too small and not appropriate. It would devalue the residential properties.

Commissioner Vanlandingham joined in person 7:00pm

- This property was supposed to be a bird sanctuary but is not a bird sanctuary any more.
- City doesn't take care of the road and the traffic is congestive. C3 will bring in more heavy traffic.
- Putting neighbors in the corner.
- Were not given the chance to comment on the other commercial businesses that moved into the area.
- Department has not come in to work with the current property owners to change their properties.
- How will town police the property? It is too much to take care of now.
- Once it goes to C3 there will be no follow up. The rats/mice/squirrels have taken over the wrecked car lot.
- There was no notification to the neighbors about a 2nd Public Meeting.
- Things are dumped in the Verde Ditch and will go through the Town.
- High speed communication center didn't happen.
- Developer doesn't keep promises. Nobody is making them comply with requirements.
- Heavy tractors start up at 5:30am.
- Side deals have been made to make it become a C3.
- This does not fit where it is being put.

A List of Neighbors who spoke at the meeting include:

1. Lynn King, 1246 W. Peterson Road
2. Arthur Enockson, 1341 W. Peterson Road
3. Richard Rodriguez, 1251 W. Peterson Rd
4. Frances Benigar, 1280 W. Peterson Rd
5. Ed Davison, 1391 W. Peterson Rd
6. Connie Cowan, 1226 W. Peterson Rd
7. Benny King, 1266 W. Peterson

Staff Rebuttal

Ms. Lee researched the buffer zone after the 1st neighborhood meeting and according to the minutes, there was a requirement to leave a 50' buffer zone but there was no mention of him being required to leave it as trees. It was not part of the conditions that the buffer zone contains trees.

Ms. Lee stated the drainage ditch was put in intentionally to help alleviate storm water run-off. It was engineered and not random.

Ms. Lee stated it was announced during the 1st neighborhood meeting, that there would be a second neighborhood meeting and then a public hearing after that. Letters were sent out notifying the residents of the follow-up meeting.

Ms. Lee stated that CC&R's state they must bring in businesses that are compatible to the area. The Town does work with businesses that create nuisances. Residents should come to us and file a complaint and they will follow up on complaints.

Ms. Lee stated the two construction yards are already C3, and they did not have to go through any process. As a C3 zone, construction is allowed. Do not require a public notice or hearing.

Ms. Lee commented on the shape of Peterson Road, stating that it is a private road and not maintained by the town. It is the responsibility of all property owners to maintain the road.

Ms. Lee hadn't heard of the bird sanctuary and can't answer any of those comments.

Ms. Lee stated the zoning map shows current zoning and land uses of the area. A river runs through the properties so they are not physically connected. Zoning is C3 in the area, and some C2. The General Plan prefers to keep C2 uses along the main road. The Town tries to provide access to different types of land uses throughout the community.

Ms. Lee stated there are C3 uses in other areas of the town. The Town wants to provide for different types of land use throughout the community. This particular location is not being shown any kind of preference; it is in a district that is conducive to C3 usage.

Ms. Lee stated storage areas are allowed in those districts.

Ms. Lee commented on the complaint that work is being done before 7am. The noise ordinance kicks in between 10pm-7am, however, construction work is allowed to begin at 5am.

Close Public Hearing: 7:34pm

Commission Comments

Commissioner Norton is curious about the issue with the trees being removed. He has heard the history from residents and it is disturbing. Ms. Lee researched the matter, and there was no requirement for them to keep the trees; it just required them to do a 50-foot buffer. Commissioner Norton asked if there is any intention to revegetate that buffer zone. Ms. Lee is not aware of any intention to do that.

Commissioner Hough said there is no differences between C2 and C3. He asked if staff could enforce the CC&R's on the property. Ms. Lee stated no, it is strictly up to the developer or a Property Owners Association to enforce CC&R's.

Commissioner Hough inquired about the application being submitted by Community Development Department and if it was true Mr. Simonton paid no fees for this process. Commissioner Hough asked why he had to pay when he wanted his property rezoned and the political tradeoff for Mr. Simonton getting this done for free. Ms. Lee stated that when this development was being platted and discussed, the developer had agreed to develop Homestead Parkway all the way back to the development. Economic Development applied for a grant to reimburse him for developing the road. As part of the agreement, and as a condition of the grant, he was told we would be the one to do the rezoning action for this parcel.

Commissioner Vanlandingham said there is a big difference C2 and C3. Historically, that property has been residential. Everything that is contiguous to where the existing C2 meets with residential is old and established residential areas. Industrial that has been developed in that area and is encroaching more and more on old residential uses. He is voting against this rezoning. A compromise would be to leave Lots 6 & 7 as C2 and the rest could be converted to C3. He asked if there was a buffer or rear setback required in C2 or C3 Districts where it backs up to residential. Ms. Lee stated that there is an established 50-foot buffer. Commissioner Vanlandingham asked what are the restrictions for the developer. Ms. Lee stated he can't develop anything in that buffer zone; no landscaping is required. Ms. Lee would need to have a discussion with the developer about leaving lots 6 & 7 zoned C2, but she believes the process would have to be started over again.

Commissioner Blue doesn't support this rezoning request. He doesn't see any advantage, just sees detriment. If you look at the uses, C3 could bring in things that can be problematic, and a C2 gives you a front setback, which gives you more area for building. It should be left as is.

Commissioner Baker said there are issues in the agreement itself that she couldn't agree to. Although there could be no further subdividing, a buyer could combine several parcels. She stated she couldn't remember a time where the Town of Camp Verde was the applicant on a zoning change. A technology center would have been a good business for the area. She is opposed to number 12 in the CC&Rs, "Assignment", stating that Simonton Ranch has the right to assign its rights as developer, without the consent of the owner, to a 3rd party. She believes we shouldn't have to deal with 3rd parties regarding legal agreements. She is also upset about the tree removal in the buffer zone and the "dirt pile" at the other end of town. She thinks it should be left a C2 and would prefer a business center; that would bring in "good business".

Commissioner Hough stated that because sewer was being extended to Simonton Ranch he was required to abandon septic systems on his property and connect to sewer.

Chair McPhail stated the Commission is choosing whether to change the zone from C2 to C3. We have concerns whether the developer would keep his word. She is also uncomfortable with C2 zoning being next to a residential

area. There could possibly be subsidized housing, a halfway house or a group home; she has concerns from that stand point. If they could guarantee the buffer zone would be restored and the business area would be the kind we wanted, then it would be less of an issue. We have options; we could make a motion to move forward, have everyone go back to the drawing board, or recommend to Council to flat out deny the rezoning.

Commissioner Norton would not vote to go ahead with the zoning change as it stands now. The developer could bring this back and work with residential area to do a project that works for everybody with a more effective buffer zone.

Ms. Lee stated it can't be changed to a different zoning, but we could table it and take it back to make changes to the application.

Motion made by Commissioner Baker to recommend to Town Council denial of an application for a Zoning Map Change, that would change the commercial area from C2 zoning (general sales and services) to C3 (commercial: heavy commercial) zoning. The property includes Lots 1 through 12 in the White Hawk Business Park, at the end of Homestead Parkway, east of State Route 260, on parcel 403-23-107 through 403-23-118, in Camp Verde, Yavapai County, Arizona. Second was made by Commissioner Blue. **Motion** carries unanimously with Chair McPhail, Vice Chair Vanlandingham, Commissioners Blue, Baker, Norton and Hough approving.

Meeting Break: 8:01pm
Meeting Resumed: 8:05pm

B. Public Hearing, Discussion, and Possible Recommendation to the Town Council for an application submitted by Town of Camp Verde Community Development for a Zoning Text Amendment for the following: Animals: Section 305.B.2, Exceptions, Regarding Animal Counts; Off-Street Parking: Section 403.E.2, Regarding Employee Parking; Signs: Section 404.H, Permitted Permanent Signs, Commercial, Freeway Signage; Town Council: Section 600.C.3, Regarding Board Appointments/Quorums; of the Town of Camp Verde Planning & Zoning Ordinances and Subdivision Regulations.
Public Hearing Open: 8:06p.m.

Staff presentation

Community Development Director Melinda Lee stated that since the last amendment to the Planning & Zoning Ordinance in July 2019, a few items have been brought to our attention that need to be clarified, corrected, or added, for a potential amendment to the ordinance.

a. Animals: Section 305.B.2, a. and b., Nursing Animals & Poultry

The animal count section of the ordinance, Section 305, has had different interpretations of whether or not fowl, rabbits, and guinea pigs should be included in the minimum acreage for parcels. Currently, it is listed under the heading of "Livestock" which requires a minimum lot size of one-half acre. Due to this conflict of interpretation, some residents were advised they could have such animals without regard to lot size and others were advised they needed the minimum lot size. Further research has determined that according to Federal guidelines, fowl, rabbits, and guinea pigs are not considered livestock. Therefore, it was the determination of Staff that they should be removed from the heading of "Livestock" and the related citation moved to the section description. In addition, there have been conflicting interpretations about nursing animals. There were concerns about the potential of having a proliferation of adopted nursing animals on a parcel, and potentially a parcel smaller than required for livestock, if it was not properly clarified. The requested change simply exempts the presence of young nursing animal(s) if there is an approved adult animal on site to nurse them.

b. Parking: Section 403.E.2, Employee Parking

The Off-Street Parking section of the ordinance outlines the required number of parking spaces based on various factors. One of those factors relates to the number of employees, based on the type of business. With the advent of businesses operating under multiple shifts, it became apparent that we needed clarification on the number of spaces actually needed. Recently, staff has considered this issue and recommend parking spaces based on staffing per shift. However, for clarification in the ordinance, it is recommended that this be added.

c. Signs: Section 404.H, Freeway Signage

The ordinance states that Freeway Signs are allowed for "lodging, food, fuel, and attraction uses". Yet, the 2015 Supreme Court Ruling *Reed v. Gilbert* determined that sign regulations cannot be based on content. This criterion needs to be removed to eliminate the reference to specific sign content.

d. Board Members: Section 600.C.3, Board Appointments/Quorums

In 2019, Town Council reduced the number of members on the Board of Adjustments and Appeals from seven to five. Due to this change, Section 600 needs revised to clarify this new information and related changes to quorums and voting.

Public Hearing Closed: 8:19pm

Motion was made by Commissioner Hough to recommend to Town Council approval of a request for a Text Amendment for the following: Animals: Section 305.B.2, exceptions, regarding animal counts; Off-Street Parking: Section 403.E.2, regarding employee parking; signs: Section 404.H, permitted permanent signs, commercial, freeway signage; Town Council: Section 600.C.3, regarding Board appointments/quorums; of the Town of Camp Verde planning & zoning ordinances and subdivision regulations. Second by Commissioner Baker. **Motion** carried unanimously with Chairperson McPhail, Vice Chair Vanlandingham, Commissioners Blue, Baker, Norton and Hough approving.

7. Current Events

Individual members of the Commission may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the public of such events and activities. The Commission will take no discussion, consideration, or action on any such item, except that an individual Commission member may request an item be placed on a future agenda.

No current events.

8. Staff Comments

Ms. Lee said

- Alcantara Vineyards has been annexed. The next annexations are the Wastewater Treatment Plant & Rodeo Arena.
- Future upcoming Action Items: Zoning Map Change along Aultman Parkway and additional Zoning Text Amendments

9. Adjournment

Meeting was adjourned at 8:28p.m.



Chairman Michael Hough
Planning & Zoning Commission



Melinda Lee, Director
Community Development

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Planning & Zoning Commission of the Town of Camp Verde during the Regular Session of the Planning & Zoning Commission of the Town of Camp Verde, Arizona, held on the 6th day of August 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 6th day of August 2020.

Jennifer Reed

Jennifer Reed, Recording Secretary