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Agenda
Town of Camp Verde – Planning & Zoning Commission
Regular Session
473 S. Main Street, Suite 106
Thursday, December 1, 2022 at 6:30 P.M.

ZOOM MEETING LINK:

<https://us06web.zoom.us/j/92705481851?pwd=eFBLVXRscWJHdnlGGL1ZXU1I1SIJLQT09>

One Tap Mobile: 1.669.900.9128 US (San Jose) **Meeting ID:** 927 0548 1851 **Passcode:** 5540054

Commission members may attend Planning & Zoning Commission meetings either in person, or by telephone, video, or internet conferencing.

1. **Call to Order**
2. **Roll Call.** Chairman Andrew Faiella, Vice Chairman Todd Scantlebury, Greg Blue, Robert Foreman, William Tippet, Michael Hough, Ingrid Osses.
3. **Pledge of Allegiance**
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 Minutes**

September 8, 2022, Regular Session
September 22, 2022, Executive Session (recorded and on file in clerk's office)
September 22, 2022, Special Session
 - b. **Set Next Meeting, Date and Time:**

December 8, 2022, at 6:30 pm Special Session – Cancel (probable)
January 5, 2022, at 6:30 pm Regular Session - Cancel (probable)
January 12, 2022, at 6:30 pm Special Session – Cancel (probable)
January 19, 2022, at 6:30 pm Special Session (Propose, must be approved by Town Manager)
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.)

6. **Public Hearing – Interchange Overlay (IO) Zone:** Discussion, consideration, and possible recommendation to the Mayor and Common Council of the town of Camp Verde, Yavapai County, Arizona, to amend Zoning Ordinance Section 203 – use districts to include a new overlay district. This district will provide flexibility in the areas of height, density, and intensity for an associated highway interchange location.

- **Staff Comments**
- **Public Hearing Open**
- **Public Hearing Closed**
- **Commission Discussion**

7. **Public Hearing – Accessory Building Setbacks:** Discussion, consideration, and possible recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 203, related to accessory buildings.

- **Staff Comments**
- **Public Hearing Open**
- **Public Hearing Closed**
- **Commission Discussion**

8. **Public Hearing – Utility and Marijuana Fencing Exemptions:** Discussion, consideration, and possible recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 301.B, related to utility and marijuana fencing exemption

- **Staff Comments**
- **Public Hearing Open**
- **Public Hearing Closed**
- **Commission Discussion**

9. **Public Hearing – Perimeter Fencing:** Discussion, consideration, and possible recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 301.C, related to perimeter fencing.

- **Staff Comments**
- **Public Hearing Open**
- **Public Hearing Closed**
- **Commission Discussion**

10. **Public Hearing – Land Division Lot Size:** Discussion, consideration, and possible recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 502.A, related to land division.

- **Staff Comments**
- **Public Hearing Open**
- **Public Hearing Closed**
- **Commission Discussion**

11. **Public Hearing – Nonconforming Parcels Setbacks:** Discussion, consideration, and possible recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 301.A, related to setbacks for nonconforming parcels.

- **Staff Comments**
- **Public Hearing Open**
- **Public Hearing Closed**
- **Commission Discussion**

12. **Public Hearing – Scrivener’s and Formatting Errors:** Discussion, consideration, and possible recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 601, related to scrivener’s and formatting errors.

- **Staff Comments**
- **Public Hearing Open**
- **Public Hearing Closed**
- **Commission Discussion**

There will be no Public Input on the Following Items:

13. **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.)

14. **Staff Comments**

15. **Adjournment**

Please note: The Planning and Zoning Staff makes every attempt to provide a complete agenda packet for public review. However, it is not always possible to include all information in the packet. You are encouraged to check with the Community Development Department prior to a meeting for copies of supporting documentation, if any that were unavailable at the time agenda packets were prepared.

Note: Pursuant to A.R.S. §38-431.03A.2 and A.3, the Planning & Zoning Commission may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the agenda, or discussion of records exempt by law from public inspection associated with an agenda item. The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the Town of Camp Verde and Bashas on 11-21-2022 at 3:00 PM in accordance with the statement filed by the Camp Verde Town Council, with the Town Clerk

Cory L. Mulcaire, Cory Mulcaire, Planner,
(print name and title)

DRAFT MINUTES
SPECIALSESSION
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE 473 S. MAIN STREET
CAMP VERDE, AZ. 86322
COUNCIL CHAMBERS STE. 106
THURSDAY, SEPTEMBER 8, 2022
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

Chairman Faiella called the meeting to order at 6:30 p.m.

2. Roll Call

Chairman Andrew Faiella, Vice Chairman Todd Scantlebury, Commissioners Greg Blue, William Tippett, Michael Hough, Ingrid Osses were present. Robert Foreman is absent.

Also Present

Community Development Director John Knight, Administrative Assistant/Assistant Planner BJ Ratlief, Town Clerk Cindy Pemberton, Town Clerk, and Recording Secretary Jennifer Reed.

3. Pledge of Allegiance

Commissioner Tippett 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: August 4, 2022

B. Set Meeting Dates: October 6, 2022, at 6:30pm – (Regular Session)
October 13, 2022, at 6:30pm – (Special Session)
November 3, 2022, at 6:30pm – (Regular Session)

Motion was made by Commissioner Blue to accept the consent agenda as presented. Second was made by Commissioner Osses

Roll Call:

Chairman Andrew Faiella: aye
Vice Chairman Todd Scantlebury: aye
Commissioner Greg Blue: aye
Commissioner Bill Tippett: aye
Commissioner Michael Hough: aye
Commissioner Ingrid Osses: aye
Commissioner Robert Foreman: absent

Motion passed unanimously 6-0.

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. **Public Hearing -Discussion, Consideration, and Possible Recommendation to the Mayor and Common Council to approve a request by Tanner Bryson (agent for owner Donald Bryson) for a Zoning Map Change from R1-70 (Residential: Single Family, 70,000 square foot minimum lot size) to R1-70/PAD (Residential: Single Family, 70,000 square foot minimum lot size/Planned Area Development) for approximately 4.4 acres located at 1738 Arena del Loma (APN 404-18-1780). The purpose of the request is to permit a commercial equestrian arena and recreational vehicle lodging. The request includes the following specified activities and events: equestrian training, roping events, barrel racing, team roping, fundraisers, equestrian show events, potlucks, parties, car shows, and festivals. Staff Resource: John Knight**

• **Staff Comments**

Community Development Director John Knight went through the staff report and explained why a PAD process is appropriate. Mr. Knight reviewed the details of the item including the exhibits and maps (see attached). He also reviewed the 2016 decision; the property owner has a *Historic Use* for arena type of events. Town code referenced in the 2016 decision no longer exists. Mr. Knight read through the conditions of approval:

1. The applicant shall comply with the requirements contained in the submitted project narrative and application materials (Exhibits A – E), unless modified by these conditions.
2. The applicant shall submit for Final Development Plan/Site Plan approval for review by the Planning and Zoning Commission and Town Council according to Section 201.L.2. of the Zoning Ordinance. The applicant shall also submit for Development Standards review per Section 400 of the Zoning Ordinance.
3. This approval rescinds the 2016 Notice of Decision. *Mr. Knight stated this is very important.*
4. Prior to any construction or improvements, the applicant shall obtain building permits for all new structures, as required by the Chief Building Official and Building Code.
5. The applicant shall submit a quarterly report to the Community Development Director certifying that the number of RVs is in compliance with Exhibit B – RV Plan. This includes a maximum of 20 RVs as follows:
 - a) Two (2) permanent RV's for full time onsite caretakers
 - b) Six (6) RV sites for instructors up to 6 months at a time
 - c) Twelve (12) short term stay sites; less than 31 days
6. RV use and occupancy can only be in conjunction with arena events and activities identified in Exhibit C – Events and Operations Plan.
7. The Final Development Plan shall demonstrate that a minimum of 1,500 sf is provided for each RV site in accordance with Section 306.C.2. of the Zoning Ordinance.
8. The Event Mitigation Plan shall be submitted to the Community Development Department for review and approval at least two (2) weeks prior to any Large Events in accordance with Exhibits C and E.
9. Noise, hours of operation, use of generators, and other related arena activities, shall be limited to the hours of 7 am to 10 pm. The sound from amplified music must be minimized utilizing all of the following methods: a) decibel monitoring, b) deflection of sound through barriers, and c) aligning speakers in a location that would direct sound away from the closest neighbors. The applicant shall submit a quarterly report to the Community Development Director certifying that sound levels are in compliance with the above requirements and within the decibel limits set by Town Code. *Mr. Knight stated this will be hard to monitor that is why they are asking for quarterly reports including sound requirements.*
10. The applicant shall comply with Section 10-2-1 of the Town Code (Declaration of Nuisance) which states:
 - a) Property and Hazards: No use or structure shall be operated or maintained in such a manner as to be an explosive or fire hazard; nor cause smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, toxic fumes or other negative impact on the

community to be emitted into the atmosphere at any time to such an extent as to constitute a nuisance; contribute to neighborhood deterioration; nor divert water-carried waste or pollutants into any open water course or groundwater supply. Any such condition determined by the Town to constitute imminent peril to public health, safety or welfare shall be ceased immediately.

11. All proposed lighting shall be made Dark Sky Compliant within twelve (12) months of beginning operation and meet the requirements of Section 405 – Outdoor Lighting, of the Zoning Ordinance. *Mr. Knight stated Mr. Bryson will have (12) months to convert lighting to dark sky compliant.*
12. During the first six (6) months of operation, the maximum number of large animals shall be reduced below the counts proposed in Exhibit D – Animal Management Plan. Upon successful demonstration of compliance with all the requirements and restrictions of the PAD, the applicant may petition the Commission and Council to increase the animal counts. The limits for the first six (6) months include:
 - a) Large Animals (Horses and Cattle) Onsite – 75
 - b) Guest Horses – 40
13. Manure pens shall be located away from neighboring borders.
14. Town staff shall be allowed to enter the property on a monthly basis to monitor and document noise, odor, and other potential nuisances. Town staff shall provide advance notice to the property owner or applicant prior to inspections.
15. The proposed uses shall be limited to those identified in application material and exhibits. All other uses are disallowed.
16. A Major Amendment to the PAD includes any request for an amendment to the Development Schedule, an increase in the square footage of buildings, a change in the location or distribution of approved uses, a modification to the approved site plan, or any change which could have significant impact on areas adjoining the PAD as determined by the Community Development Director. Major Amendments must be approved by the Town Council upon recommendation by the Planning and Zoning Commission.
17. A request for a Minor Amendment, may be filed with the Community Development Department if the Community Development Director determines the request is not a Major Amendment, as defined above.
18. The number of event attendees shall be limited by the available onsite parking. The applicant shall provide parking at a ratio of one (1) space for every three (3) attendees.
19. As part of the Final Development Plan/Site Plan review and approval by the Planning Commission and Town Council, the applicant shall provide a schedule for development of the specific use or uses (the Development Schedule) for which the zoning is requested, in accordance with Section 9462.01.E of the Arizona State Statutes. If, at the expiration of this period, the property has not been improved for the use for which it was conditionally approved, the Town Council, after notification by certified mail to the owner and applicant who requested the rezoning, **shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.**
20. The applicant shall submit for review after six (6) months of operation, then on the one (1) anniversary date, then annually for an additional three (3) years - four (4) years total. This shall be reviewed by the Planning and Zoning Commission and Town Council. The purpose of the review will be to determine satisfactory compliance with the requirements of the PAD and conditions. The Town Council may modify the number of animals, size of events, hours of operation, frequency of events and number of attendees to ensure compliance with the PAD requirements. If, after four (4) years of successful compliance with all of the PAD

requirements, the Council may remove the requirement for review or extend the review for an additional time period.

Mr. Knight then reviewed the State Statutes. He reminded Council that it can revert back to R1 Zoning if criteria's are not met.

Vice Chairman Scantlebury ask Mr. Knight about the number of animals allowed on the property. Mr. Knight stated 75 large animals plus 40 guest horses.

Chairman Faiella asked if this reverts back does that also reinstate the 2016 decision? Mr. Knight said no, this will replace the 2016 decision.

Commissioner Tippet asked for clarification as to what an "Agreement to Waive Claim of diminution of in value" means. Mr. Knight stated under State Statute, if the town does something to harm the value to someone's property, like a rezone, they might have a claim. It is standard part of an application.

Commissioner Hough stated that in 2016 Mike Jenkins was asked to do an NOD on this grandfather property. Mr. Hough is disappointed in #3 about recreation vehicles. Recreation vehicles are part of the rodeo property. He thinks Mr. Jenkins made a mistake he thinks he was looking at this as if it was an RV park instead of looking at the RV's as part of the rodeo equipment.

• **Public Hearing Open 6:56pm**

Chairman Faiella asked the public to fill out a comment card if they would like to speak. They will be allowed 3 minutes to speak. A member of the Public can designate one person to be a spokesperson and designate that person their three minutes. Commission cannot comment during this time.

Applicant comment-

Applicant Tanner Bryson gave a power point presentation. This included a map of the property, historical uses, flyers of past events, awards/presentations, pictures of daily routine of events, illustration of daily/weekly lessons (roping/breakaway clinics), and family reunions/birthday parties. He said the FFA Club makes money by running the concessions. He added the proposed RV hookups are for convenience to participants to keep the noise down during events instead of running generators.

He would like to preserve the history of the arena but bring it back to better standards. The 2016 document didn't define what is legal and what is not legal. This is an opportunity for the town to bring into compliance with the zoning.

Applicant Attorney Rose Winkler stated Mr. Bryson already had authority to conduct activities on the property, he just wanted to add RV hookups. She reviewed changes to the Conditions of Approval they would like to make:

#3 This approval ~~rescinds~~ **supplements** the 2016 Notice of Decision to expand the authorized uses of the subject property.

#8 The Event Mitigation Plan shall be submitted to the Community Development Department for review and approval, **which shall not be unreasonably withheld**, at least two (2) weeks prior to any Large Events in accordance with Exhibits C and E.

#9 ~~Noise, hours of operation, use of generators, and other related arena activities, shall be limited to the hours of 7 am to 10 pm.~~ The Applicant shall at all times abide by the Town's Noise Ordinance. The sound from amplified music must be minimized utilizing all of the

following methods: a) decibel monitoring, b) deflection of sound through barriers, and c) aligning speakers in a location that would direct sound away from the closest neighbors. ~~The applicant shall submit a quarterly report to the Community Development Director certifying that sound levels are in compliance with the above requirements and within the decibel limits set by Town Code.~~

~~#12 During the first six (6) months of operation, the maximum number of large animals shall be reduced below the counts proposed in Exhibit D — Animal Management Plan. Upon successful demonstration of compliance with all the requirements and restrictions of the PAD, the applicant may petition the Commission and Council to increase the animal counts. The limits for the first six (6) months include:~~

~~a. Large Animals (Horses and Cattle) Onsite — 75~~

~~b. Guest Horses — 40~~

~~***Applicant objects to the entirety; naturally limited by noise and nuisance ordinances.~~

~~#13 Manure pens piles shall be located away from neighboring borders contained within a block structure, covered by a tarp, and in a location designed to minimize impact to the neighbors. ***needs more clarity addresses manure piles, he will be moving to block structure*~~

~~#14 Town staff shall be allowed to enter the property on a monthly basis in response to facially valid complaints to monitor and document noise, odor, and other potential nuisances. Town staff shall provide advance notice to and coordinate with the property owner or applicant prior to schedule inspections.~~

~~#16 A Major Amendment to the PAD includes any request for an amendment to the Development Schedule, an increase in the square footage of buildings, a change in the location or distribution of approved uses, a modification to the approved site plan, or any change which could have significant impact on areas adjoining the PAD as determined by the Community Development Director. Major Amendments must be approved by the Town Council upon recommendation by the Planning and Zoning Commission. A request for any major amendment to a PAD including amendments to the Development Phasing Schedule will be deemed major if it involves any of the following and must be approved by the Town Council upon recommendation by the Planning and Zoning Commission:~~

~~1)An increase in the approved totals of dwelling units or gross leasable area for the PAD District.~~

~~2)A change in zoning boundaries.~~

~~3)Any change which could have significant impact on areas adjoining the PAD as determined by the Community Development Director.~~

~~#20 The applicant shall submit for review after six (6) months of operation, then on the one (1) anniversary date, then annually for an additional three (3) years — four (4) years total. This shall be reviewed by the Planning and Zoning Commission and Town Council. The purpose of the review will to be determine satisfactory compliance with the requirements of the PAD and conditions. The Town Council may modify the number of animals, size of events, hours of operation, frequency of events and number of attendees to ensure compliance with the PAD requirements. If, after four (4) years of successful compliance with all of the PAD requirements, the Council may remove the requirement for review or extend the review for an additional time period. ***The applicant objects to this condition, it doesn't provide certainty,* They would also like to ADD:~~

~~#21. The Hours of Operation for the winter season set forth in the Applicant's Exhibit C, Event & Operations Plan, is exclusive of events which may extend past 6pm due to a unanticipated circumstances. At all times, Applicant will ensure events abide by the limitations of the Noise Ordinance and are consistent with the lighting plan.~~

Mr. Bryson stated he has been on the property for 11 years and has worked with no violations in those 11 years. The Town has walked the property in the past, and he has been very

accommodating to the neighbors. The property is in the process of being put back together and he wants to beautify it and keep it a piece of history for Camp Verde.

Public Comments:

Glen Allen (was given 12 minutes to speak on behalf of himself and 3 others) - is a 25-year resident/neighbor of the property. He feels it is essential to keep the 2016 document in place to show a history of the troubled property. At first there was good upkeep of the facilities, and he was proud to have the facility in neighborhood. Things changed and there have been numerous violations: how the property is being used, manure piles, lights being left on all night disturbing neighbors, animals getting loose and creating traffic hazards, garbage collecting trucks which is an eye sore, drivers can't see around the debris piles, increasing number of large trucks, unauthorized uses of large trucks i.e. non-equine vehicles, multiple RV's parked on the property, large size commercial events/trucks, and damage drainage ditch of driveways. The neighbors want to be considered fairly and they want to be heard. They want equal enforcement of codes that are already in place.

Scott Canty- Attorney General for the Yavapai Nation. Mr. Canty gave a summary of a letter submitted by the Nation and gave one to each Commissioner. Mr. Canty stated the Nation respects the existing Historical Use but does not want any expanded use, they reject the rezoning use. The Nation would like the arena to stay there just under improved conditions. The expanded uses could devalue properties of other residential neighbors.

John Bassous- (was given 12 minutes to speak on behalf of himself and 3 others) He acknowledged the applicant. There should be common ground but within boundaries. The association has done well for the community and they don't want it to cease and desist. A couple of issues he'd like to point out are the placement of corrals, and the placement of a shipping container which is now permitted. He reviewed a study done by a major university about manure. This problem needs to be addressed. He also pointed out that there is no septic system, the commercial operations of hay sales, and boarding horses over the number allowed. Neighbors are concerned about what happens with the transition after current owner. He stated there is a lot of monitoring done by the town, the town shouldn't be checking up monthly or monitoring, the business should stand on its own. Some complaints are legit and some are not. He suggests installing a septic system to handle waste, work on dark sky compliant lights, add a care takers module or site build home and invest in an engineer. They are in favor in keeping the arena hosting events, they are opposed to expanded operations. He asks the Commission to consider the neighbors who are here and the Nation who represents thousands of voices.

Christa Brunori- has been invested in of Arena Del Roma for nearly a decade and the wife of Tanner Bryson. She hopes the Commission will hear all voices in the room. Mr. Bryson is committed to the restoration of the arena. He is committed to preservation. She testified in the character of Tanner. She is worried about the loss of the Town's history. This town stands for and represents the cowboy way. This arena is the grandfather of all arena's in the area.

Gena Gregory- this arena offers a more suitable place for those who can't afford Jackpot Ranch and offers them a little competition. This is a country environment, and the neighbors are not giving Bryson time to clean up the property. It has improved in the past year. RV hookups are important for horse owners.

Harlo Ceber- owns the property next door. He feels that Mr. Bryson has done a wonderful job.

Lacota Bonhese- lived in area for 11-years The arena was a wreck at first but Mr. Bryson has done improvements over the years. Feels this should be approved so he can complete his course of business. No one is there 3-4 months during the summer. The lights don't bother him. Mr. Bryson never refusing anyone to use the arena. The traffic issues are more likely the people going past the arena than those coming to the arena. There are a lot of false accusations going around.

Town Clerk Pemberton asks for a break to fix technical issues. Chairman Faiella asks for a 5 minute break.

Meeting Break: 7:53pm

Meeting Resume: 8:01pm

Jordy Weaver- she is in support of the changes for Arena Del Roma, she has been a resident for 8yrs. When she took office as treasurer for Verde Fair and Rec they had no money to sustain the arena. The Bryson's have been funding refurbishment. The arena has been here for 60+ years and will not continue to function without the Bryson's. The arena future should be as a commercial equine facility as it always has been. The zoning changes will allow more income and make it eye appealing. If operations & growth is stopped it will set a precedence to what is to come. That will be an attack on agricultural foundation. She encourages everyone to Google Arizona Roping Camps, these are very successful places and are needed within the equine community.

Ty Birdell- 5th generation, his grandfather originally worked on arena, Ty moved here specifically for this way of life. Mr. Bryson has helped his team roping skills and has progressed with his help. The community needs this equine facility.

Cheri Wischmeyer- doesn't live in neighborhood, but she has drove by numerous times and witness lights shining into homes/windows. She believes lighting should be the number one priority. She has also read through police records relating to this property. She encourages the Commissioner to read all of the records. She is not opposed to the arena being there but it needs to not be a disturbance to community.

Kylynn Bryson- the arena is her home and she went on to talk about her favorite things about the arena.

Jake Davis- moved here 1yr ago from Flagstaff. The Western community was a positive thing for them. Mr. Bryson and arena has been critical in bringing him into western community. He has never had a negative experience in the arena. Mr. Bryson has always been willing to teach and to give back. The arena has had a positive impact on him and his family.

Clay Bryson- shared some of her experiences and why it is important to her and her family.

Kim Pendergast- shared some of her experiences and why it is important to her. She also talked about the historical value.

Carol Ferguson- speaking on behalf of the neighborhood. She is curious as to why no one else knew property was for sale. She thought it was only supposed to be sold to a nonprofit. People in neighborhood have invested hundreds of dollars in their properties. She said it is morally wrong to put in something commercial and expand. It is a blatant disregard for the neighborhood, this could open up the door for other properties to become commercial

Carl Daniels- lives in neighborhoods. He believes the dark sky issues have already been taken care of. Football Field & Butler Field lights need to be taken care of. Manure pile has been taken care of. It has to be removed. People want the arena to exist. No one is giving the guy a chance to do anything. He has taken care of complains in the past.

Clerk Pemberton on behalf of **Marsha Johns**, she does not wish to speak but wants to let Commission know she is opposed to this item.

Mary Phelps (via zoom) speaking from two sides. First, she has been a resident of the Verde Valley, and has numerous memories there at the arena. Coming to you as President of the Camp Verde Arena Association, numerous people have asked her if this would affect you having another arena in Camp Verde. She said no, it actually makes it better. Other cities have multiple arenas. It actually makes your property price go up higher when you have these types of facilities around. Our community page of the Camp Verde website, in the first paragraph. Describes the Camp Verde western lifestyle. She hopes the Commission allows Arena Del Loma to continue.

• **Public Hearing Closed: 8:27pm**

• **Commission Discussion**

Commissioner Osses would like to talk about the conditions the applicant doesn't approve of. The thinks we should table tonight's decision until there is time to go over those items and come up with something in the middle. Mr. Knight said it is within the Commission's right to table the item.

Mr. Knight said the applicant would like to do a quick rebuttal on some of the comments.

Commissioner Hough doesn't understand why there is an application to change the zoning because it is already grandfathered in with the exception of not recognizing an RV park. It is his understanding that a business that has been grandfathered in can expand 1.5 times its current size. Mr. Knight stated a nonconforming use for structure cannot be expanded on anymore.

Vice Chairman Scantlebury is hearing that no one wants to get rid of arena. What he is seeing is a differences in opinion on how the arena should be run. The 2016 MOD is really vague. It is not sufficient to meet needs of neighborhood or to meet the needs of the applicant. The applicant came in trying to change to a PAD which is a good will effort to do the right thing. There are legal objections to the PAD. The numbers are not defined well. The 2016 agreement is also not well defined. The town should not be monitoring the business. The Town doesn't do this for any other business. He would prefer to take the 2016 agreement and review it. Talk about the undefined things that could be worked out between the neighborhood and arena. The applicant should have a chance to get things done right.

Applicant Comment/Rebuttal:

Chairman Faiella asked Mr. Bryson if he understand the sensitivity of the neighbors in the area? Mr. Bryson said yes.

Chairman Faiella went on to say an RV could be needed for care takers and events but having them out there extended length of time is not appropriate. The amount of complaints and violations were not all attributed to you, but it would go a long way to address neighbor about their issues and concerns. Mr. Bryson agrees on all points. The Notice of Decision is

inadequate and doesn't define issues. Verde Fair and Rec at the time were strapped and didn't want to fight the Notice of Decision, Carmen assured the Association that this would solve the issues but it didn't work out that way. Secondly, he feels like the characterization of this project and expansion which is not an expansion at all, is actually defining what the arena does and has done to become financially stable. When he took over the arena, he realized the parking lot is inadequate to host major events. He hasn't had an event where traffic has spilled out onto road or down the road on to other properties. All traffic has been contained within the fence. He has been doing clinics to make money. RV's are there for the instructors at the clinics.

Mr. Bryson wanted to address concerns about commercial operations. He is not doing a trucking business. He has two other ranches at different locations and buys a truck load of hay a month for his animals. He is not operating a trucking business nor are they operating an RV park, they are a community based horse facility. He will not have events where there are 300 ropers on property. He would lease another location for that type of event. He has never obstinate or abusive, he has always been willing to comply with any request from the Town. The 2016 Notice of Decision has brought us to this place.

Commission Hough asked how can this notice be reworked. Can you rewrite or have a committee rewrite it? He also asked Mr. Bryson that If we come up with a new MOD can you wait to see what it says. Mr. Bryson said yes he is agreeable. Commissioner Hough is concerned that with the PAD Mr. Bryson would be putting himself on a leash. If we could re-identify the MOD to accurately reflect what was going on in the past that he would have more freedom to operate as it was operated in the past. Mr. Bryson agreed that this is the Town's attempt to clear up some of this; a cleanup effort.

Mr. Hough said the 2016 MOD doesn't address a lot of things. The revisiting of the 2016 MOD, should have been appealed back in 2016. The 2016 MOD is confirming the legal nonconformity of what is going on but it doesn't address all the issues that we are aware of today. The goal as commission should be removing nonconforming. Uses, legal or otherwise. Let's put a mechanism in place to relieve the nonconformity. The PAD process does this but put some restrictions on it. If he doesn't do what he says he's going to do the Council has the authority to take it away and revert it back to the R1 zoning.

Town Attorney Bill Sims (via Zoom) –the one thing the neighbors and the applicant agree upon is keeping Notice of Decision in place. That is the worst document to abide by. ***Lost connection***

Reconnected Mr. Sims continued, if I am the applicant I want certainty so I don't lose my rights. The town wants to get rid of nonconforming uses. The Town's code is terrible on RV's. He is pleased that there is a lot of agreement. One being the arena will not be an RV park it will only be used as an arena. The Commission has to balance the needs of Mr. Bryson, the property owner and the neighbors. Take advantage of PAD process. Commission has the power to authorize the PAD. Develop conditions, develop requirements and figure out a mechanism to enforce them.

Commissioner Osses suggest we revisit the terms and conditions and come up with a medium ground. Maybe schedule a meeting in 2 weeks to come to an agreement then come back to us. She would love to table it.

Motion was made by Commissioner Osses to table this discussion until the next regular meeting September 22nd and direct staff to look into the conditions that were outlined on page

23 by the staff and also by Mr. Bryson's attorney and come up with a common list of conditions. Second was made by Commissioner Blue.

Vice Chairman Scantlebury suggested an amendment to the motion.

Commissioner Osses thought that his suggestion added to her original motion. She restated the original motion. She is not sure they need to have neighborhood representative meet with them. Attorney Rose Winkler - referring to the inclusion of a neighbor included in this process, their position is that this process is a matter between the applicant and the Town. Neighbors can contribute in other ways such as a public hearing, etc. They do not think it is necessary to include them in the actual negotiations. Negotiations should be between the applicant and the town. **Roll Call:**

Chairman Andrew Faiella: aye
Vice Chairman Todd Scantlebury: aye
Commissioner Greg Blue: aye
Commissioner Bill Tippet: nay
Commissioner Michael Hough: aye
Commissioner Ingrid Osses: aye
Commissioner Robert Foreman: absent

Motion passed 5-1.

Mr. Knight stated the Staff Report will be out a week before hand with revised agreement.

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**

- Appreciates everyone's effort in tonight's meeting, he thought it went very well. He also appreciated having Town Clerk Pemberton being in attendance as well.
- The update from September 7, 2022 Council Meeting- Council granted a 3-month hiatus for Mr. Foreman from the Commission so he can help out with the Planning Department, they also had a rezone from an R1L to R1 approved by the Council, and Council recommended bringing the height ordinance back to Commission to pursue it as an Overlay Zone; to give more detail.

9. Adjournment

Motion made by Commissioner Blue to adjourn the meeting. Second was made by Commissioner Tippet.

Roll Call:

Chairman Andrew Faiella: aye
Vice Chairman Todd Scantlebury: aye
Commissioner Greg Blue: aye
Commissioner Bill Tippet: aye
Commissioner Michael Hough: aye
Commissioner Ingrid Osses: aye
Commissioner Robert Foreman: absent

Motion passed 6-0.

Meeting was adjourned at 9:12 p.m.

Chairman Drew Faiella

Community Development Director John Knight

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, Arizona during the Special Session held on the 8th day of September 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 8th day of September 2022.

Jennifer Reed

Jennifer Reed, Recording Secretary



Support your local merchants

**Minutes
Town of Camp Verde – Planning & Zoning Commission
Special Executive Session
473 S. Main Street, Suite 106
Thursday, September 22, 2022 at 6:30 P.M.**

1. Call to Order:

Chairman Faiella called the meeting to order at 6:00PM.

2. Roll Call:

Commission Members William Tippet, Greg Blue, Mike Hough, Ingrid Osses, Vice Chairman Todd Scantlebury, Chairman Andrew Faiella. Commissioner Robert Foreman (excused absent through December 7, 2022).

Also Present:

Community Development Director John Knight, Town Attorney William Sims, and Town Clerk Pemberton.

3. Pledge of Allegiance:

Chairman Andrew Faiella led the Pledge of Allegiance.

4. Executive Session

Executive Session for purposes of consultation for legal advice with the Town Attorney related to the Arena del Loma property. The Commission may, by majority vote, recess the Regular meeting, hold an executive session and then reconvene the Regular meeting for discussion and possible action on this item as covered under A.R.S. §38- 431.03 (A)(3) and (A)(4).

On a motion by Commissioner Greg Blue, seconded by Vice Chairman Todd Scantlebury, Commission voted to go into Executive Session for purposes of consultation for legal advice with the Town Attorney related to the Arena del Loma property. The Commission may, by majority vote, recess the Regular meeting, hold an executive session and then reconvene the Regular meeting for discussion and possible action on this item as covered under A.R.S. §38- 431.03 (A)(3) and (A)(4).

Roll Call Vote:

Commissioner Blue: aye
Vice Chairman Scantlebury: aye
Chairman Faiella: aye
Commissioner Osses: aye
Commissioner Tippet: aye
Commissioner Hough: aye
Motion carries unanimously.

5. Adjournment

Without objection, Chairman Faiella adjourned the meeting at 6:29 p.m.

Chairman Andrew Faiella

Attest: Community Development
Director, John Knight

Certification

I hereby certify that the foregoing minutes are a true and accurate accounting of actions of the Planning and Zoning Commission of the Town of Camp Verde during the Special Session of the Planning and Zoning Commission of the Town of Camp Verde, Arizona, held on June 9, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2022.

Cindy Pemberton, Town Clerk

DRAFT MINUTES

DRAFT MINUTES
SPECIALSESSION
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE 473 S. MAIN STREET
CAMP VERDE, AZ. 86322
COUNCIL CHAMBERS STE. 106
THURSDAY, SEPTEMBER 22, 2022
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

Chairman Faiella called the meeting to order at 6:40 p.m.

2. Roll Call

Chairman Andrew Faiella, Vice Chairman Todd Scantlebury, Commissioners Greg Blue, William Tippet, Michael Hough, Ingrid Osses were present. Robert Foreman is absent.

Also Present

Community Development Director John Knight, Administrative Assistant/Assistant Planner BJ Ratlief, Town Clerk Cindy Pemberton, Heather Vinson and Recording Secretary Jennifer Reed.

3. Pledge of Allegiance

Commissioner Scantlebury 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.

No Items.

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. Continued Public Hearing from September 8, 2022 -Discussion, Consideration, and Possible Recommendation to the Mayor and Common Council to approve a request by Tanner Bryson (agent for owner Donald Bryson) for a Zoning Map Change from R1-70 (Residential: Single Family, 70,000 square foot minimum lot size) to R1-70/PAD (Residential: Single Family, 70,000 square foot minimum lot size/Planned Area Development) for approximately 4.4 acres located at 1738 Arena del Loma (APN 404-18-1780Q). The purpose of the request is to permit a commercial equestrian arena and recreational vehicle lodging. The request includes the following specified activities and events: equestrian training, roping events, barrel racing, team roping, fundraisers, equestrian show events, potlucks, parties, car shows, and festivals. Staff Resource: John Knight

• Staff Comments

Community Development Director John Knight said this meeting is a continuation of Public Hearing from last week. He wanted to review what had been accomplished since we last met. The both attorneys and the applicant met and made significant progress on the agreement. It comes down to three conditions where there are still differences. Mr. Knight said there were three letters that came to his department today in which he provided copies to Commissioners. The letters were from Yavapai Apache Nation, the Neighborhood Coalition and Carol Ferguson. He went through the conditions and pointed out the conditions that are in disagreement. Background and summary of the request includes:

- Placement and use of 20 RVs – some permanent and some shorter term
- Equestrian related events and activities of varying sizes and frequency up to 300 participants,
- Hours of operation in winter from 8 am to 6 pm and in summer from 5 am to 12 midnight,
- Up to 350 combined horses and cattle during special events,
- Use of amplified sound for events and activities.

The approval tonight would include all the applicants requested letter of intent, Exhibits A, B, C, D, & E. The three conditions are included in staff report, he would like to read them into the record:

1. The applicant shall comply with the requirements contained in the submitted project narrative and application materials (Exhibits A – E)
2. The applicant shall submit for Final Development Plan/Site Plan for approval for review by the Planning and Zoning Commission and Town Council according to Section 201.L.2. of the Zoning Ordinance. This request shall also include a proposed Development Schedule. The applicant shall also submit for Development Standards review per Section 400 of the Zoning Ordinance.
3. This approval ~~rescinds~~ **supplements** the 2016 Notice of Decision to expand and better define the authorized uses of the subject property.
4. Prior to any construction or improvements, the applicant shall obtain building permits for all new structures, as required by the Chief Building Official and Building Code.
5. Town shall be allowed to enter the property for inspections in accordance with condition 13 to ensure compliance with this condition. In addition, the applicant shall submit a quarterly report to the Community Development Director certifying that the number of RVs is in compliance with Exhibit B – RV Plan. This includes a maximum of 20 RVs as follows: a. Two (2) permanent RVs for full time onsite caretakers, b. Six (6) RV sites for instructors up to 6 months at a time, and c. Twelve (12) short term stay sites; less than 31 days.
6. RV use and occupancy can only be in conjunction with arena events and activities identified in Exhibit C – Events and Operations Plan.
7. The Final Development Plan shall demonstrate that a minimum of 1,500 sf is provided for each RV site in accordance with Section 306.C.2. of the Zoning Ordinance.
8. The Event Mitigation Plan shall be submitted to the Community Development Department for review and approval, which shall not be unreasonably withheld, at least two (2) weeks prior to any Large Events in accordance with Exhibits C and E.
9. Throughout the year, arena events as described in Exhibit C will conclude by 10 pm each night, though activities incidental to the authorized uses on the property may extend past 10 pm. Those present on the property shall abide by the Town's Noise

- Ordinance. The sound from amplified music must be minimized utilizing all the following methods: a) decibel monitoring, b) deflection of sound through barriers, and c) aligning speakers in a location that would direct sound away from the closest neighbors.
10. The applicant shall comply with Section 10-2-1 of the Town Code (Declaration of Nuisance).
 11. All proposed lighting shall be made Dark Sky Compliant within twelve (12) months of beginning operation and meet the requirements of Section 405 – Outdoor Lighting, of the Zoning Ordinance.
 12. During the first twelve (12) months of operation, the maximum number of large animals housed on the property shall not exceed ~~115~~ **175**. After these twelve (12) months, the applicant may ask for administrative approval to increase the animal counts to the number proposed in Exhibit D – Animal Management Plan which allows for a maximum of 350 large animals for special events. The applicant’s request shall be granted, provided **all** the following criteria are met during the twelve (12) month period:
 - a. There are no more than four (4) citations related to violations of the Town Code, Zoning Ordinance, or PAD requirements, related to animal boarding on the property,
 - b. The applicant has complied with the approved Development Schedule, and
 - c. ~~The applicant has successfully demonstrated the ability to manage manure so that it does not create a nuisance violation related to odor. This shall be documented by Town staff through monthly inspections during the first (12) months as required by condition 13 below.~~
 13. For the first twelve (12) months after approval, Town staff shall be allowed to enter the property ~~monthly~~ **quarterly** to monitor and document number of RVs, noise, odor, and other potential nuisances. Town inspections will also be performed as needed to investigate potential violations of the PAD, the Zoning Ordinance, or other Town ordinances. Town staff shall provide advance notice to and coordinate with the property owner or applicant to schedule inspections. ~~After the first twelve (12) months of operation, Town staff shall be allowed to enter the property quarterly solely for the purpose of monitoring. If, after two (2) years, the applicant has demonstrated the ability to comply with all the requirements of the approved PAD, Town inspections will only be performed to investigate potential violations of the PAD, the Zoning Ordinance, or other Town ordinances.~~ *****New condition*** it is in the best interest in the town to do quarterly inspections.**
 14. Manure piles shall be contained within a block structure, covered by a tarp, and in a location designed to minimize impact to the neighbors.
 15. The proposed uses shall be limited to those identified in the application material and exhibits. All other uses are disallowed.
 16. A request for an amendment to the PAD will be deemed major if it involves any of the following and must be approved by the Town Council upon recommendation by the Planning and Zoning Commission:
 - a. An increase in the number of seasonal or permanent RVs housed on the property as provided in the site plan,
 - b. A change in the approved Development Schedule, or
 - c. Any change which could have significant impact on areas adjoining the PAD as determined by the Community Development Director.
 17. A request for a Minor Amendment, may be filed with the Community Development Department if the Community Development Director determines the request is not a Major Amendment, as defined above.
 18. The number of event attendees shall be limited by the available onsite parking. The applicant shall provide parking at a ratio of one (1) space for every three (3) attendees.

19. As part of the Final Development Plan/Site Plan review by the Planning Commission and Town Council, the applicant shall provide a schedule for development of the specific use or uses (the Development Schedule) for which the zoning is requested, in accordance with Section 9-462.01. e of the Arizona State Statutes. If, at the expiration of this period, the property has not been improved for the use for which it was conditionally approved, the Town Council and approval, after notification by certified mail to the owner and applicant who requested the rezoning, **shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.**

Chairman Faiella wanted to clarify that if the development is not completed within the allotted time, it goes back to R170 & the Grandfather Rights but not the NOD? Mr. Knight said as we proposed the conditions in the NOD will be rescinded upon approval of the PAD.

Mr. Knight stated that Attorney Bill Simms is attending via Zoom, if Commission has any questions.

Applicant Comment-

Applicant's Attorney Rose Winkeler, with the Flagstaff Law Group, explained the applicant's position as to the conditions that are still in disagreement. The application before the Commission is for clarifying and setting expectations for both the property owner and the neighbors & Town. Explain what the uses are for this property and address the 2016 NOD. The hope of the application was to put parameters in place, correct the exclusion of RVs, for the uses to align the zoning with the uses of the property, provide expectations and be consistent with the characteristics of the town. She went over the three conditions that are still outstanding:

Condition #3- not trying to maintain the vagueness of the Notice of Decision. The concern is with the rescission is the reversion. If there is a reversion, the historical use would be wiped away, then the property could only be developed residential. She believes there should be some flexibility, to preserve the historical use that was established on the property.

Condition #12- points of disagreements are with the number of animals for the first 12-month period. Going through this application he's already reduced the number of animals the NOD provides. The NOD does not provide a limit. In the original application Mr. Bryson limited himself to 350 in this new condition he is voluntarily reducing that number to 175. We are also only talking about animals being present for events and not living on property. Section C they propose striking is already applicable.

Condition #13- They disagree with monthly inspections but are agreeable for quarterly inspections for the first year. Monthly inspections are intrusive and are not an obligation under the ordinances.

Chairman Faiella asked the NOD as he understands it, addresses RVs and rest of the nonconforming uses are not effective by this. If it reverts back to an R1, he doesn't lose the non-conforming rights to do what the arena was originally intended for. How is this an objection. Ms. Winkeler said the objection is outright including it as a condition that this rescinds that decision. Those decisions are ultimately necessary in order to show that the property owner has grandfather rights. Their concern is that if we were to rescind it and make no statement about those grandfather rights continuing on, the applicant "agreed" to

eliminating those grandfathered rights by proceeding through the PAD process. Chairman Faiella doesn't see the grandfather rights being eliminated. Ms. Winkeler said the decision, has three separate decisions as part of it. It defines the equine events, livestock numbers and structures. It confirms these uses are grandfathered. The concern is if you rescind it, and if in 10 years there is a new commission & staff look at this report and see this decision was rescinded, it will be ineffective. If you want to continue the uses, you would have to go prove your case again that this is authorized non-conforming use. We would ask that a condition be added or we revise the third condition further to make it explicit that those grandfather uses are not rescinded along with the NOD.

Attorney Bill Simms said that was good dialogue. Our point is the notice of decision is completely inconsistent with a PAD and we would prefer to have it rescinded. We could add a clause, (not tonight) that if the zoning reverts pursuant to Section 19, the town acknowledges the applicant may at that time assert whatever legal nonconforming use right the applicant may or may not have. We need to make sure they are not waiving their rights.

Chairman Faiella added on the point of monthly inspections, he said monthly inspections are not intrusive they are just guidance. He doesn't have issues with monthly inspections.

Commissioners discussed and clarified RV's being on the property. Participant RV's verses caretaker residences. There were several misconceptions with RVs on the property and it being turned into an RV Park. Mr. Bryson said it is not going to be an RV Park. Mr. Knight stated under the current zoning, you are allowed to have as many RV' as you want, they just cannot stay more than 10 days per visit.

• **Public Hearing Open 7:08pm**

Chairman Faiella asked the public to fill out a comment card if they would like to speak. They will be allowed 3 minutes to speak. A member of the Public can designate one person to be a spokesperson and designate that person their three minutes. Commission cannot comment during this time.

Public Comments:

Pete Roulette- a local realtor and owns property near the arena. He is against spot zoning. He said no one is against the arena, it is a local arena, commercial venue will affect property values. He doesn't like that the town could change the zoning to a PAD to accommodate a property owners wish to do whatever they'd like to do on their property. He agrees with current use, then if there are no violations under current use for 2-3 years, then let's talk about doing something different. Spot zoning is not what Camp Verde has ever done.

Cheryl Wischmeyer- is here to speak against this proposal. In the past the arena never had: events until midnight, large event sizes as proposed, and no people spending the night there; that is a problem. She read through the past offenses and said it took forever for the offenses to be resolved.

Tanya Lewis (9mins) speaking on behalf of Eileen Martin& Jerry Geronimo Martin – She is the Vice Chair of Yavapai Apache Nation. She read the letter she submitted and would like it to be in the record. (See attached)

Dr. Gail Pete (12mins)- Speaking on behalf of Joanne & Matt Jahnke & Janice Hawk- she is a resident of Camp Verde and a veterinarian. She does not want the arena eliminated but the issue is with the number of animals per acres. She reviewed the point assignments for

each animal; assigned by size and density. She stated that there are provisions in the ordinances for trash and garbage; must be kept contained so as not to be a nuisance. She said the applicant should be restricted to town ordinances, immediately.

John Bassous (39 minutes)- Speaking on behalf of Paul Hawk, John Bassous, Cathy Morgan, Glen Allen, Janet Walther, David Hallum, Jan Allen, Steven Hughes, Keith Christofferson, Ann Everett, Charlotte Salsman, & Debbie Roulette. Mr. Bassous is speaking on behalf of the Neighborhood Coalition. His issue is not the applicant it's the application. The NOD should be used as a guide. He is disappointed the applicant decided not to have public participate in the discussion. This is a public/neighborhood outreach. The Neighborhood Coalition is made up of 30 neighbors who came up with 17 items. He read through each item (see attached). They are opposed to the commercial aspect of the application and how it affects the neighborhood. They are concerned about the number of animals, sometimes will exceed feed lot standards. It is not a good fit for the size or location of the property. The applicant can continue without a zoning change, the benefits will not change if the zoning change is not granted. The commercial additions do not benefit the neighborhood. He read through some of the other surrounding municipality codes and minimum site requirements. The problem is the property is small. The neighbors say no to commercialization but yes to keeping the historical venue. There are other means and methods to maintain the arena.

Christa Brunori (via zoom)- she is confused as to how property values will go down if the PAD is approved, when there are 20 acres in the YAN down the road that is existing. The manure piles have been verified with the Town as true mulch piles. She said there is no long-term permanent odor, and no code violations. The commercial trucks are ag related to the property but no one has problems with delivery service vehicles, trash trucks, welding trucks, or horse transportation for private owners on the road. She said a PAD will bring solutions.

Applicant Comment/Rebuttal:

Mr. Bryson said there are misconceptions with the PAD process. He is not attempting to expand to make it more commercial. He is working with the Town voluntarily. He is trying to address complaints from neighbors. He has never had a violation in 10yrs that wasn't remedied. He is operating as he always has, a private for-profit business. The Town has inspected numerous times this year. The PAD is not to expand, but to make accommodations that weren't mentioned in original agreement. He also wanted to note that he thought the public comments were closed so he told the neighbors "for" the project not to come.

Chairman Faiella asked if it is Mr. Bryson's intention to use the arena as a boarding facility. Mr. Bryson said it has always been a year-round boarding facility. It could potentially have 150 animals year-round. For example, when you have a roping club you might have a number of steers to accommodate the roping club.

Chairman Faiella asked if it is his intention to have year-round RVs on site. Mr. Bryson said it is his intention to accommodate guests who come to have a place to stay while they are working with their horses.

Chairman Faiella asked about what is his intention for manure litigation. Mr. Bryson stated he has a dump trailer and takes the manure to wineries and as well as to neighbors upon request for their gardens. He has already removed 17 loads off the property. The town has been out and inspected the mulch pile and it has no odor.

Commissioner Osses doesn't understand why he doesn't want the Town to come out to inspect. The neighbors have complained in the past; this is ligament. The Key is to be a good neighbor. Mr. Bryson said he has complied with the complaints, he even built a wall, and spent a lot of money to clean up the property. The Town is complaint driven and some complaints are out of his control. He would like to look at the complaints that are valid. If there is a valid complaint then the Town can come and inspect. Other than that, it is too much intrusion from government. He went on to say that not one neighbor has come to him on his property. Commissioner OSESS said it would show good faith to accept the accommodations; accept the rules and accommodate. She thinks it is important to prove he can follow these rules. Mr. Bryson said he has made a lot of concessions. It is not appropriate to have town come out every month. He has been very open and is going above what the code requires.

Commissioner Hough asked what prompted Mr. Bryson to come and ask for this change. Mr. Bryson said there was an issue with caretakers and RV's being on the property. He is trying to figure out the best way to have caretakers on the property. The NOD was a little vast. He is trying to propose some new parameters, then concentrate money to fix the place up.

Commissioner Hough ask Attorney Sims if the NOD can be amended. Mr. Sims said that is what you are doing with the PAD, the NOD is an instrument, the PAD is a way to correct mistakes. A PAD addresses a number of issues and things that are not under the NOD. He is impressed they were able to narrow the differences down to 2 or 3.

Vice Chair Scantlebury thanked everyone involved, he understands both sides. The town and lawyer are close. The neighborhood is not close. He would like the applicant to come closer to neighbors' requests. He asked Mr. Bryson if he is willing to consider the 17 points the neighbors put together. He suggests tabling this item for another two weeks to get closer to what the neighbors want. Mr. Bryson said we are close; the neighbors just sprang the 17 conditions on him this afternoon. He has already made a number of concessions, and spent lots of money on the attorney. He would like a vote on this tonight.

Commissioner Tippett is confused because this was presented to Commission as a way to preserve historical use as a community event space but Mr. Bryson just said this is a business? Mr. Bryson said yes this is business, he never alluded to it being anything other than a business. The arena is very near and dear to his heart. He doesn't think we need to build houses on it. When it was a non-profit it went into disrepair. This PAD was his attempt in good faith to put parameters for the neighbors. It has been mischaracterized to turn it into a big commercialization project.

Commissioner Hough agrees with what he is requesting. If the PAD has some control the neighbors should appreciate there is some control. Mr. Hough would like to vote on this tonight.

• **Public Hearing Closed: 8:25pm**

Meeting Break: 8:25pm

Meeting Resume: 8:35pm

• **Commission Discussion- None**

Motion was made by Commissioner Osses to recommend to the Mayor and Common Council to approve a request by Tanner Bryson (agent for owner Donald Bryson) for a Zoning Map Change from R1-70 (Residential: Single Family, 70,000 square foot minimum lot size) to R1-

70/PAD (Residential: Single Family, 70,000 square foot minimum lot size/Planned Area Development) for approximately 4.4 acres located at 1738 Arena del Loma (APN 404-18-1780Q). The purpose of the request is to permit a commercial equestrian arena and recreational vehicle lodging. The request includes the following specified activities and events: equestrian training, roping events, barrel racing, team roping, fundraisers, equestrian show events, potlucks, parties, car shows, and festivals. The motion includes approval of the following exhibits which are incorporate by reference.

- Letter of Intent (also known as the Application Narrative),
- Exhibit A – Site Plan,
- Exhibit B – RV Plan,
- Exhibit C – Event and Operations Plan,
- Exhibit D – Animal Management Plan
- Exhibit E – Event Mitigation Plan

She makes this recommendation to accept this as staff recommend without the drawing on page 79. Second was made by Commissioner Blue.

Commissioner Scantlebury doesn't expect this to make everyone happy. He doesn't think the numbers are where they ought to be. He thinks we could get closer to an agreement. He also thinks the 2016 should be rescinded.

Commissioner Osses feels like we are already here, we have heard what they want to say. We have no control as it is now, we would have more control with a PAD.

Commissioner Hough stated we are an appointed board. Council is an elected board. He thinks we should send it on to Council. Council will make the final decision.

Chairman Faiella read a prepared statement on his position and added some exceptions he would like added to current motion. Town Clerk Pemberton said nothing can be added to the stated motion that is on the floor. Commissioners would need to vote and if it failed Chairman could then make his motion with his added stipulations.

Roll Call:

Chairman Andrew Faiella: nay
Vice Chairman Todd Scantlebury: nay
Commissioner Greg Blue: aye
Commissioner Bill Tippet: nay
Commissioner Michael Hough: aye
Commissioner Ingrid Osses: aye
Commissioner Robert Foreman: absent

Motion failed 3-3.

Motion was made by Chairman Faiella to recommend to the Mayor and Common Council to approve a request by Tanner Bryson (agent for owner Donald Bryson) for a Zoning Map Change from R1-70 (Residential: Single Family, 70,000 square foot minimum lot size) to R1-70/PAD (Residential: Single Family, 70,000 square foot minimum lot size/Planned Area Development) for approximately 4.4 acres located at 1738 Arena del Loma (APN 404-18-1780Q). The purpose of the request is to permit a commercial equestrian arena and recreational vehicle lodging. The request includes the following specified activities and events: equestrian training, roping events, barrel racing, team roping, fundraisers, equestrian show

events, potlucks, parties, car shows, and festivals. The motion includes approval of the following exhibits which are incorporate by reference.

- Letter of Intent (also known as the Application Narrative),
- Exhibit A – Site Plan,
- Exhibit B – RV Plan,
- Exhibit C – Event and Operations Plan,
- Exhibit D – Animal Management Plan
- Exhibit E – Event Mitigation Plan

The motion also includes the following conditions:

1. Accept this as staff recommended without the drawing on page 79,
2. Rescind the 2016 NOD
3. RVs will be permitted during events only, occupied by event participants only, with the exception of up to 2 permanent RVs for caretaker use, 6 RV sites for instructors up to 6 months, 12 short term stay sites for less than 31 days,
4. Hours of operation shall be between 7am and 10pm year-round.
5. Except during events the animal count shall comply with zoning requirements of R1 Zoning,
6. The proposed event size and frequency is presented in Exhibit C and shall be limited to size (1) small 1 to 75 visitors and unlimited frequency, or size medium visitors 76 to 150 and up to 6 per year, no large events of more than 151 visitors is permitted,
7. Until a Final Development Plan is reviewed and approved by the Town of Camp Verde no expansion of commercial operation or events for parking of RVs beyond that which is currently approved in the Town Code R170 is permitted except as may be permitted by a Temporary Use Permit. Second was made by Commissioner Osses.

Roll Call:

Chairman Andrew Faiella: aye
Vice Chairman Todd Scantlebury: aye
Commissioner Greg Blue: nay
Commissioner Bill Tippet: nay
Commissioner Michael Hough: nay
Commissioner Ingrid Osses: aye
Commissioner Robert Foreman: absent

Motion failed 3-3.

No other motion is made at this time. Mr. Knight explained a failed motion goes to Council as a Defective Denial.

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

- The next meeting is scheduled for October 6th.

9. Adjournment

Motion made by Chairman Faiella to adjourn the meeting. Second was made by Commissioner Osses.

Roll Call:

- Chairman Andrew Faiella: aye
- Vice Chairman Todd Scantlebury: aye
- Commissioner Greg Blue: aye
- Commissioner Bill Tippett: aye
- Commissioner Michael Hough: aye
- Commissioner Ingrid Osses: aye
- Commissioner Robert Foreman: absent

Motion passed 6-0.

Meeting was adjourned at 8:54 p.m.

Chairman Drew Faiella

Community Development Director John Knight

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, Arizona during the Special Session held on the 22nd day of September 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 22nd day of September 2022.

Jennifer Reed

Jennifer Reed, Recording Secretary



Agenda Report Form – Section I

Meeting Date: Planning and Zoning Commission; Thursday, December 1, 2022

Consent Agenda Decision Agenda Executive Session Requested

Presentation Only Action/Presentation Work Session

Requesting Department: Community Development

Staff Resource/Contact Person: John Knight, Community Development Director

Agenda Title: Discussion, consideration, and possible recommendation to the Mayor and Common Council of the town of Camp Verde, Yavapai County, Arizona, to amend Zoning Ordinance Section 203 – use districts to include a new overlay district. This district will provide flexibility in the areas of height, density, and intensity for an associated highway interchange location.

Attached Documents:

- A. Public Notice
- B. Staff Report from November 3, 2022

Estimated Presentation Time: 10

Estimated Discussion Time: 15

Background Information: This item was continued from the November 3, 2022, Planning and Zoning Commission meeting. Staff provided additional notice via newspaper and direct mail (Attachment A). Since no new information has been received on this item, staff is simply attaching the original staff report and documentation from the November 3rd meeting (Attachment B). Note that the motion from the November 3rd staff report is slightly different than the one below. Please refer to the recommended motion below from this current staff report.

Recommended Action (Motion): Motion to recommend to the Mayor and Common Council of the town of Camp Verde, Yavapai County, Arizona, to amend Zoning Ordinance Section 203 – use districts to include a new overlay district. This district will provide flexibility in the areas of height, density, and intensity for an associated highway interchange location.

Public Notice to be published Sunday November 13 and Wednesday November 16, 2022; including on-line version(s): The Town of Camp Verde Planning and Zoning Commission will hold a public hearing on Thursday, December 1, 2022 at 6:30pm in the Town Council Chambers at 473 S. Main Street in Camp Verde, AZ. The purpose of the hearing is to consider several text amendments to the Town's Planning and Zoning Ordinance as well as the creation of a new Overlay Zoning District. Text amendments are anticipated to include, but are not limited to, fence-wall height exception for a public utility, fencing vacant land, fence height in residential zones, setbacks for accessory structures, land division, and scrivener errors. As well as the addition of an Overlay Zoning District around the I17/SR 260 Interchange. Interested parties may attend and provide comment. Copies of the draft amendments may be obtained by contacting Camp Verde Community Development at 928.554.0066 or cory.mulcaire@campverde.az.gov.

TAG: This notice is for Community Development Department



◆928.567.6631 ◆

Town of Camp Verde

Community Development Department

◆ 473 S. Main Street, Suite 108 ◆ Camp Verde, Arizona 86322 ◆

◆ Telephone: 928.554.0050 ◆ www.campverde.az.gov ◆

November 7, 2022

Dear Landowner,

You are receiving this letter because you own property in the general vicinity of the Interstate 17 and State Route 260 highway interchange in Camp Verde, AZ.

The public hearing regarding this proposed Overlay Zoning District was originally scheduled on Thursday November 3, 2022, at 6:30pm. Due to time constraints, this agenda item was not heard and was motioned to be continued on December 1, 2022.

The Overlay Zoning District public hearing is rescheduled for December 1, 2022, at 6:30pm.

The Town of Camp Verde is considering the creation of an Overlay Zoning District in the Interstate 17 and State Highway 260 interchange area. The initial purpose of this Overlay District is for the purpose of increasing the allowed height of buildings, located on commercial or industrial parcels, from 40 feet to 55 feet.

Some of you may have received a similar letter this past August and October as the Town held a Public Hearing on September 8th regarding a similar matter whereby the Town proposed a text amendment to increase the permitted zoning height only for the C-2 commercial properties within the interchange area. However, from this public hearing, Town staff learned the initial proposal of a text amendment affecting only C-2 properties in this area was not extensive enough. The Planning and Zoning Commissioners requested a more comprehensive amendment to include all commercial and industrial parcels within the interchange. Hence, this proposed Overlay Zoning District, which now includes both commercial and industrial properties, within the interchange area.

Attached as page 3 of this letter is the proposed area for this Overlay Zoning District. If passed by the Town Council, this new Overlay Zoning District will permit a maximum height of 55' for any building(s) located on commercial or industrially zoned parcels. Additionally, we are proposing an additional 5-10' allowed height increase, approved administratively, if certain conditions are met.

Specifically, these conditions are for:

- Mechanical equipment, if set back from building edges and appropriately shielded, and
- Architectural features such as parapets or similar structures.

Written comments already received will be included in the packet for the meeting December 1. Additional written comments received by November 18th will be included in the formal presentation packet for the public hearing. Comments received after this date will be presented at the hearing.



Agenda Report Form – Section I

Meeting Date: Planning and Zoning Commission; Thursday, November 3, 2022

Consent Agenda Decision Agenda Executive Session Requested

Presentation Only Action/Presentation Work Session

Requesting Department: Community Development

Staff Resource/Contact Person: John Knight, Community Development Director

Agenda Title: Discussion, consideration, and possible recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, to amend via Draft Resolution 2022-A470, Zoning Ordinance Section 203 - Use Districts to include a new overlay district. This district will provide flexibility in the areas of height, density, and intensity for an associated highway interchange location.

Attached Documents:

- A. Draft Ordinance 2022-A470
- B. Minutes from August 4, 2022, P&Z Meeting
- C. Minutes from September 7, 2022, Council Meeting
- D. Letter sent to property owners within 300’ of the proposed boundary
- E. Newspaper Notice
- F. Summary of Neighborhood Meeting
- G. Written Comments received by October 26, 2022

Estimated Presentation Time: 10

Estimated Discussion Time: 15

Background Information: In March of 2022, staff presented several long-range planning ideas to the Joint Council/P&Z meeting. One of the ideas presented was a possible increase to the intensity and density around the intersection of I-17 and Highway 260. Staff suggested doing an Area Plan that would look at this possibility in more detail. An Area Plan might consider changes in ordinance standards related to things like parking, height, setbacks, and signs. Although there was interest in pursuing this idea, it rated as a lower priority than other long-range plans, therefore it was not initially pursued.

Since that meeting, staff has been approached by two developers wanting to increase the maximum height in order to develop hotels in this area. The first hotel was Marriot which is being developed by Verde Commercial. The developer requested and received a height increase from 40’ to 55’ through the PAD process. Note: the location of this proposed hotel is located within an already existing C2-PAD.

The second developer is partnering with La Quinta Inn on property just south of Burger King at the intersection of Homestead Parkway and George Rothrock Road. Initially, this developer also proposed a 4-story building which would have been similar in height to the recently approved Marriott. However, this parcel is not zoned as a PAD, but is zoned C2. Therefore, the path taken for the Marriott developer is not available to this second developer without applying to rezone this C2 parcel to PAD. Instead, this developer requested a zoning text amendment to allow a 4-story hotel.

On April 6, 2022, the Community Development Department presented this preliminary request to the Town Council seeking direction on a possible height amendment to the existing C2 zoning. The Council, generally agreeing with the idea, passed a motion directing the Community Development Department to initiate a height amendment for the area around the I-17/260 interchange.

On August 4, 2022, the Planning and Commission held a public hearing for a text amendment to the C2 zoning criteria in order to allow a height increase from 40' to 65' for properties located within 2,500' of the I-17/Height 260 Interchange. A motion was made to approve the proposed height amendment, however it failed on a 2-3 vote. No further motion was made; therefore, the motion and proposed amendment was not recommended for approval.

At the public hearing, Commissioners brought up questions and concerns regarding the appropriate process. Additionally, Commissioners and nearby property owners raised questions about why the amendment only applied to the C2 and not the C3 and M zones (see Attachment B).

After the meeting, staff had the opportunity to discuss the concerns raised by the public and the Commission with the Town Attorney. The attorney advised staff the proposed amendment, as a text amendment only modifying C2 zones in one portion of the town, i.e. the proposed 2,500' radius of the I17/260 interchange, could be subject to a legal challenge on the "uniformity requirement" of the state statute. Section 9-462.01 of the Arizona Revised Statute states "*All zoning regulations shall be uniform for each class or kind of building or use of land throughout each zone...*" Since the proposal did not include other zoning districts within 2,500' of the intersection and treated properties in other areas of the town differently, this could result in a legal challenge.

On September 7, 2022, staff presented the above information and recommendation by the attorney to the Town Council (Attachment C). On a 4-0 vote, the Council approved a motion to send the item back to the Commission for consideration as an overlay zone that would allow for a 65' maximum height.

Staff Discussion: Staff previously discussed several potential paths forward with the developer, the Commission, the Council, the Town Attorney as well as other interested parties. After these discussions, staff believes the most appropriate mechanism to allow a height increase, is through the overlay zone process. Overlay zones provide a mechanism to modify uses and standards of an underlying zoning district. This is a common practice in many jurisdictions. The only overlay zone that Camp Verde currently has is the PAD (Planned Area Overlay) District. This was used successfully to modify standards and uses for the Simonton Ranch property (now Verde Ranch Estates, Verde Commercial, and Verde RV Resort), High View at Boulder Creek, and Alcantara Vineyards.

Under the PAD provisions, both standards and uses can be modified. Unlike the PAD, the IO (as proposed) would allow modification only to the height standard. Staff recommends a maximum building height of 55' with a provision to increase this height another 10' (65' max) for architectural features such as parapet walls. The building would be limited to a maximum of four (4) stories. All other uses and standards would be subject to the requirements of the underlying zoning district. The underlying zones of C-2, C-3, and M-1 currently allow a maximum of three (3) stories and 40'. For the properties that have an underlying PAD zone, the standards set by the PAD will still apply.

Other Considerations: There are several properties zoned R1L that abut the proposed overlay zone. Historically, there was significantly more residential property within this proposed overlay

area, but over the years, much of it has been re-zoned to commercial and industrial. Therefore, the remaining residential property is being slowly surrounding by commercial/industrial properties and uses.

Note that in the R1L District, the maximum allowable height is 30'. An adjacent commercial/industrial building that is 65' tall, could have an adverse impact on the adjacent residential property. The Commission may wish to consider a provision that restricts development in the IO by either decreasing the height or increasing the setback when adjacent to residential uses. A sentence could be added such as the following:

When adjacent to residentially zoned property, the height shall be restricted to 40' within a distance of 40' of the boundary of any residentially zoned property.

The following have been completed by staff:

- April 6, 2022 - Council initiated an amendment to the Zoning Ordinance
- October 4, 2022 - a notice was direct mailed to property owners in the boundary and within 300' of the proposed overlay zone boundary.
- October 16 and 19, 2022 – Notice was placed in the Verde Independent Newspaper.
- October 20, 2022 – A neighborhood meeting was held at Town Hall.
- October 27, 2022 - Meeting agendas were posted at Town Hall and Bashas'.

Communications from the Public: Staff have received two written communications from the public. These are included as Attachment G. No other letters, e-mails, or phone calls have been received as of October 26, 2022.

Recommended Action (Motion): Motion to recommend to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, to amend via Draft Ordinance 2022-A470, to amend Zoning Ordinance Section 203 – Use Districts to include a new overlay district. This district will provide flexibility in the areas of height, density, and intensity for an associated highway interchange location.

ATTACHMENT A
Draft Ordinance
2022-A470



ORDINANCE 2022-A470

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, TO AMEND ZONING ORDINANCE SECTION 203 – USE DISTRICTS TO INCLUDE A NEW OVERLAY DISTRICT. THIS DISTRICT WILL PROVIDE FLEXIBILITY IN THE AREAS OF HEIGHT, DENSITY, AND INTENSITY FOR AN ASSOCIATED HIGHWAY INTERCHANGE LOCATION.

WHEREAS, the Mayor and Common and Council desire to create an overlay district around the Interstate State 17 and Arizona State Highway 260 Interchange area within the Town of Camp Verde for the purpose of modifying existing zoning criteria in this unique area of the Town; and

WHEREAS, the Town of Camp Verde adopted the Planning and Zoning Ordinance 2011-A374, approved May 25, 2011; and

WHEREAS, Part 6, Section 600, C.1 of the Planning and Zoning Ordinance allows for the amendment, supplementation or change of zoning text regulations of the Planning & Zoning Ordinance by the Town Council; and

WHEREAS, the Town Council has an abiding interest in protecting the public health safety and welfare by establishing requirements for provisions of the Planning & Zoning Ordinance by including definitions and text amendments.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE AS FOLLOWS:

Section 1. The Town Council hereby finds as follows:

- A. Text Amendments may be initiated by the Planning & Zoning Commission, the Town Council, staff of the Town of Camp Verde or by application of a property owner per Part 6, Section 600, C.1 of the Planning and Zoning Ordinance. This Text Amendment was initiated by the Town Council.
- B. The Text Amendment was reviewed by the Planning and Zoning Commission on November 3, 2022, in public hearing that was advertised and posted according to state law. A recommendation for approval was forwarded to the Town Council by the Planning and Zoning Commission on November 3, 2022.

- C. The proposed Text Amendment will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved.

Section 2.

The Zoning Map will be amended in accordance with the boundaries shown on Exhibit A and the following new Use District, Section 203.P. IO District (Interchange Overlay), will be added to Part Two - Zoning Classifications, Regulations/Provisions of the Planning and Zoning Ordinance for the Town of Camp Verde:

SECTION 203 – Use Districts

P. IO District (Interchange Overlay)

1. Purpose: The IO District is intended to establish specific criteria associated with the unique geographic, physical, and infrastructural aspects of this area of Town. This District is intended to provide flexibility associated with the unique character of a highway interchange area. This includes flexibility in the areas of height, density and intensity for an associated highway interchange location.
2. Permitted Uses and Uses Subject to a Use Permit: Those permitted by the underlying Use District.
3. Maximum Height: The maximum height allowed for habitable space is 55'. However, an additional height increase of 10' may be allowed with approval of a height exception by the Community Development Director.
4. Additional Height Exception: In this IO District, buildings may be approved for an additional 10' for a total height of 65 feet for the purpose of screening or other architectural features.
 - a. Application and approval for this additional 10' height increase may be requested through the Development Standard Review process under Section 400 and may be only be approved by the Community Development Director.
 - b. Application Process: When submitting for Development Standard Review, an applicant is required to make specific request for this allowance for an additional 10' increase to structure(s). Additionally, when making application for this additional 10' height increase applicants are required to submit elevation views of all sides of the planned structure.
 - c. Approval of this increased 10' height allowance will be documented, in writing, via the final Development Review Standards final report. Subsequent modifications may be approved by submitting a written request to the Community Development Director for approval.
 - d. Final approval of this height increase will also be documented as a special condition as part of the Zoning Clearance for the building(s) as part of the review and approval for building permit(s).
5. Approval for an Additional Height Exception will be based only upon the following criteria:

- a. The increase is for a parapet wall or similar architectural feature that provides screening for mechanical equipment, or otherwise provides architectural interest to the building.
- b. The parapet wall or architectural feature is of similar colors and materials to the main building and will be compatible architecturally with the main building.
- c. The parapet wall or architectural feature does not increase the habitable space.
- d. The parapet wall or architectural feature is the minimum height necessary to accomplish the screening purpose for which it is intended.

6. PAD Overlay: This Overlay District may also be combined with a Planned Area Development (PAD) District. In the event a PAD District is established per Section 203, the uses, standards and requirements established through the PAD process will supersede the standards of this IO Overlay District.

Table 2-15: IO Dimensional Standards

<u>Zoning District</u>	<u>"IO District"</u>
<u>Minimum Lot Area (sq. ft.)</u>	<u>Per underlying district</u>
<u>Minimum Width OR Depth (feet)</u>	<u>Per underlying district</u>
<u>Maximum Bldg. Ht. (stories)</u>	<u>4</u>
<u>Maximum Building Height (feet)</u>	<u>55'*</u>
<u>Maximum Lot Coverage (%)</u>	<u>Per underlying district</u>
<u>Minimum Front Yard (feet)</u>	<u>Per underlying district</u>
<u>Minimum Rear Yard (feet)</u>	<u>Per underlying district</u>
<u>Minimum Side Yard Interior (feet)</u>	<u>Per underlying district</u>
<u>Minimum Side Yard Exterior (feet)</u>	<u>Per underlying district</u>
<u>* Note – refer to Section 203.P.4. and 5. above for additional provisions regarding</u>	

Section 3. All ordinances or parts of ordinances adopted by the Town of Camp Verde in conflict with the provisions of this ordinance or any part of the code adopted, are hereby repealed, effective as of the effective date of this ordinance.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. This ordinance is effective upon the expiration of a thirty 30 day period following the adoption hereof and completion of publication and any posting as required by law.

PASSED AND APPROVED by a majority vote of the Town Council of the Town of Camp Verde, Arizona on this xx DAY OF xx 2022.

Dee Jenkins - Mayor

Date: _____

Approved as to form:

Attest: _____
Cindy Pemberton, Town Clerk

Bill Sims - Town Attorney

DRAFT

ATTACHMENT B
Minutes from August 4, 2022
Planning and Zoning Meeting

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 comments from public.

6. **Public Hearing** – Discussion, consideration, and recommendation to Council regarding an application for a Zoning Map Change from R1L (Residential: Single-Family Limited) to R1 (Residential: Single-Family) for parcels 404-13-500 and 404-13-501, located at 2802 Twin Leaf Circle and 2804 Twin Leaf Circle.

Staff Comments: BJ Ratlief spoke about the reasons for the Zoning Map Change request. In December of 2019, 27 of the 33 lots in the Preserve at Clear Creek Subdivision had been rezoned from R1L-18 to R1-18. The six remaining lots had already been built on, or the owners did not wish to change the zoning of. Since 2019, Mr. Witt had purchased the two lots in discussion and would like to bring them into conformance with the rest of the subdivision as well as start development.

Public Hearing Opened at 6:40 pm: No comments from public.

Public Hearing Closed at 6:40 pm.

Commission Discussion: No commission discussion.

Motion was made by Chairman Faiella to recommend approval of a Zoning Map Change from R1L-18 (Residential: Single-Family Limited, 18,000 Square Foot Minimum) to R1-18 (Residential: Single Family, 18,000 Square Foot Minimum) to the Mayor and Town Council for parcels 404-13-500 and 404-13-501, which are part of the Preserve at Clear Creek Subdivision located at 2802 and 2804 Twin Leaf Circle, Camp Verde, Yavapai County, Arizona.

Second was made by Commissioner Blue.

Roll Call Vote:

Commissioner Osses: Aye

Commissioner Hough: Aye

Commissioner Blue: Aye

Vice Chairman Scantlebury: Aye

Chairman Faiella: Aye

Motion carried 5-0.

7. **Public Hearing** – Discussion, consideration and recommendation to Council to amend the Zoning Ordinance to allow an increase in height in the C2 (Commercial: General Sales and Service) Zoning District. The proposed change is anticipated to only affect properties that are zoned C2 and located within 2,500 feet of the I-17/Highway 260 Interchange. Amendments include, but may not be limited to, Section 203.G. of the Zoning Ordinance. Staff resource: John Knight.

Mr. Knight spoke about how the amendment came to be. At the request of developers and the direction of Council, Community Development Director Knight was advised to start a "Height

Amendment,” along the I-17/260 corridor allowing businesses to build up to 65 feet in the C2 zone.

BJ Ratlief read an email into the record from Andy Groseta, asking that the radius of the amendment go out to 5,000 feet and that it includes all commercial zoning in that radius.

Public Hearing Open at 6:50 pm.

Patrick Denny, via Zoom, asked about his parcel 403-23-103L. Part of the 2,500-foot radius falls on his property so he wanted to know if this change would be beneficial to him and that he would like to see it cover all commercial zones as well as be a larger radius.

At the direction of the Chair, Director Knight responded that currently the way the amendment is written, the whole building would have to be in the 2,500-foot radius and this amendment would not be a benefit to Mr. Denny at this time.

Public Hearing Closed at 6:53pm.

Commission Discussion:

Commissioner Blue expressed that he feels if the applicant is partly in the radius, the best way for them to proceed is to apply for a variance.

Chairman Faiella is concerned that a blanket change, allowing any C2 in the area to build to 65 feet, does not give us adequate control over what is happening to the “gateway” of our city. He would recommend that a PAD overlay for C2 zoning would be more appropriate for the Commission and staff to have more control over what is done in that area.

Commissioner Hough spoke of this being a low-lying area and a 60- or 70-foot elevation is not going to make us a casino row. If this is what it takes to make a profit, this is what need to allow to bring businesses in. He would like this to include all commercial properties, not just the C2.

John Knight mentioned that variance may not be appropriate because it is difficult to meet the criteria under the State Law. A PAD could apply but is a different approach and we do not have a PAD application for consideration. It is reasonable to include other zoning districts, but we will need to go back through the noticing process and return to the Commission.

Commissioner Osses asked why is only C2 the only zoning district in this amendment.

Mr. Knight answered that the zone that are proposed are only C2, but we can come back with the other districts in September.

Commissioner Scantlebury commented that he is ready for the motion.

Commissioner Faiella asked again about a PAD and how to present this as a motion as does not want a blanket rezone.

Director Knight again stated that we have to vote on the issue in front of the Commission. A PAD has to be requested by the applicant.

Commissioner Blue asked if this can be postponed.

Director Knight says yes, and they can request that we notice with more commercial zones.

Commissioner Hough says that these parcels are too small for a PAD and it's not appropriate to ask a merchant to do a PAD for a small project.

Director Knight stated that this is not likely to be changed by the Town Council.

- 8.c. Sign Ordinance Amendments** – Possible changes to the sign ordinance primarily related to commercial signs. Amendments could include, but are not limited to, exemptions and prohibitions, definitions, and standards for both permanent and temporary signs.

Staff Comments: Director Knight spoke about this being very preliminary input to updating the sign ordinance and getting into public outreach for the sign ordinance. He would like a Commissioner and Council Member to be involved in a citizens committee to update the ordinance. Also, that this needs to be customized to our jurisdiction, not just copied from another jurisdiction. He expects that this will be a six (6) to eight (8) month process.

Public Comments: Rep Witt spoke in favor of updating the sign ordinance. Marie Moore spoke in favor of updating the sign ordinance with a series of community meetings.

Commission Comments: Director Knight spoke about the difference between a community meeting as well as a formal committee.

Commissioner Osses spoke about the importance of signs for businesses and that the code needs to be updated. It is also important that we help businesses bring in revenue, not keep them from bringing in revenue.

Chairman Faiella suggested that we move forward with meetings.

Director Knight agreed and stated that we will likely take this to Council and get their input on how they would like us to proceed.

- 9. 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 Comments from Commissioners.

10. Staff Comments

10.a. Updates from Council meetings

Director Knight spoke about new staff positions, specifically a Building Inspector and Planner. Also mentioned that Alcantara and Firebird Rezones were approved by Council.

Planner Rattief stated that the Use Permit renewal for RRR Bed and Breakfast was also approved by Town Council.

10.b. Other Comments

Commissioner Osses asked if it is important for the Commissioners to go to the council meetings.

Director Knight stated yes, it is appropriate for Commissioners to know what is going on.

Planner Rattief directed the Commission on how to get notifications from the Town website that the library has set up.

Director Knight mentioned the purchase of the water company.

ATTACHMENT C
Minutes from September 7, 2022
Town Council Meeting

Planning and Zoning Chairman Drew Fiaella stated the Commission has operated with 4-5 members before and can still get work done. He has polled the other members to get a feel for what they thought, and they all agreed they can still function without Mr. Foreman.

Councilor Moore said this is an amazing opportunity to have Mr. Foreman available to step in. She asked Mr. Knight if there would be a conflict of interest after working on these plans for these 3 months and then returns to the Commission. Would he have to recuse himself? Mr. Knight doesn't feel this will happen because the plan would have already gone through the Commission. He isn't concerned Mr. Foreman would follow the code requirements, and this will only last three months. Mr. Knight would like to have Mr. Foreman instead of someone from Phoenix who isn't familiar with Camp Verde.

Motion made by Councilor McPhail to allow Planning and Zoning Commissioner Robert Foreman to take a three (3) month leave beginning September 8th not to exceed past December 7th. Second was made by Councilor Whatley.

Roll Call:

Councilor Baker: absent
Councilor McPhail: aye
Councilor Murdock: absent
Councilor Whatley: aye
Councilor Moore: aye
Vice Mayor Butner: absent
Mayor Jenkins: aye

Motion carried 4-0.

10. Discussion, Consideration, and Possible Direction to direct the Planning and Zoning Commission to reconsider the proposed amendment to the Zoning Ordinance to allow an increase in height in the C2 (Commercial: General Sales and Service) Zoning District. Staff Resource John Knight

Community Development Director John Knight explained in March of 2022, staff presented several long-range planning ideas at the Joint Council/Planning & Zoning Meeting. One of the ideas presented was a possible increase to the intensity and density around the I-17 and Highway 260 interchange. He wanted to consider changes in Ordinance standards related to things like parking, height, setbacks, and signs so thought a PAD would be best. On April 6, 2022, the Community Development Department presented this preliminary request to the Town Council seeking direction on a possible height amendment to the existing C2 zoning. On August 4, 2022, staff held a hearing at the Planning and Commission Meeting to amend the Zoning Code to allow a height increase from 40' to 65' for properties in this area. The motion did not pass as Commissioners had concerns if this was the appropriate process. After the meeting, staff had the opportunity to discuss the concerns with the Town Attorney. The Attorney has advised staff that the proposed amendment could be subject to a challenge on the "uniformity requirement" in the state statute. Section 9-462.01 states that "All zoning regulations shall be uniform for each class or kind of building or use of land throughout each zone..." Since the proposal did not include other zoning districts within 2,500' of the intersection and treated properties in other areas of the Town differently, this could result in a legal challenge.

Currently, staff believes the most appropriate course of action is to return to the Commission with a revised proposal.

Councilor Moore asked why is PAD the best way to go? Mr. Knight stated this should be looked at in a broader perspective, not just in the C2 zone. Commission also questioned if this is really appropriate in this location. Ms. Moore also asked if the applicant not want to pursue PAD? Mr. Knight said yes. The applicant went silent after the first process. He is now trying to figure out the right way forward. We may want to consider doing an overlay zone: Zone Boundary District.

Mayor Jenkins stated she thought this was initiated through Economic Development? Mr. Knight stated yes, they wanted Town to process the zones. Mayor Jenkins would prefer to have full Council opinion.

Councilor Moore asked for clarity, that Mr. Knight has not spoken to applicant that he is looking to move forward with something like this so they could move forward with building permits? We don't know if applicant is still interested? Mr. Knight said he spoke with them after the Planning Commission Meeting. They thought it was approved at the meeting. He has tried to contact them. There might be some misunderstanding on their part about the whole process. He is not sure if they are still interested.

Mr. Knight clarified that they are requesting Council to consider sending this back to Planning and Zoning Commission to come up with a new strategy.

Councilor McPhail wanted to clarify that we would ultimately like to do a district that has its guidelines established and all are treated the same? She would be in favor of doing this overlay and having a plan for this area that included everything, so we can ultimately enhance that district. She would recommend that we send it back to Planning and Zoning with the recommendation for an overlay district.

Mr. Knight would like to be a little more thoughtful on this from a planning perspective. He would like to do another joint Commission/Council meeting if possible.

Motion made by Councilor McPhail to direct the Planning and Zoning Commission to reconsider the proposed amendment to the Zoning Ordinance and also direct them to consider an Overlay District and possible guidelines to what that district would entail. **Motion** failed due to the lack of a second.

Motion made by Councilor McPhail direct the Planning and Zoning Commission to reconsider the proposed amendment to the zoning Ordinance to allow an increased height to 65 feet in C2 and consider an overlay district and guidelines to what that entails. **Motion** failed due to the lack of a second.

Mr. Knight's concern is why adjust the C2; C3 is right there and is a more intensive zone. If we could get the overlay to include the area of proximally as we previously proposed around I-17 and Highway 260 interchange but also include other zones.

Motion made by Councilor Moore to direct the Planning and Zoning Commission to reconsider the proposed amendment to the zoning Ordinance to allow an increase height of 65 feet with consideration of an Overlay District Zone. Second was made by Councilor McPhail.

Roll Call:

Councilor Baker: absent

Councilor McPhail: aye

Councilor Murdock: absent

Councilor Whatley: aye

Councilor Moore: aye

Vice Mayor Butner: absent

Mayor Jenkins: aye

Motion carried 4-0.

11. **Discussion, Consideration, and Possible Approval of Ordinance 2022-A469, an Ordinance, of the Mayor and Common Council, for a Zoning Map Change from R1L-18 (Residential: Single Family Limited) to R1-18 (Residential: Single Family) for 0.87 acres, located at 2802 and 2804 South Twin Leaf Circle, a part of the Preserve at Clear Creek Subdivision, Town of Camp Verde, Yavapai County, Arizona (APNs 404-13-500 and 404-13-501).**

Community Development Director John Knight reviewed this item. Two lots have a different zoning designation and the applicant would like to get these rezoned to match the rest of the subdivision.

Councilor Moore asked if there were any neighbors that have a problem with this? Mr. Knight stated no.

Motion made by Councilor Moore to approve Ordinance 2022-A469, an Ordinance, of the Mayor and Common Council, for a Zoning Map Change from R1L-18 (Residential: Single Family Limited) to R1-18 (Residential: Single Family) for 0.87 acres, located at 2802 and 2804 South Twin Leaf Circle, a part of the Preserve at Clear Creek Subdivision, Town of Camp Verde, Yavapai County, Arizona (APNs 404-13-500 and 404-13-501). Second was made by Councilor McPhail

Roll Call:

Councilor Baker: absent

Councilor McPhail: aye

Councilor Murdock: absent

Councilor Whatley: aye

Councilor Moore: aye

Vice Mayor Butner: absent

Mayor Jenkins: aye

Motion carried 4-0.

12. **Discussion, consideration, and possible approval amendment to the Town's Salary Plan by adding the Assistant to Town Engineer to the Plan.** Staff Resource: Ken Krebs/Troy Odell

Director of Public Works Ken Krebs and Deputy Public Works Director Troy Odell would like to get the job description approved to be able to put out a job posting.

Councilor McPhail is concerned that we are not requiring them to be a civil engineer. Mr. Krebs stated that with the pay scale, they wouldn't be able to afford someone with those qualifications. Councilor McPhail asked if the pay scale should be changed? Mr. Odell stated this is sufficient for the current tasks.

Councilor Whatley wanted an explanation of a bachelor's degree in Civil Engineering. Mr. Odell explained the levels.

Councilor Moore doesn't feel like this is the way to go, we NEED another Engineer not an assistant. We need to reconsider what it takes to get another Engineer in this Town. Mr. Krebs said there is a lot of work to be done and we could really use another Engineer, but he is concerned about the salary scale.

Mayor Jenkins said we planned to get an engineer all along but it would be entry level.

ATTACHMENT D
Letter Sent to Property Owners
Within 300' of the Proposed
Boundary



Town of Camp Verde

Community Development Department

◆ 473 S. Main Street, Suite 108 ◆ Camp Verde, Arizona 86322 ◆

◆ Telephone: 928.554.0050 ◆ www.campverde.az.gov ◆

October 4, 2022

Re: Proposed Interchange Overlay Zone

Dear Landowner,

You are receiving this letter because you own property in the general vicinity of the Interstate 17 and State Route 260 highway interchange in Camp Verde, AZ.

The Town of Camp Verde is considering the creation of an Overlay Zoning District in the area of the Interstate 17 and State Highway 260 interchange. If approved, the Overlay District would allow an increase of building height from 40 feet to 55 feet for commercial and industrial parcels in the district.

The purpose of the letter is twofold:

1. Invite you to a neighborhood meeting (Thursday, October 20, 2022 at 5:30pm) and
2. Advise you of a public hearing regarding this proposed Overlay Zoning District (Thursday, November 03, 2022 at 6:30pm).

Some of you may have received a letter this past August for a Public Hearing held on September 8th regarding a similar matter. This was for a proposed text amendment to increase the permitted zoning height only on C-2 commercial properties within the interchange area. However, Town staff learned the initial proposal of a text amendment affecting only C-2 properties in this area was not extensive enough. Some of the Planning and Zoning Commissioners expressed concerns that a more comprehensive amendment should be considered that would include other commercial and industrial parcels within the interchange area. Hence, this proposed Overlay Zoning District now includes both commercial and industrial properties within the interchange area.

Attached as page 3 of this letter is the proposed area for this Overlay Zoning District. This would include both a text amendment and zoning map amendment. If passed by the Town Council, this new Overlay Zoning District will permit a maximum height of 55' for any building(s) located on commercial or industrially zoned parcels in this area. Additionally, Town staff are recommending the allowance of an additional 5-10' height increase, approved administratively, for parapet walls and similar architectural features. This would potentially allow buildings as high as 65' in this area.

We invite you to learn more and be part of this process through a Neighborhood Meeting and the Public Hearing. **Written comments received by October 26th will be included in the formal presentation packet for the public hearing.** Comments received after this date will be presented at the hearing.

Below are the details for both meetings:

Neighborhood Meeting:

Meeting Date & Time: Thursday, October 20, 2022 at 5:30-6:30 pm

Hearing Location: Council Chambers, Suite 106, 473 S. Main Street, Camp Verde

Application Type: Rezone and Zoning Ordinance Text Amendment to create an Interchange Overlay Zoning District

Affected Properties: See attached map, generally commercial (C2, C3) and industrial (M1) properties located within about 2,500' of the I-17/Highway 260 Interchange

Zoom Meeting: Meeting ID: 974 730 8717 Passcode: 5540054

<https://us06web.zoom.us/j/9747308717?pwd=cFlnd3M0cHcxeTRVt3dPejcxYkhIQT09>

Dial by your location: +1 719.359.4580 US or +1 253.215.8782 US (Tacoma)

Public Hearing, Planning and Zoning Commission:

Hearing Date & Time: Thursday, November 03, 2022 at 6:30pm

Hearing Location: Council Chambers, Suite 106, 473 S. Main Street, Camp Verde

Application Type: Rezone and Zoning Ordinance Text Amendment to create an Interchange Overlay Zoning District

Affected Properties: See attached map, generally commercial (C2, C3) and industrial (M2) properties located within about 2,500' of the I-17/Highway 260 Interchange

Application Number: 20220541

Zoom Meeting: Meeting ID: 927 0548 1851 Passcode: 5540054

<https://us06web.zoom.us/j/92705481851?pwd=eFBLVXRscWJHdnlGL1ZXU1I1SIJLQT09>

Dial by your location: +1 719.359.4580 US or +1 253.215.8782 US (Tacoma)

The Agenda and accompanying presentation documentation for the Public Hearing will be available approximately 1-week prior to the hearing at this location:

<https://www.campverde.az.gov/departments/boards-commissions/planning-zoning-commission>

Please contact the Planning and Zoning Office with any questions, 928.554.0066 or emailing cory.mulcaire@campverde.az.gov.

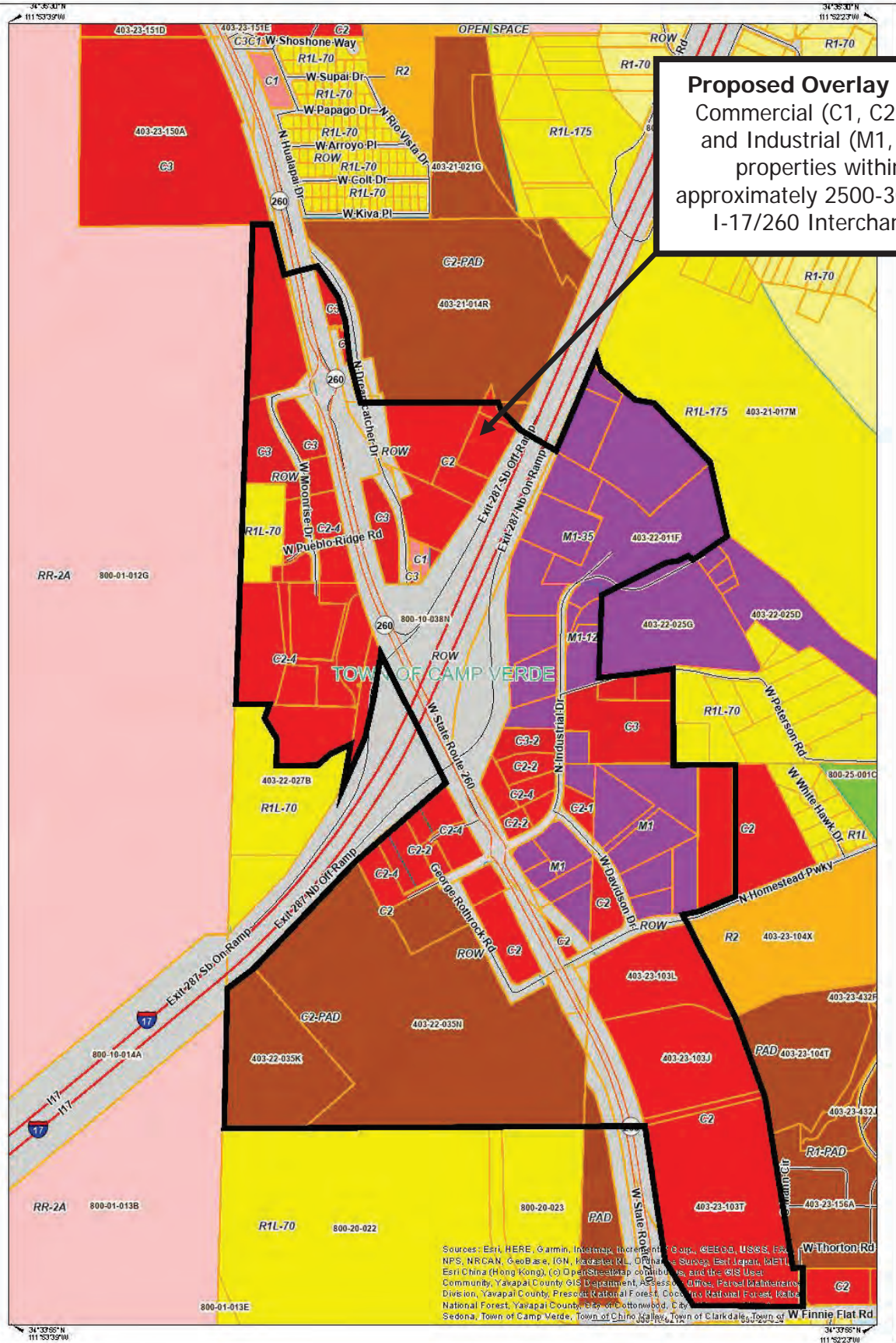
Respectfully,



John Knight, Director
Community Development, Town of Camp Verde
John.Knight@CampVerde.az.gov or 928.554.0053

cc: Project File 20220541

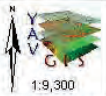
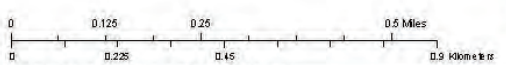
Proposed Overlay Zone
 Commercial (C1, C2, C3)
 and Industrial (M1, M2)
 properties within
 approximately 2500-3000'
 of I-17/260 Interchange



Sources: Esri, HERE, Garmin, Intelmap, Intermap, iCubics, GEBCO, USGS, Esri, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, Intel, Esri China (Hong Kong), Swire, Swire, Esri Korea, Esri India, Swire, Esri UK, Esri (USA), Community, Yavapai County GIS Department, Access, Google, Petrol (California), Division, Yavapai County, Prescott National Forest, Coconino National Forest, Kaibito National Forest, Yavapai County, City of Cottonwood, City of Sedona, Town of Camp Verde, Town of Chino Valley, Town of Clarkdale, Town of W. Thorton Rd, W Finnie Flat Rd.



Disclaimer:
 Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information shown is to be used as a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County.



Yavapai County assumes no responsibility for errors, omissions, and/or inaccuracies in this mapping product.

Map Created 10/02/22

ATTACHMENT E
Newspaper Notice

Public Notice to be published Sunday October 16 and Wednesday October 19, 2022; including on-line version(s): The Town of Camp Verde Planning and Zoning Commission will hold a public hearing on Thursday, November 03, 2022 at 6:30pm in the Town Council Chambers at 473 S. Main Street in Camp Verde, AZ. The purpose of the hearing is to consider several text amendments to the Town's Planning and Zoning Ordinance as well as the creation of a new Overlay Zoning District. Text amendments are anticipated to include, but are not limited to, fence-wall height exception for a public utility, fencing vacant land, setbacks for accessory structures and scrivener errors as well as the addition of a Right-to-Farm Ordinance and an Overlay Zoning District around the I17/SR 260 Interchange. Interested parties may attend and provide comment. Copies of the draft amendments may be obtained by contacting Camp Verde Community Development at 928.554.0066 or cory.mulcaire@campverde.az.gov.

TAG: This notice is for Community Development Department

ATTACHMENT F
Summary of Neighborhood
Meeting

Height Amendment Neighborhood Meeting:

Dan Rubenstein,

Phone call - Called office Thursday, 20 October 2022, about 1330 hrs; spoke via phone for approx. 45 min. explained previous attempt at text amendment which has led to this full overlay district.

He stated he is generally in favor of the new ordinance.

William "Ed" Davidson,

Mr. Davidson attended the Neighborhood Meeting held on Thursday, October 20, 2022. He spoke about owning residential property that adjoins the proposed overlay zone and how a 65 foot height is going to destroy his views, as well as he property value. He is concerned that the Town is growing faster than it can sustain and moving away from the rural community we claim to be.

He is opposed to this new ordinance.

ATTACHMENT G
Written Comments Received
by October 26, 2022

RECEIVED

OCT 25 2022

10/25/2022

Town of Camp Verde

Community Development Department

Re: Proposed Interchange Overlay Zone

As an adjoining R1L-70 property owner to the proposed overlay zone, I am opposed to the amendment for the following reasons.

1. Adjoining Property Owner;

Allowing structures of this height will drastically devalue any residential properties in close proximity to this zone. At 55 to 65 feet there is no way to have any type of screening for vision, noise, lighting, or privacy. There are very few types of vegetation/trees that grow in our area that will reach this height and takes a numerous number of years to do so. The current screening ordinance only requires a maximum of 8 feet. All vision of the surrounding area, most of the mountains and skyline will be lost.

Please ask yourself, would you like to look out the window of your home and see a 65 foot wall or office windows with people watching you. With lighting and signage we will have no night time or dark-skies. If this is not a concern, why has the C2 property been omitted that adjoins the White Hawk development at the end of Homestead? To protect residential property values, I would like to request that an overlay be considered to reduce the height of commercial and industrial structures adjoining residential property to a maximum of 20 feet.

If this Proposed Interchange Overlay Zone was to be allowed, is the town willing to compensate residential property owners for their loss in value?

2. As a resident of Camp Verde;

I believe this type of zoning destroys the very things in our community that we who live here enjoy and the things that most people move here for. The open spaces, scenic views, dark skies, less noise, clean air, quality of life will all be significantly affected. The ordinances for the town have not been updated to protect adjoining properties or the community. This type of overlay is only a copy of every other freeway interchange, Camp Verde is better than that. If approved at HWY 260 and I-17, how long before it spreads to all the other roundabouts in our town? The type of development that this zoning will allow is everlasting and our community will lose more than it will gain.

Thank you for time and consideration of this matter.

William E. Davidson

Proposed Interchange Overlay Zone I-17/Highway 260 neighborhood properties

Peter Andrew Groseta

Wed 10/26/2022 3:37 PM

To: John Knight <John.Knight@campverde.az.gov>

Cc: Steve Ayers <Steve.Ayers@campverde.az.gov>; Cory Mulcaire <cory.Mulcaire@campverde.az.gov>

John:

I am writing this email to you regarding the October 4, 2022 Notice that I received regarding the Town of Camp Verde proposing to increase the height up to 55' for any buildings located on commercial and industrial parcels in the area of I-17/Highway 260 interchange. In addition, according to the Notice, the Town Staff is recommending the allowance of an additional 5-10' increase for parapet walls and similar architectural features.

As you know we own the property located on the NW Corner of Wilshire Blvd and Highway 260 (APN 403-21-015K) and it is included in this proposed Overlay Zoning District.

We strongly support this proposal as presented in the October 4, 2022 Notice to Landowners.

I respectfully am asking that you to include this email which includes my support in the packets/notebooks for each Planning and Zoning Commissioner.

Please keep me posted regarding whether or not this proposal is approved or denied at the P/Z Commission Hearing on November 3, 2022.

If you have any questions, please contact me.

Thanks.

Andy Groseta



Agenda Item Submission Form – Section I

Meeting Date: Planning and Zoning Commission: Thursday, December 1, 2022

Consent Agenda Decision Agenda Executive Session Requested

Presentation Only Action/Presentation Pre-Session Agenda

Requesting Department: Community Development

Staff Resource/Contact Person: BJ Ratlief, Planner

Agenda Title: Discussion, consideration, and possible recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 203, related to accessory buildings.

List Attached Documents:

- A. Redline of Proposed Text Amendments
- B. Minutes from August 4, 2022, Planning and Zoning Meeting

Estimated Presentation Time: 10 minutes

Estimated Discussion Time: 10 minutes

Summary: If approved, this amendment will clarify and standardize the rear and side setbacks for accessory buildings in residential zoning districts. Note that this applies to non-habitable buildings (dwelling units) only such as sheds, barns, workshops, etc. Staff has proposed a seven (7') foot side yard and seven (7') rear yard setback for accessory buildings. The proposed changes are discussed in Attachment A.

Justification: The current Planning and Zoning Ordinance allows accessory buildings to encroach into the rear setback. However, it does not provide a standard measurement of how far into a setback it may encroach. Staff recommends clarifying the ordinance by providing specific accessory building setbacks for the rear and side within each residential Zoning Use District.

Background Information: The current Planning and Zoning Ordinance was adopted on May 25, 2011, via Ordinance 2011-A374. Part Six (6) – Administration and Procedures, Section 600.C.1, allows for amendments to the Zoning Ordinance by the Council after a hearing before the Planning and Zoning Commission. Amendments may be initiated by the Council, the Planning and Zoning Commission, the public or by staff.

On August 4, 2022, staff presented to the Planning and Zoning Commission a list of minor amendments for consideration and public input. See Attachment B for minutes from that meeting. This item was scheduled for a hearing on November 3, 2022; however, the item was continued due to a lack of time.

Discussion: Section 301 – Exceptions to yard and height requirements, specifically 301.A.2.c(3) – Rear Yard Encroachments (P&ZO, page 81), provides an exception for allowing

accessory buildings, such as sheds, gazebos, carports, barns, garages, etc. to encroach into the rear setback of a parcel. However, it does not specify how far into the rear setback these buildings may encroach.

By working policy, staff have allowed these types of buildings to be constructed within five (5) feet of the rear boundary. The five (5) foot allowance is based upon building code, not the Zoning Ordinance. A building that is set at least five (5') foot from the property line does not require any special fire protection measures. This ensures a minimum 10' separation between buildings on adjacent properties.

For purposes of standardization, staff recommends requiring a seven (7') foot internal side and rear setback for accessory buildings for all residential zoning districts. Currently, most of the residential use districts have a seven (7') foot side setback with 10' setback on a corner lot. The only exception is the RR-2A Use District, which requires a 25' (interior) or 30' (exterior) side yard setback. For consistency and standardization, staff recommends a consistent seven (7') foot interior side yard and rear yard setback for all residential zoning districts.

See Attachment A for a redlined text of the recommended revisions. These are included as tables for each Zoning Use District. If approved, these tables will display setbacks for dwelling units and for accessory buildings. See Section 203 – Use Districts for R1L, R1, R2, RR, and RS (P&ZO, pages 31-43).

The following have been completed by staff:

- A public hearing notice was placed in the Verde Independent Newspaper on November 13, 2022 and November 16, 2022 and
- A meeting agenda was posted at Town Hall and Bashas'.

Recommended Action (Motion): Motion to recommend to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 203, related to accessory buildings.

Attachment A – Redline of Proposed Text Amendments

Proposed Amendment to Dimensional Standard Tables:

Table 2-1 R1L: Dimensional Standards (page 33)

Zoning District R1L	Dwelling Unit	Accessory Buildings
Minimum Lot Area (sq.ft.)	7,500'	7,500
Minimum Width OR Depth (feet)	75'	75'
Maximum Bldg Ht (stories)	2	2
Maximum Bldg Ht (feet)	30'	30'
Maximum Lot Coverage (%)	50%	50%
Minimum Front Yard (feet)	20'	20'
Minimum Rear Yard (feet)	25'	7'
Minimum Side Yard Interior (feet)	7'	7'
Minimum Side Yard Exterior (feet)	10'	10'

Table 2-2: R1 Dimensional Standards (page 35)

Zoning District R1	Dwelling Unit	Accessory Buildings
Minimum Lot Area (sq.ft.)	10,000' (or as determined by suffix)	10,000' (or as determined by suffix)
Minimum Width OR Depth (feet)	80' (or as determined by suffix)	80' (or as determined by suffix)
Maximum Bldg Ht (stories)	2	2
Maximum Bldg Ht (feet)	30'	30'
Maximum Lot Coverage (%)	50%	50%
Minimum Front Yard (feet)	20'	20'
Minimum Rear Yard (feet)	25'	7'
Minimum Side Yard Interior (feet)	7'	7'
Minimum Side Yard Exterior (feet)	10'	10'

Table 2-3: R2 Dimensional Standards (page 37)

Zoning District R2	Dwelling Unit	Accessory Buildings
Minimum Lot Area (sq.ft.)	7,500'	7,500'
Minimum Width OR Depth (feet)	75'	75'
Maximum Bldg Ht (stories)	3	3
Maximum Bldg Ht (feet)	30'	30'
Maximum Lot Coverage (%)	50%	50%
Minimum Front Yard (feet)	10'	10'
Minimum Rear Yard (feet)	25'	7'
Minimum Side Yard Interior (feet)	7'	7'
Minimum Side Yard Exterior (feet)	10'	10'

Table 2-4: RR Dimensional Standards (page 40)

Zoning District R-R	Dwelling Unit	Accessory Buildings
Minimum Lot Area (sq.ft.)	87,120' (2 acres)	87,120' (2 acres)
Minimum Width OR Depth (feet)	225'	225'
Maximum Bldg Ht (stories)	2	2
Maximum Bldg Ht (feet)	30'	30'
Maximum Lot Coverage (%)	15%	15%
Minimum Front Yard (feet)	50'	50'
Minimum Rear Yard (feet)	50'	7'
Minimum Side Yard Interior (feet)	25'	7'
Minimum Side Yard Exterior (feet)	30'	10'

Table 2-5: RS Dimensional Standards (page 43)

Zoning District R2	Dwelling Unit	Accessory Buildings
Minimum Lot Area (sq.ft.)	7,500'	7,500'
Minimum Width OR Depth (feet)	75'	75'
Maximum Bldg Ht (stories)	3	3
Maximum Bldg Ht (feet)	30'	30'
Maximum Lot Coverage (%)	50%	50%
Minimum Front Yard (feet)	10'	10'
Minimum Rear Yard (feet)	25'	7'
Minimum Side Yard Interior (feet)	7'	7'
Minimum Side Yard Exterior (feet)	10'	10'

Attachment B

Excerpt from approved minutes August 4,2022

- 1.a. Minor Code Amendments** - Possible changes to the zoning ordinance related to accessory structures (height and setbacks), fencing (height and setbacks), and Scrivener's Errors.

Staff Comments: Director Knight spoke of these being little things that we can easily take care of.

Accessory structure side and rear setbacks and height can be the same for all zoning districts and defined in the code. As well as a clear definition of an accessory structure being non-habitable.

Fencing needs to have a difference in internal and external height, as well as vacant lots need to be allowed fencing as long as it is not opaque. Scrivener's errors allow Community Development to correct small, grammatical errors in the code without having to come to Planning and Zoning Commission and Town Council.

Public Comments: Steven Backus spoke in favor of updating the setbacks and accessory structures.

Mary Phelps spoke that she is in favor of setbacks and accessory structures being updated in the code.

Marie Moore is in support of the accessory structure setbacks being updated. Fence should be allowed on vacant lots, as well as accessory structures.

Commission Comments: Commissioner Osses spoke that as a property owner you should be able to do whatever you want.

Commissioner Blue suggested that we come back to Planning and Zoning with accessory structures, setbacks, and fence as a Work Session.

Commissioner Hough spoke to the reason that accessory structures, are not allowed on vacant lots to protect property values and the neighborhood. Chairman Faiella requested that these all come back to Planning and Zoning as Ordinances for approval.

Director Knight also spoke about the reason we do not allow an accessory structure on a vacant lot.

Chairman Faiella also asked that in the Work Session we look at the Fee Structure. Director Knight stated that this is not likely to be changed by the Town Council.



Agenda Item Submission Form – Section I

Meeting Date: Planning and Zoning Commission: Thursday, December 1, 2022

Consent Agenda Decision Agenda Executive Session Requested

Presentation Only Action/Presentation Pre-Session Agenda

Requesting Department: Community Development

Staff Resource/Contact Person: BJ Ratlief, Planner

Agenda Title: Discussion, consideration, and possible recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 301.B, related to utility and marijuana fencing exemption.

List Attached Documents:

- A. Redline of Proposed Text Amendments
- B. Proposed changes from Commissioner Greg Blue

Estimated Presentation Time: 10 minutes

Estimated Discussion Time: 10 minutes

Summary: Utility companies and marijuana facilities are required to have taller fences than are currently allowed in Town of Camp Verde Planning and Zoning Ordinance. If approved, this amendment would allow these entities to build the fence that is needed without having to apply of a variance and delaying their project. A proposed clarification is also included that would allow residential properties of differing elevations to construct a fence up to eight (8') in height.

Justification: The current Planning and Zoning Ordinance is not consistent with common practice for utility companies to construct a higher fence. Recently, the town received a Use Permit for an APS substation. For safety purposes, they need to exceed the maximum eight (8') foot fence limit. Marijuana grow facilities have a similar, taller fencing requirement – required by state statute to exceed eight (8') feet.

Background Information: Part Six (6) – Administration and Procedures, Section 600.C.1, allows for amendments to the Zoning Ordinance by the Council after a hearing before the Planning and Zoning Commission. Amendments may be initiated by the Council, the Planning and Zoning Commission, the public or by staff.

On August 4, 2022, staff presented to the Planning and Zoning Commission a list of minor amendments for consideration and public input. This item was proposed to be discussed on November 3, 2022; however, it was continued due to time limits. At the November 3rd meeting, a proposed change to the fence heights was handed out by Commissioner Blue. This is included as Attachment B.

Discussion: Currently, the maximum height of a perimeter fence on commercial property is eight (8') feet. Staff proposes amending this height limit in two specific circumstances: utility companies such as APS and marijuana cultivation. Currently, there is no exception in the Town of Camp Verde Zoning Ordinance that allows a different height for these fences. State Law requires Marijuana Facilities to have twelve (12') foot perimeter fencing. Utility company policies also require a perimeter fence of ten (10') foot for things, like substations. The only way for the Town to currently allow the utility fence, is for the applicant to apply for and go through the variance process.

Staff also recommends a few editorial corrections within in this section. Refer to Attachment A for a redline version of the proposed changes to Section 301.B.2 – Fences and Freestanding Walls (P&ZO, page 82).

The following have been completed by staff:

- A public hearing notice was placed in the Verde Independent Newspaper on November 13, 2022, and November 16, 2022 and
- A meeting agenda was posted at Town Hall and Bashas'.

Recommended Action (Motion): Motion to recommend to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 301.B, related to utility and marijuana fencing exemption.

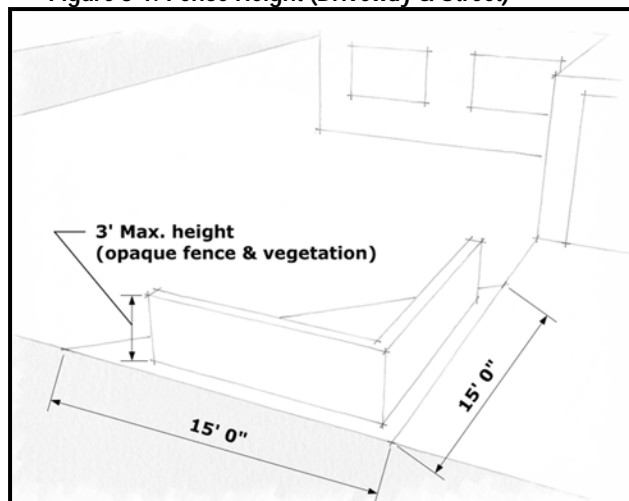
Attachment A - Redline of Proposed Text Amendments

Utility and Marijuana Fencing Exemption (Section 301.B.) Proposed Amendment:

301.B. Height Limits:

1. **Exceptions to Height Limits:** The district height limitations for buildings are not applicable to spires, cupolas, chimneys, flues, vents, poles, beacons or towers; nor to any bulkhead, elevator, tank (or similar) extending above a room when same occupies no more than 25 percent of such roof area. Any such structure must be so located on a lot that its length (in case of collapse) would be contained within the bounds of the lot unless based on safety engineering data that demonstrates the proposed structure would satisfy this requirement.
2. **Fences and Free~~standing~~-Standing Walls:**
 - a. The maximum height of a fence or freestanding wall is determined by measuring from the finished grade at the base of the fence or wall.
 - a. Fences and freestanding walls within the required yards or setbacks shall maintain the following maximum heights:
 - 1) Fences or free~~standing~~-standing walls, not to exceed a height of six (6) feet in any required front yard, with at least the top two (2) feet open fencing, not opaque or solid and not to exceed six (6) feet elsewhere on residentially zoned lots. Agricultural fences (may not be opaque or solid) intended for confining livestock are exempt from the height restrictions.
 - 2) Three (3) feet within the triangular area formed by measuring 15 feet along the boundary of roadways and drives from their intersection. This three (3)-foot limit includes hedges and other plantings but may include open fencing above three feet to otherwise permitted height.

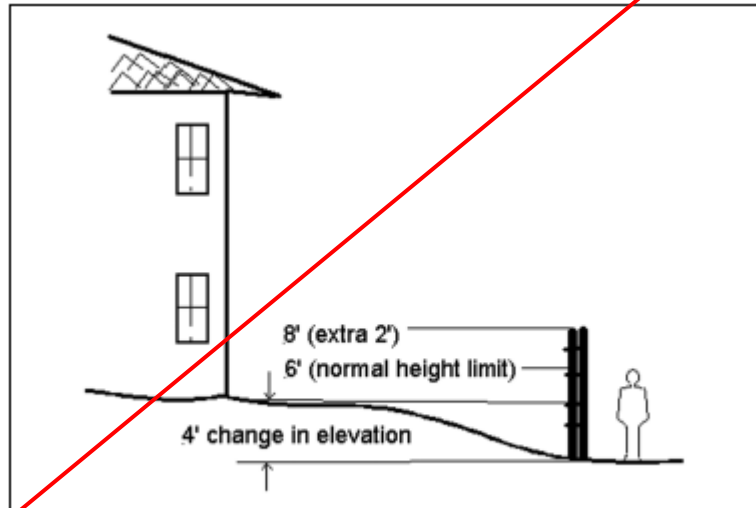
Figure 3-1: Fence Height (Driveway & Street)



- 3) The following exceptions apply to subsection b.1), above:
A fence or freestanding wall may be erected or altered up to a height of eight (8) feet where the ground floor elevation of the principal dwelling on an abutting lot is at least four feet higher than the elevation at the abutting lot line (see Figure 3-1)-where there is an

elevation difference of two (2) feet or more between adjacent lots. For purposes of measuring height, the maximum height of eight (8) feet shall be measured from whichever side is taller.

Figure 3- 2: Fence Height Exception



Additional height where home on adjacent lot is 4 feet higher.

- 4) On commercial and industrial zoned lots: eight feet, except as noted below for utility companies and marijuana cultivation.
- 5) Where a fence or wall is required as a screening or other protection for residentially-zoned lots, it shall comply with the height limits for fences on residentially-zoned lots.
- 6) Exception for utility companies and commercial marijuana cultivation:
 - a. Utility companies such as APS (Arizona Public Service Company), Salt River Project, Unisource, etc. providing support and services for public utilities, are exempt from wall-fence height limits as these installations often require higher walls-fences in order to protect critical infrastructure. Perimeter fences for these utility companies will be only as tall as minimally required by each company.
 - b. Marijuana Cultivation facilities, with approved cultivation licenses through Arizona Department of Health Services, are exempt from wall-fence heights. Fences for cultivation facilities will be required to meet Arizona State Law requirements.

Exceptions to Height Limits Regarding Retaining Walls

1. Maximum height of a retaining wall shall be no more than 4 feet on side and rear yard.
2. Maximum height of 6 feet on top of retaining wall from finish grade inside of the retaining wall.
3. Front yard retaining walls, maximum of 4 feet with an additional 4 feet from inside finish grade with at least the top 2 feet as open fencing or 6 feet chain link open **with exception; a max of 3 feet within the triangular area formed by measuring 15 feet along the boundary of roadways and drives from their intersection. This three-foot limit includes hedges and other plantings but may include open fencing above three feet to otherwise permitted height.



Agenda Item Submission Form – Section I

Meeting Date: Planning and Zoning Commission: Thursday, December 1, 2022

Consent Agenda Decision Agenda Executive Session Requested

Presentation Only Action/Presentation Pre-Session Agenda

Requesting Department: Community Development

Staff Resource/Contact Person: BJ Ratlief, Planner

Agenda Title: Discussion, consideration, and possible recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 301.C, related to perimeter fencing.

List Attached Documents:

- A. Redline of Proposed Text Amendments
- B. Minutes from August 4, 2022, Planning and Zoning Meeting

Estimated Presentation Time: 10 minutes

Estimated Discussion Time: 10 minutes

Summary: Currently, perimeter fencing is not allowed on lots that are under two (2) acres in size. If passed, this would mitigate the problem of citizens having dumping and trespassing issues on their property.

Justification: The current Planning and Zoning Ordinance prohibits vacant/undeveloped lots or parcels less than two (2) acres from being fenced. This creates a problem for property owners that are unable to protect their property from illegal dumping and trespassing.

Background Information: Part Six (6) – Administration and Procedures, Section 600.C.1, allows for amendments to the Zoning Ordinance by the Council after a hearing before the Planning and Zoning Commission. Amendments may be initiated by the Council, the Planning and Zoning Commission, the public or by staff.

On August 4, 2022, staff presented to the Planning and Zoning Commission a list of minor amendments for consideration and public input. See Attachment B for minutes from that meeting. On November 3, 2022, this item was scheduled for Commission review. However, it was continued due to time constraints.

Discussion: The current prohibition of fencing vacant lots inhibits property owners from protecting their private property. The Town has investigated several code violations where unknown persons have dumped trash and debris as well as parked/abandoned dilapidated vehicles on vacant/open lots. There are even several cases where people have been living in RVs (recreational vehicle) on vacant lots. The current prohibition prevents property owners from effectively stopping unwanted trespass on their private property.

However, for purposes of public safety and protection against other code violations, staff believes it is important to be able to see/observe vacant lots. Many of the Town's existing code violation cases of building without a permit occur where lots are fenced, and the building is not easily seen by neighbors or staff. Additionally, the Town does not want vacant lots to be used for storing/dumping dilapidated vehicles, equipment and supplies or other illegal activities. Therefore, staff recommends removing the current prohibition on fencing vacant lots with a requirement that the fence be non-opaque fencing.

The following have been completed by staff:

- A public hearing notice was placed in the Verde Independent Newspaper on November 13, 2022, and November 16, 2022 and
- A meeting agenda was posted at Town Hall and Bashas'.

Recommended Action (Motion): Motion to recommend the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 301.C, related to perimeter fencing.

Attachment A

Perimeter Fencing (Section 301.C.):

See below for recommended revision, red text, to **Section 301.C.1 – Accessory Uses and Structures** (P&ZO, page 83).

301. C. Accessory Uses and Structures

1. Accessory Uses and Structures are allowed prior to installation of the principal structure only when a construction permit is issued for the principal structure and construction of same is commenced within six months. On lots of two acres or more in size, an accessory structure may be constructed for the purpose of storing machinery or other miscellaneous equipment without a primary structure being required. A building permit, and/or zoning clearance, must be obtained prior to installation of construction and all structures must be built to conform to the International Building Code and Zoning District setback requirements.

Perimeter fences are exempt from the above paragraph. Vacant parcels may be fenced, prior to installation of a principle use or structure. Such fences shall comply with all other zoning requirements. Additionally, if the parcel or lot is vacant, then all perimeter fencing shall be non-opaque in order that the parcel may be clearly seen/observed.

2. Residential uses in manufactured homes and mobile homes and long term stays in RV Parks (over 30 days), that do not include an enclosed garage, shall provide enclosed storage, attached or detached, of a minimum area of one hundred (100) square feet as an accessory use to such dwellings.

Attachment B

Excerpt from approved minutes August 4,2022

- 1.a. Minor Code Amendments** - Possible changes to the zoning ordinance related to accessory structures (height and setbacks), fencing (height and setbacks), and Scrivener's Errors.

Staff Comments: Director Knight spoke of these being little things that we can easily take care of.

Accessory structure side and rear setbacks and height can be the same for all zoning districts and defined in the code. As well as a clear definition of an accessory structure being non-habitable.

Fencing needs to have a difference in internal and external height, as well as vacant lots need to be allowed fencing as long as it is not opaque. Scrivener's errors allow Community Development to correct small, grammatical errors in the code without having to come to Planning and Zoning Commission and Town Council.

Public Comments: Steven Backus spoke in favor of updating the setbacks and accessory structures.

Mary Phelps spoke that she is in favor of setbacks and accessory structures being updated in the code.

Marie Moore is in support of the accessory structure setbacks being updated. Fence should be allowed on vacant lots, as well as accessory structures.

Commission Comments: Commissioner Osses spoke that as a property owner you should be able to do whatever you want.

Commissioner Blue suggested that we come back to Planning and Zoning with accessory structures, setbacks, and fence as a Work Session.

Commissioner Hough spoke to the reason that accessory structures, are not allowed on vacant lots to protect property values and the neighborhood. Chairman Faiella requested that these all come back to Planning and Zoning as Ordinances for approval.

Director Knight also spoke about the reason we do not allow an accessory structure on a vacant lot.

Chairman Faiella also asked that in the Work Session we look at the Fee Structure. Director Knight stated that this is not likely to be changed by the Town Council.



Agenda Item Submission Form – Section I

Meeting Date: Planning and Zoning Commission: Thursday, December 1, 2022

Consent Agenda Decision Agenda Executive Session Requested

Presentation Only Action/Presentation Pre-Session Agenda

Requesting Department: Community Development

Staff Resource/Contact Person: BJ Ratlief, Planner

Agenda Title: Discussion, consideration, and possible recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 502.A, related to land division.

List Attached Documents:

- A. Redline of Proposed Text Amendments

Estimated Presentation Time: 10 minutes

Estimated Discussion Time: 10 minutes

Summary: Correction to this amendment will bring the Town Planning and Zoning Ordinance into compliance with Arizona Revised Statute.

Justification: The current Planning and Zoning Ordinance, Section 502.A-Land Division, contains several text errors. Staff recommends the making corrections so the ordinance is consistent with Arizona Revised Statutes.

Background Information: Part Six (6) – Administration and Procedures, Section 600.C.1, allows for amendments to the Zoning Ordinance by the Council after a hearing before the Planning and Zoning Commission. Amendments may be initiated by the Council, the Planning and Zoning Commission, the public or by staff.

On August 4, 2022, staff presented to the Planning and Zoning Commission a list of minor amendments for consideration and public input. This item was scheduled for discussion on November 3, 2022; however, it was continued due to time constraints.

Discussion: The current Land Division section contains several text errors which create confusion and appear to say only land divisions of parcels 2.5 acres or less require Land Division approval. These text errors have resulted in several land division which were never reviewed nor approved by Town staff. The updates and corrections will bring the ordinance in compliance with Arizona Revised Statutes.

See Attachment A for redlines to Section 502A. – Land Division (P&ZO, page 139).

The following have been completed by staff:

- A public hearing notice was placed in the Verde Independent Newspaper on November 13, 2022, and November 16, 2022 and
- A meeting agenda was posted at Town Hall and Bashas’.

Recommended Action (Motion): Motion to recommend to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 502.A, related to land division.

Attachment A

Land Division Lot Size (Section 502A) Proposed Amendments:

Section 502A. – Land Division

Land Divisions may result in new roadways, additional homes and the need for Town services. It is important for the public welfare that land division has proper guidance and control. [Arizona Revised Statutes, Title 9, Section 463.01 provides authority for municipalities to regulate by ordinance land splits.](#) In no way is it intended by this subsection to prohibit the division of land as authorized by Arizona State Law and the Town's subdivision regulations that pertain to the creation of four or more lots, parcels or tracts of land, or to the creation of two or more lots, parcels or tracts where a new street is involved. Any lot or parcel established within the Town limits will be subject to review by the Community Development Department and ~~may will~~ require a Minor Land Division permit, ~~L~~ot ~~L~~ine ~~A~~adjustment or ~~S~~ubdivision ~~P~~lat as described herein.

1. Land Division: Any parcel or tract of land ~~containing 2.5 acres or less~~ split into two or three separate lots, tracts or parcels of land, creating no more than three parcels, lots or tracts in total, and where no new street is involved, must have a Minor Land Division Permit approved by the Community Development Department.
 - a. This approval will ensure the newly created lots or parcels:
 - 1) Comply with applicable zoning regulations;
 - 2) Are not creating land-locked parcels;
 - 3) Do not constitute a subdivision; and
 - 4) Ensure access is provided to all newly created parcels.
 - b. A ~~M~~inor ~~L~~and ~~D~~ivision permit is required if property is split by:
 - 1) Recording a contract of sale;
 - 2) Recording a deed of conveyance; and/or
 - 3) Requesting a split of a tax assessor parcel.
 - c. Upon receipt of a complete Minor Land Division Permit application, the Community Development Director shall respond to the permit request within ten working days. A denial can be based on any one of the following:
 - 1) The parcels resulting from the division do not conform to size, width/depth requirements and other zoning regulations;
 - 2) A parcel or adjacent property becomes landlocked and does not have legal access; and/or
 - 3) The division of land would result in a subdivision as defined by the subdivision regulations.
 - d. The application shall include:
 - 1) A legal description of the property;
 - 2) A comprehensive list of all property owner(s) and buyer(s), as well as any other parties of interest to the land division;

- 3) A description of how the newly created parcels will be accessed, including any of the following:
 - a) A recorded easement or a proposed easement to be recorded when the lot is split; or
 - b) Fronts onto a dedicated right-of-way or street.
 - 4) A map, drawn to scale, showing the following:
 - a) Existing and proposed property lines;
 - b) Access and utility easements;
 - c) Dimensions and the location of existing structures along with a brief description of use (i.e., residence or type of use for accessory structure).
 - 5) Any fee(s) for filing a Minor Land Division Permit application shall be listed in the Town Fee Schedule.
2. **Lot Line Adjustment:** Land taken from one or more parcels that is added to an adjacent parcel without creating any additional parcels and which complies with this subsection. A lot line adjustment shall not be considered a land division or lot split when under the terms of the subsection provided that the proposed adjustment does not:
- a. Create any new lot;
 - b. Cause any existing lot to become substandard in size or shape;
 - c. Make substandard the setbacks of existing development on the affected property; and/or
 - d. Impair any existing required access, easement or public improvement.
 - e. Adjustments may be made to add to an existing non-conforming parcel as long as a.-d. above are satisfied even if the lot line adjustment does not bring the property to a conforming lot size status.



Agenda Item Submission Form – Section I

Meeting Date: Planning and Zoning Commission: Thursday, December 1, 2022

Consent Agenda Decision Agenda Executive Session Requested

Presentation Only Action/Presentation Pre-Session Agenda

Requesting Department: Community Development

Staff Resource/Contact Person: BJ Ratlief, Planner

Agenda Title: Discussion, consideration, and possible recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 301.A, related to setbacks for nonconforming parcels.

List Attached Documents:

- A. Redline of Proposed Text Amendments
- B. Minutes from August 4, 2022, Planning and Zoning Meeting

Estimated Presentation Time: 10 minutes

Estimated Discussion Time: 10 minutes

Summary: Authority to allow setback adjustments for legal nonconforming parcels, has always been done by policy. This would allow it to be documented and done through authority that is given by the Planning and Zoning Ordinance.

Justification: The current Ordinance does not provide clear and concise authority to administratively adjust setbacks on legal, nonconforming parcels that are substandard in size.

Background Information: Part Six (6) – Administration and Procedures, Section 600.C.1, allows for amendments to the Zoning Ordinance by the Council after a hearing before the Planning and Zoning Commission. Amendments may be initiated by the Council, the Planning and Zoning Commission, the public or by staff.

On August 4, 2022, staff presented to the Planning and Zoning Commission a list of minor amendments for consideration and public input. See Attachment B for minutes from that meeting. On November 3, 2022, this item was scheduled for discussion; however, it was continued due to time constraints.

Discussion: The Town of Camp Verde has a significant number of lots or parcels that are substandard in size but were created legally prior to incorporation of the Town. These parcels are referred to as “nonconforming lots of record” and are often referred to as being grandfathered.

Simply stated, a nonconforming lot is a parcel which does not meet current zoning standards such as minimum lot area or minimum lot dimensions. Provided the lot was legally created, then a home or other allowable use can be constructed on the lot.

A common example is an existing ½ or ¼ acre lot which is zoned RR-2A which is supposed to be a 2-acre lot or greater. The required setbacks for RR-2A zoning is 50' on the front and rear boundary and 25' on the sides. Substandard parcels such as this often cannot physically meet these greater setbacks and still have enough space to actually build a home.

The accepted method of permitting building and development on such lots is to apply the zoning standards for the use district which, by size and dimensions, most closely applies to the physical dimensions of the actual lot. In the above example, the setback standards of the R1 zoning district would be applied to this nonconforming lot which would allow the lot to be developed.

Past Community Development Directors, have by policy, authorized building and development on these nonconforming lots by applying the above standard. However, such authority is not explicitly detailed in the current Ordinance. Staff recommends amending the current Ordinance to clarify this authority and procedure.

The following have been completed by staff:

- A public hearing notice was placed in the Verde Independent Newspaper on November 13, 2022, and November 16, 2022.
- A meeting agenda was posted at Town Hall and Bashas'.

Recommended Action (Motion): Motion to recommend to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 301.A, related to setback for nonconforming parcels.

Attachment A

Setbacks for Nonconforming Parcels (Section 301.A.) Proposed Amendments:

301.A Yards and Courts

The required setback for a structure on any property is the minimum yard allowed. No structures other than fences, free standing walls, swimming pools, signs and other structures or projections cited in this section shall be permitted in the required setback. No lot shall be divided or diminished so that the setback and lot coverage requirements cannot be met. Structures on different lots shall not share the same yard to meet setback requirements. Except front setbacks in the Townsite Plat may be reduced to match either of the adjacent front property setbacks and may reduce front setbacks to zero.

In calculating setbacks, through lots (fronting on two streets) shall be considered as having two front yards. No door, window or other device, when opened, extended or otherwise in operation, shall protrude beyond a lot boundary.

1. Yard Adjustments: (Where the minimum length or width requirements can be met):

a. Side Yard Deviations

- 1). Any residentially- zoned interior lot lacking rear access shall provide a side yard measuring no less than 9 feet to provide access to any rear parking.
- 2). On a reverse corner lot backing to the adjoining lot, no structure exceeding a four (4) foot height may be located adjacent to the side street within a triangular area formed by a line connecting the street intersection with the required front setback line of the adjoining lot.

b. Legal, Nonconforming Lots – All yards:

~~Structures located on legal, non-conforming lots shall meet the district setback requirements notwithstanding the substandard area of the lot.~~

Setbacks may be administratively adjusted for legal, nonconforming lots where district setbacks cannot be met due to substandard lot size. Setback standards for the nearest zoning district which most closely applies to the actual lot size will be used as the allowable setbacks. Administrative adjustments made under this section shall be documented on all Zoning Clearance documents.

2. Encroachment into Yards (where not in conflict with future width lines): No structure (other than fences, free standing walls or signs) shall be located so as to encroach upon or reduce any open space, yard, setback requirement, lot area or parking area as is designated under these provisions or under the provisions of the District in which it is located, except that:

a. All Yard Encroachments:

- 1) Cornices, eaves, coolers and open balconies, fire escapes, stairways or fire towers may project no more than five feet into any required yard (see definition) or court but no closer than three feet from any lot boundary.
- 2) Chimneys may project two feet into any required yard or court.

b. Front Yard Encroachments:

- 1) A bay window or entranceway less than ten feet wide may project three feet into any required front yard.

2) An attached open porch, balcony or carport may project no more than 6 feet into any front yard.

c. Rear Yard Encroachments:

1) A bay window or entranceway less than ten feet wide may project three feet into any required rear yard.

2) An attached open porch, balcony or carport may project no more than 10 feet into any required rear yard (but no closer than 10 feet from any common lot boundary).

3) A detached accessory structure may be placed in a required rear yard provided it does not:

a) Encroach upon the end quarter of a through lot, or double frontage lot

~~b) Be nearer the side property line of the front half of any adjacent lot than the required side yard of such lot.~~

~~e)b)~~ No portion of an accessory building to be used for dwelling or sleeping purposes shall be nearer any property line than is allowed for a principal building.

~~d)c)~~ Except that none of these provisions for detached accessory buildings shall prohibit their construction in a location farther than 75 feet from any lot boundary.

4) Swimming pool setbacks from any lot boundary shall be no less than five (5) feet for any outdoor private pool and twenty-five feet for any outdoor public pool.



Agenda Item Submission Form – Section I

Meeting Date: Planning and Zoning Commission: Thursday, December 1, 2022

Consent Agenda Decision Agenda Executive Session Requested

Presentation Only Action/Presentation Pre-Session Agenda

Requesting Department: Community Development

Staff Resource/Contact Person: BJ, Ratlief, Planner

Agenda Title: Discussion, consideration, and possible recommendation to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 601, related to scrivener’s and formatting errors.

List Attached Documents:

- A. Redline of Proposed Text Amendments
- B. Minutes from August 4, 2022, Planning and Zoning Meeting

Estimated Presentation Time: 10 minutes

Estimated Discussion Time: 10 minutes

Summary: This will allow minor editing in the Planning and Zoning Ordinance, which is full of grammatical errors.

Justification: The Zoning Ordinance has several minor, grammatical, typographical, and formatting errors. Currently, these errors can only be changed by approving an ordinance whenever an error is discovered.

Background Information: Part Six (6) – Administration and Procedures, Section 600.C.1, allows for amendments to the Zoning Ordinance by the Council after a hearing before the Planning and Zoning Commission. Amendments may be initiated by the Council, the Planning and Zoning Commission, the public or by staff.

On August 4, 2022, staff presented to the Planning and Zoning Commission a list of minor amendments for consideration and public input. See Attachment B for minutes from that meeting. This item was scheduled for discussion on November 3, 2022; however, due to time constraints the item was continued.

Discussion: The current Planning and Zoning Ordinance was approved in May of 2011. As a living document, there have been several amendments to it in order to update and clarify sections. Those amendments were intended to modify actual content and intent of the Ordinance. However, there are also many minor grammatical and typographical errors within the document. The purpose of adding this provision to the Ordinance is to provide authority to the Community Development Director to administratively correct these errors.

One example of this type of error is contained in the definition of Assembly, Construction & Processing Plants (P&ZO, page 13). See highlighted below:

*ASSEMBLY, CONSTRUCTION & PROCESSING PLANTS: Includes the following activities within a closed or partially closed buildings: machining, tooling, assembly, molding, decorating, cleaning, equipping, repairing, servicing, printing, publishing, welding, milling, planning, manufacturing, fabrication, processing, compounding, packaging, mixing, glazing, winding, binding, weaving, knitting, sewing, baking, cooking, roasting, pickling, brewing, distilling, salvage (but not wrecking), equipment, material and dead storage yards, plating, polishing, meat packing (no slaughtering except rabbits and poultry), animal treating, boarding, **breeding** and sales, warehousing (including elevators), freight yards, circuses and carnivals, race tracks, and stadiums.*

No doubt, this definition was originally intended to say is “breeding”; however, this spelling error has persisted in the document since 2011. It is these types of errors which this exception is intended to address.

This proposed change to the Zoning Ordinance Text Amendments is only for administrative authority to correct these types of typographical and editing errors. All other corrections and edits of the document will be required to go through the citizen review and public hearing process.

The following have been completed by staff:

- A public hearing notice was placed in the Verde Independent Newspaper on November 13, 2022, and November 16, 2022 and
- A meeting agenda was posted at Town Hall and Bashas’.

Recommended Action (Motion): Motion to recommend to the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona to approve amending the Town of Camp Verde Planning & Zoning Ordinance with minor text amendments within Section 601, related to Scrivener’s and Formatting Errors.

Attachment A

Scrivener's and Formatting Errors (Section 601) Proposed Amendments:

SECTION 601 - ZONING DECISIONS

A. Zoning Ordinance Amendment Applications and Hearings

Any amendment to this Zoning Ordinance, which changes any property from one zone to another, imposes any regulation not previously imposed, or which removes or modifies any regulation previously imposed shall be adopted in the manner set forth in this section.

1. Applications for Zoning Ordinance text amendments, rezoning amendments, Use Permits, or other requests requiring Town Council approval shall be filed in the office of the Community Development Department on a form provided, along with such supplemental information required by the Department, and shall be accompanied by a fee established by approval of the Town Council. No part of any such fee shall be refundable after an application is filed and such fee paid, except at the discretion of the Town Council.

- a. The Planning and Zoning Commission shall hold a public hearing within 90 days of the date of a complete application submittal. After such hearing the Council may adopt the recommendation of the Planning and Zoning Commission without holding a second public hearing provided there is no objection, request for public hearing or other protest.
- b. The Town Council shall hold a public hearing if requested by the party aggrieved, any member of the public or of the Town Council, or in any case, if no public hearing has been held by the Planning and Zoning Commission.

2. Notice of the time and place of Council or Commission hearing shall be given in the time and manner provided for:

- a. Notice of public hearing before the Commission or Council for all amendments to the Zoning Ordinance text, the zoning map, Use Permits, or other requests, shall be done in accordance with the provisions of Arizona Revised Statutes 9-462.04 as they exist now or as they are amended from time to time. Such notice includes at a minimum the posting and publishing of public hearing notices as specified in the statute.
- b. Written protests of any recommendation action taken by the Commission shall be filed in the office of the Community Development Department before noon on the Monday of the week preceding the Council meeting at which such amendment will be considered. If such written protest constitutes twenty percent (20%) or more of the immediate area involved in a request for rezoning as specified in ARS 9-462.04.H, as may be amended, a favorable vote of three-fourths of the Council shall be required.
- c. A decision made by the Council involving rezoning of land which is not owned by the Town and which changes the zoning classification of such land may not be enacted as an emergency measure and such a change shall not be effective for at least 30 days after the final approval of the change in classification by the Council.
- d. In the event an application has been denied by the Council, the Commission shall not consider a similar application within 12 months of the application date.

3. Citizen review and participation process is required for all zone change applications or Use Permit applications:

- a. Prior to any public hearing, the applicant or an appointed representative shall arrange a meeting with the planning staff which identifies development issues as well as arrangements and scheduling for the neighborhood meeting described in subsection **b** below.
- b. The applicant or an appointed representative shall conduct a neighborhood meeting designed to inform adjoining residents and property owners about the proposed zone change, specific plan application or Use Permit.
- c. At least 15 days prior to the scheduled neighborhood meeting, the applicant shall notify all property owners within 300 feet of the subject site by first class mail and post the actual property with meeting date and time. The notification shall include the date, time and place for the neighborhood meeting, as well as a description of the proposed land uses. The applicant shall provide an affidavit attesting to this notification being accomplished.
- d. It is the responsibility of the applicant or their representative to conduct the meeting, provide an opportunity for a question and answer period by the audience, and identify a point of contact to the public for follow-up questions and comments.
- e. The applicant shall prepare a written summary of the meeting by way of affidavit, including a list of attendees and the issues and concerns discussed and submit a copy of the summary, with a photo of the posting on the property and a copy of the meeting announcement letter, to the Planning Department within 15 days after the neighborhood meeting.

4. Zoning Ordinance text amendments: If the Town adopts any zone change or any amendment that imposes any regulation not previously imposed or that removes or modifies any such regulation previously imposed, it must comply with the citizen review process as set forth in ARS §9-462.03, as may be amended, and the public hearing notice procedures set forth in ARS 9-462.04.A as may be amended.

The Community Development Director is authorized to correct typographical, grammatical, punctuation, and formatting errors, as necessary, in the Planning and Zoning Ordinance; for purposes of clarity, form, and consistency. The Community Development Director is authorized to make such necessary corrections to any ordinance, before, during or following codification and without the public hearing requirements as above detailed in section.

Attachment B

Excerpt from approved minutes August 4,2022

- 1.a. Minor Code Amendments** - Possible changes to the zoning ordinance related to accessory structures (height and setbacks), fencing (height and setbacks), and Scrivener's Errors.

Staff Comments: Director Knight spoke of these being little things that we can easily take care of.

Accessory structure side and rear setbacks and height can be the same for all zoning districts and defined in the code. As well as a clear definition of an accessory structure being non-habitable.

Fencing needs to have a difference in internal and external height, as well as vacant lots need to be allowed fencing as long as it is not opaque.

Scrivener's errors allow Community Development to correct small, grammatical errors in the code without having to come to Planning and Zoning Commission and Town Council.

Public Comments: Steven Backus spoke in favor of updating the setbacks and accessory structures.

Mary Phelps spoke that she is in favor of setbacks and accessory structures being updated in the code.

Marie Moore is in support of the accessory structure setbacks being updated. Fence should be allowed on vacant lots, as well as accessory structures.

Commission Comments: Commissioner Osses spoke that as a property owner you should be able to do whatever you want.

Commissioner Blue suggested that we come back to Planning and Zoning with accessory structures, setbacks, and fence as a Work Session.

Commissioner Hough spoke to the reason that accessory structures, are not allowed on vacant lots to protect property values and the neighborhood. Chairman Faiella requested that these all come back to Planning and Zoning as Ordinances for approval.

Director Knight also spoke about the reason we do not allow an accessory structure on a vacant lot.

Chairman Faiella also asked that in the Work Session we look at the Fee Structure. Director Knight stated that this is not likely to be changed by the Town Council.