

**MINUTES
COUNCIL HEARS PLANNING AND ZONING
MAYOR and COMMON COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, FEBRUARY 23, 2005
at 6:30 P.M.**

Minutes are a summary of the actions taken. They are not verbatim.
Input is placed after Council motion to facilitate future research.
Public input, where appropriate, is heard prior to the motion.

1. **Call to Order**

The meeting was called to order at 6:30 p.m.

2. **Roll Call**

Mayor Dickinson, Vice Mayor Reddell, Councilors Gioia, Baker, Kovacovich, and Parrish were present; Councilor Teague arrived at 6:31 p.m.

Also Present: Community Development Director Wright, Sr. Planner Nancy Buckel, P&Z Commissioners Robert Foreman and Bob Womack, Council candidate Robert Johnson, and Recording Secretary Margaret Harper

3. **Pledge of Allegiance**

The Pledge was led by Councilor Baker.

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 Council requests.

a) **Approval of the Minutes:**

1) There are no minutes for approval.

b) **Set Next Meeting, Date and Time:**

1) Regular Session – March 2, 2005 at 6:30 p.m.

2) Regular Session – March 16, 2005 at 6:30 p.m.

3) Council Hears Planning & Zoning – March 23, 2005 at 6:30 p.m.

c) **Possible approval of payments from the Yavapai-Apache Nation gaming revenues donated to the Town pursuant to Section 12(d)(1) of the Tribal-State Gaming Compact to the Chamber of Commerce in the amount of \$7,799.15 and the Camp Verde School District Native American Club in the amount of \$7,799.15, leaving a balance of \$23,397.45 to be used for infrastructure development.**

On a motion by Gioia, seconded by Reddell, the Council unanimously approved the Consent Agenda as presented.

Mayor Dickinson announced that it had been decided to table Items 11 and 12 due to the request of the agent, to be rescheduled for March 23, 2005. Dickinson also reviewed the allocation of the funds received from the Yavapai-Apache Nation in the amount of \$38,995.75 to honor the Nation's request, as set forth above.

5. **Call to the Public for Items not on the Agenda.**

There was no public input.

(The Council agreed to hear Item 6 at a later point in the agenda since the applicant was not yet present.)

6. **Discussion, consideration, and possible approval of CSP 2005-01, a Comprehensive Sign Plan submitted by Joseph Contadino of UH Partners I, LLC for "The Views" and "The Bluffs", formerly known as the Verde Cliffs Subdivision.**

On a motion by Teague, seconded by Baker, the Council voted unanimously to table Item 6 until further instruction from the Town Attorney.

Director Wright referred to the report that was submitted to Council as well as presented to and discussed in the Commission meeting. He said that the Commission unanimously supported the request, with the understanding that the off-premise signs would be in place no longer than three years at most, and any change to another use would have to be reviewed and approved by the Town. Director Wright also pointed out the sign plan submitted by the applicant, citing the section of the Code that provides for a Comprehensive Sign Plans for residential subdivisions, and describing the different sizes and locations of the proposed signs.

Prior to commencing the discussion, in response to a request for confirmation, it was declared that no member of the Council had any financial connection to the project and therefore no conflict of interest existed. There followed a lengthy discussion primarily regarding the proposed size and the history of regulating off-premise signs. It was also pointed out that the proposed off-premise sign was to be in place no longer than three years. However, the discussion resulted in a conflict of opinion as to whether the Comprehensive Sign Plan could be interpreted to permit the proposed 300-square-foot billboard sign in a special circumstance, which would be larger than the maximum 64-square-foot sign limited by the sign code and therefore in violation. In order to resolve the conflict, rather than take any action at this time, it was decided that a legal opinion will be requested from the Town Attorney as to what was intended to be allowed under the existing Comprehensive Sign Plan provision.

PUBLIC INPUT

Robert Johnson expressed his opinion that the signs along 260 should be half as big as the leaflet indicates.

There was no further public input.

7. **Discussion, consideration, and possible approval of Ordinance 2005-A299, an ordinance of the Town of Camp Verde, Yavapai County, Arizona, adopting an amendment to the Zoning Map of the Planning and Zoning Ordinance for parcels 404-28-018L, 404-28-018V, and 404-28-018Y consisting of approximately 3.5 acres from R1L-35 to C2. This rezoning is to allow for commercial development.**

On a motion by Gioia, seconded by Baker, the Council unanimously approved Ordinance 2005-A299, an ordinance of the Town of Camp Verde, Yavapai County, Arizona, adopting an amendment to the Zoning Map of the Planning and Zoning Ordinance for parcels 404-28-018L, 404-28-018V, and 404-28-018Y consisting of approximately 3.5 acres from R1L-35 to C2. This rezoning is to allow for commercial development; location of the property is on Finnie Flat Road next to the DPS and ADOT yard.

STAFF PRESENTATION

Community Development Director Wright said that the Trail's End RV Park consisting of about 3.5 acres has been at its location on Finnie Flat Road for some time, and is surrounded by other properties that are zoned commercial. The RV park has been operating under a Use Permit. No letters of opposition to the zoning change have been received. The P&Z Commission voted unanimously to recommend approval; one concern was to preserve the Faulkner Wash trail that is on the border of the park which the applicant was to address by a letter.

PUBLIC HEARING OPEN

Applicant's Statement

Andy Ayers said that the Christian School next to the property had received C-2 zoning a few years back, and RV park owners had been aware that at the time the park was built it would one day warrant a different usage, and the commercial zoning is now being requested since it is now located as part of a commercial corridor. Mr. Ayers said he had prepared a letter of intent regarding following through on the question of the trail; however, the RV park property only

includes halfway to the middle of the wash and because of the topography any trail would be difficult at best.

COMMENT FROM OTHER PERSONS

There were no comments.

APPLICANT'S REBUTTAL

No rebuttal was required.

PUBLIC HEARING CLOSED

Council Discussion

There was only a brief discussion to review the history of the request for the trail in connection with the proposed Harvard development. It was also confirmed that the requested deed restriction had been included in the proposed Ordinance.

8. **Discussion, consideration, and possible approval of Resolution 2005-629, a resolution of the Common Council of the Town of Camp Verde, Arizona approving the Revised Preliminary Plat 2004-04 for the purpose of developing Hinch Springs Subdivision on parcel 404-13-451M consisting of approximately 19.77 acres and 34 lots. The location of the project is off Verde Lakes Drive accessed by a new roadway.**

On a motion by Reddell, seconded by Teague, the Council unanimously approved Resolution 2005-629, a resolution of the Common Council of the Town of Camp Verde, Arizona approving the Revised Preliminary Plat 2004-04 for the purpose of developing Hinch Springs Subdivision on parcel 404-13-451M consisting of approximately 19.77 acres and 34 lots; the location of the project is off Verde Lakes Drive accessed by the new roadway, with the addition that wooden-type fencing will be put between Lots 16, 17 and 18 for Verde Lakes clubhouse.

STAFF PRESENTATION

Director Wright said that the Council has previously seen the preliminary plat which involves about 20 acres off of Verde Lakes Drive. The concern about access to the development has been addressed by the developer providing an alternate ingress and egress. The proposed lots are larger than the surrounding lots, and the developer has agreed to make improved amenities requested by the Commission, including development of a trail as part of the thrust to have trails throughout the community. The Commission has unanimously recommended approval, and no letters of opposition have been received.

PUBLIC HEARING OPEN

Applicant's Statement

Dugan McDonald, professional land surveyor, said that he and Luke Sefton, professional engineer, have prepared the preliminary plat that has been presented to the Council, and are present to answer questions.

COMMENT FROM OTHER PERSONS

Winogene Harris requested clarification regarding the parking lot for the clubhouse next to the proposed development, and the reference to retaining the natural vegetation, and whether a fence is planned, and if so the type of fence. Ms. Harris said that they would want some type of divider to define the property line, and asked if a fence would surround the whole property.

Lois Williams also spoke, questioning the access to Tumbleweed.

There were no other comments from other persons.

APPLICANT'S REBUTTAL

Dugan McDonald said that the lots of concern that had been addressed were 16, 17 and 18, and in the CC&R's there is a provision that the vegetation along those lot lines cannot be disturbed; it

will continue to exist. In response to the speakers, Mr. McDonald reviewed on a map the areas of concern, and said at this time there would only be a box fence along the highway. The types of fencing for the lots will be up to the property owners. There will be an AB four-foot shoulder on the roadway to provide a trail throughout the subdivision.

PUBLIC HEARING CLOSED

Council Discussion

The Council discussed further the map provided by the applicant, asking if the developer would entertain the idea of providing a section of fence along the boundary of parking lot; it was confirmed that a wooden fence would be provided. There was a further brief discussion regarding the proposed trail system. It was confirmed that the question of street names has been addressed with the Fire Department, and drainage issues were also discussed.

9. **Discussion, consideration, and possible approval of Resolution 2005-628, a resolution of the Town of Camp Verde, Arizona approving General Plan Amendment 2004-03 that amends the Land Use Map of the General Plan for parcels 403-19-010B, 403-21-001, 403-21-001A, 403-21-001B, and 404-18-158C Residential/Agriculture to Higher Density Residential. This amendment is to accommodate the development of a residential subdivision. The site is located adjacent to Arena Del Loma Estates off of Arena Del Loma Road**

On a motion by Gioia, seconded by Teague, the Council unanimously **disapproved** Resolution 2005-628, a resolution of the Town of Camp Verde, Arizona, for parcels 404-18-158C, 403-19-010B, 403-21-001A, 403-21-001B, and 403-21-001, plus or minus 18.08 acres, requesting a General Plan Amendment 2004-03 from Residential/Agriculture to Higher Density Residential to allow for rezoning of the parcel to RIL-12.

STAFF PRESENTATION

Director Wright said that the request before Council is for General Plan Amendment for approximately 18 acres adjacent to Arena Del Loma and I-17 that are also the subject of the following Item 10 that also may be included in this discussion. The Council has received copies of the conceptual plan for the proposed subdivision. The applicant is requesting the higher density because of the plan for smaller lots which has created a lot of concern because the area is not served by either the Water Company or the Sanitary District sewer system. The developer intends to bring forward the percolation rates; that would help him to understand the sizing that would be required in terms of septic systems. There also needs to be information about a proposed well to be placed on the property to service the entire development and required to be operated by the Camp Verde Water Company. Other concerns of the owners of adjacent larger properties and below the development are the number of septic systems in a fairly compact area and the impact of traffic on Arena Del Loma. Across the way is an RV park, and a mobile home park in the immediate area, both of which are a higher density than what is being sought for the subject property. The Commission voted 5-2 to recommend approval of the General Plan amendment; that discussion also included allowing for development of a trail.

PUBLIC HEARING OPEN

Applicant's Statement

Dugan McDonald described the proposed planned development which will consist of 43 lots of not less than 12,000 square feet each. Provisions for the well for water have been made, and the perc rates will support that many lots. The subdivision will be good for the community by providing low-cost housing. Saying he understood there were people who wanted to speak on the subject, Mr. McDonald concluded his statement.

COMMENTS FROM OTHER PERSONS

Matt Hromada said that he bought his property about 12 years ago; it was 2-1/2 acres and he bought it because it was open space. All of the surrounding properties were either 2-1/2 acres or 1-1/2 per family. He understood that all the property across the street and up to the highway

was going to be homes only consisting of the larger parcels. Mr. Hromada strongly suggested that Council vote against the proposed subdivision; he thinks it would be the right thing to do.

George Carlson gave his address as 1203 Esther Parkway at the end of the cul-de-sac. His major concern is drainage and an overwhelming amount of water that came from the east, north and northeast during the recent rains, crossing over driveways and into a retention area that eventually leaches out. The addition of new homes to the north in that amount density could create a major problem. Another concern is the number of leach fields that 43 homes will require, and the well that has to be dug 500 feet or more and the effect that might have on the existing wells now in the area. Everyone bought in the area because they had enough room to move around with nobody right next door. There is a major problem because of the water, septic, drainage and size of lots and the Council needs to address that.

Michael Momeyer first thanked the Council members for their community service to the Town. He also owns property adjacent to the development on Arena Del Loma, sharing approximately 1,000 feet of common roadway. He did not anticipate looking down on the proposed number of roof lines, but he said he believes the development will be a nice, clean, safe neighborhood with paved streets, sidewalks and curbs, with a community water service. The days of affording elbow room and big acreage are quickly shrinking, and there is a need for homes such as being proposed. He believes it will be well designed with completed landscaping and stucco homes and CC&Rs that will keep a nice neighborhood maintained there and a asset to the community. He also spoke at length about the issues of traffic and developing his own property. He approves of the fact that it is a Camp Verde resident doing the development using local contractors, local suppliers, and believes that millions of dollars will be brought into the economy through the development. He has no objection to the project.

Michael Meutzel said that a lot of people made decisions based on planning and zoning, and moved in expecting things to be the way planning and zoning put it, because that is the law. And then there are people who think others should accommodate their needs, and also based that on planning and zoning. He is in favor of not changing the zoning.

Dobie Champion has lived on Rustlers Trail for about 18 years, within walking distance of the development. She personally has no opposition, but commented that regarding leaving the zoning as it is she raised the question of possible other uses with the zoning remaining as it is. She suggested that everyone should look at what could happen if no change is made.

George Morgan told the Council that he bought his property three years ago on Esther Parkway because of the size of it, and now the proposal is to put a bunch of houses there. He said he had submitted a letter with ten signatures on it listing all their concerns. He wanted the Council to consider the question of what is responsible and what is reasonable. To reduce the size of lots from 2 acres to 1 acre would be a 100% increase, which could be dealt with; to go to the proposed size would be a 600% increase, which is not reasonable. Mr. Morgan paraphrased some comments from Mr. Womack during the Commission hearing regarding affordable housing for young people, which Mr. Morgan disputes would be the case. He does not blame the developer for trying to make money from cheap land, but does blame the P&Z Commission for bending to accommodate somebody else's greed. He also reviewed how the land was originally laid out by zoning and infrastructure. Mr. Morgan also cited possible problems from the increased traffic and the proposed sewer system. He referred to other comments by Mr. Womack, all of which he objected to. He also questioned the lack of necessary utilities for the project. The neighbors all agree that if the project called for a reasonable change to one-acre lots there would be no objection. Mr. Morgan suggested that the project was being shoved through to avoid a possible need for a major amendment proceeding. He thinks the application should be denied.

Mike Costello said he would ditto what Mr. Morgan said. He described a very bad traffic corner in the area that continues to be a problem as it is. He added that he did not want 43 toilets

flushing down his well, and that will happen sooner or later, so the project needs to be really looked at.

Hilario Aispuro agreed with everything his neighbors have said. He moved from Phoenix, bought his house six months ago on Esther Parkway, believing the way everything was set up was the best way to raise his family. All of his concerns have already been addressed, especially the problem of the sewer. There would be too many houses for proper disposal of the waste. He said he really hoped the Council would listen to everyone.

Bob Womack said he was glad to have the opportunity to set the record straight about things he had said. He said that he and a partner had considered purchasing property in the area with the intention of developing it for commercial, anticipating a possible exit he understood was to be developed by ADOT. After some study and research he became aware of changes in ADOT's plans such that he passed on purchasing the property. He repeated his belief that the courts have upheld time and time again that property owners have the right to use their property for the highest and best use, and the court would probably rule in favor of a proposed commercial development if asked to decide such an issue. He suggested that it would be much better to see a residential development in the area rather than a commercial one. Mr. Womack also commented on the affordable housing issue; unfortunately \$150,000 to \$200,000 seems to be becoming affordable housing in the Verde Valley because there is not that much land left to develop. The area would not be suitable for \$500,000 homes, in Mr. Womack's opinion. He suggested to the Council that the project is a very good development and a wise use for this particular property. Mr. Womack protested the use of the word "greedy" saying that business involves good planning and is a matter of getting paid for work. He added that planning and zoning is always subject to change depending upon issues that arise, and the property owners has the right to at least request that the zoning be changed and that he be able to use the property to its highest and best use, and recommended that the Council vote for the project.

Robert Smith, from the Air Park, said he is greatly concerned because of the density that is proposed. The zoning surrounding the area is more than adequate, and Mr. Smith questioned a reference to 48 single-family homes. He also questioned being able to have the water storage tank that ADEQ requires, the fact that the owner has to dig the well, and that there can be no more than one water supplier in the area, by law. He hopes the Council disapproves the application.

Greg Bedmark is also from the Air Park and said that his understanding is that the Park was out there so it would be away from traffic, and the regulations were built around the zoning. He would like to see the zoning stay the way it is.

Donna Hromada said that she agrees that we potentially have the right to do what we like to do on it, within the zoning laws. Changes do occur and that is the reason for variances. But to go from 1-3/4 acres for one house to four houses per acre is pretty drastic. She also reiterated that the County requires significantly more separation than 1/4 acre lot in order to have septic tanks and wells in the area. She is very concerned about her well going dry, and from experience of others knows that is possible. Supplying 43 houses with water will have a serious impact on the existing private wells. The area will not accommodate 43 septic tanks according to the County. Ms. Hromada also addressed the drainage problem with adding 43 more houses, and added that the traffic is the greatest problem because of an existing dangerous road situation and the increase in delivery trucks and school buses. She believes that surrounding property values could be negatively affected by the project. Affordable housing is absolutely needed, but Ms. Hromada questioned whether the development would provide that. The project should go in already designated high density areas. She repeated the main issues as being the water and traffic, and out of respect for the neighbors and the issues brought up, hopes that the Council will turn the request down. She also discussed the RV park and the mobile home park, saying the mobile

home park had slipped by based on promises from the applicants at that time. She ended with a plea that the Council vote against the change.

APPLICANT'S REBUTTAL

Will Stoll said that the purpose of the development was to provide semi-affordable housing. The price range is not exactly known at this time, but having the lots smaller makes the homes less expensive. The water plant will be given to Camp Verde Water for them to provide water to other residents in the area who might want it. He said that would mitigate over-use of water because it would have to be paid for, being supplied by Camp Verde Water. Many private well owners use all the water they choose to because it is free. Mr. Stoll pointed out that the perc test falls well within the County standards and will not create an environmental problem any more than existing septics. He said they want to continue to work with the residents and try to come to terms that will be mutually agreeable, and described some of the planned compromises, saying that some of the lots will be lost so there will be fewer homes.

Dugan McDonald said that all of the issues concerning the septics and well have been provided for; the main issue seems to be the change in density. He added that he thinks it is something the Town needs, and that the Council has a real opportunity tonight to do something good for the Town. He believes it will be a beautiful subdivision and will fill a real need that we have here in Camp Verde.

PUBLIC HEARING CLOSED

Council Discussion

Prior to the discussion the audience was reminded that the Town basically inherited the zoning the Yavapai County assigned in this area going back to the late 1950s, early '60s, and when the Town incorporated it inherited and adopted what existed. As the Town grows there are times when zoning changes do make sense. When people own property it is within their right to request changes, and the Town tries to consider and discuss their requests from both sides. The question of what could be developed in the area if no change is made was addressed by Director Wright. He confirmed that nine to ten homes could be placed in there, depending upon the configuration. Any use other than residential would have to come before the Commission and the Council and reviewed in a hearing such as this one. One concern expressed during the discussion, in light of the rapid growth of the subject area, was whether there could be some kind of compromise between the developer and the surrounding property owners, perhaps fewer homes on larger lots. There was also concern regarding the septic system and the water storage issue, as well as recognition that the residents valued the space afforded by the larger parcels. The residents believe that maintaining their lower density surroundings protects their investments, their property, and have strong feelings for where the higher density developments should be. There was also strong opinion expressed by the Council that the desires of the community should be respected. It was agreed that affordable housing is needed, but that the proposed location would not be right for a change to high density. Another point made was that although property rights are important, neighbors should not be adversely affected in exercising those rights. There was general agreement that the density was of utmost concern, including the issues of water service and the septic system, and it was suggested that the developer consider coming back with a compromise for fewer, perhaps one-acre lots.

10. **Discussion, consideration, and possible approval of Ordinance 2005-A298, an ordinance of the Town of Camp Verde, Yavapai County, Arizona, adopting an amendment to the Zoning Map of the Planning and Zoning Ordinance for parcels 403-19-010B, 403-21-001, 403-21-001A, 403-21-001B, and 404-18-158C consisting of approximately 16.67 acres from RCU-2A and R1L-70 to R1L-12. This rezoning is to allow for residential development.**

On a motion by Teague, seconded by Gioia, the Council voted unanimously to remove Item 10 from the Agenda.

A recess was called at 8:07 p.m.; the meeting was reconvened at 8:13 p.m.

11. **Discussion, consideration, and possible approval of Ordinance 2005-A300, an ordinance of the Town of Camp Verde, Yavapai County, Arizona, adopting an amendment to the Zoning Map of the Planning and Zoning Ordinance for parcels 403-20-002 and 403-20-147 consisting of approximately 52.48 acres from RCU-2A to R1L-35. This rezoning is to allow for residential development.**
On a motion by Reddell, seconded by Kovacovich, the Council voted unanimously to table Items 11 and 12 till the meeting of March 23, 2005.
12. **Discussion, consideration, and possible approval of Resolution 2005-630, a resolution of the Common Council of the Town of Camp Verde, Arizona approving the Revised Preliminary Plat 2005-01 for the purpose of developing Equestrian Estates Subdivision on parcels 403-20-002 and 403-20-147 consisting of approximately 52.48 acres and 44 lots. The location of the project is as the end of Newton Lane. (Tabled by motion in the previous Item 11.)**
13. **Call to the Public for Items not on the Agenda**
There was no public input.
14. **Advanced Approvals of Town Expenditures**
There were no advanced approvals.
15. **Manager/Staff Report**
Sr. Planner Buckel reminded the Council to turn in their agenda books to be reused at each meeting.
16. **Council Informational Reports**
Gioia said that a memo had been received regarding the Presidential proposal called "Strengthening America's Community Initiative" intended to make a number of changes drastically affecting CDBG's and other grant benefits; he provided the phone number on Capitol Hill for contacting representatives: 1-888-818-6641. The deadline for comment is February 24,2005.

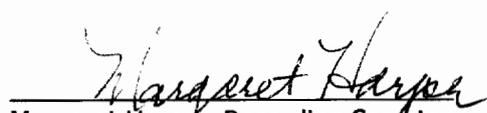
Baker added NACOG has been sent a letter in the past; NACOG does not favor the initiative. Letters may be faxed to representatives tomorrow if not already done so.

Parrish said he heard a remark regarding the last decision the Council made on the subdivision that it was wonderful what election time will do. Parrish said that election time had nothing to do with that; it was a common sense decision.

Teague wanted to thank staff for the agenda books; he hopes he is still undefeated in the basketball league.
17. **Adjournment**
On a motion by Teague, seconded by Reddell, the meeting was adjourned at 8:49 p.m.



Mitch Dickinson, Mayor



Margaret Harper, Recording Secretary

CERTIFICATION:

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the regular meeting of the Town Council of Camp Verde, Arizona, held on the 23rd day of February, 2005. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 4 day of March, 2005

Deborah Barber
Deborah Barber, Town Clerk