

**MINUTES
COUNCIL HEARS PLANNING & ZONING
MAYOR and COMMON COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, JULY 27, 2005
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 6:31 p.m.

2. **Roll Call**

Mayor Gioia, Vice-Mayor Baker, Councilors Smith, Hauser, Kovacovich and Teague were present; Councilor Parrish was absent.

Also Present: Town Manager Lee, Community Development Director Wright, Sr. Planner Nancy Buckel, P&Z Commissioners Bullard and Parry, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**

The Pledge was led by Kovacovich.

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) Special Session – July 13, 2005
- 2) Executive Session – July 13, 2005

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

- 1) Regular Session – August 3, 2005 at 6:30 p.m.
- 2) Work Session – August 10, 2005 at 2:30 p.m.
- 3) Regular Session - August 17, 2005 at 6:30 p.m.
- 4) Council Hears Planning & Zoning – Regular Session – August 24, 2005 at 6:30 p.m.

On a motion by Baker, seconded by Hauser, the Council unanimously approved the Consent Agenda as presented.

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

Dennis Lockhart, a private landowner in the Verde Valley who owns a well on his property voiced his strong objection to "Mayor Gioia pulling everybody's well records" and making multiple copies of his well records and giving them out to people who have no business with his personal records.

Mayor Gioia responded that he was given those records from a well driller as information for a scientific research; USGS is reviewing them for knowledge of the Verde Valley, and the Town's water consultants are also reviewing them for water information. Mr. Lockhart objected that nobody got his permission.

Cheri Wischmeyer, a resident of Camp Verde, reviewed her complaint first brought to the attention of the Council seven months ago setting out serious concerns regarding members of the Town's management officials. She said she hopes the current Council will take her concerns more seriously than the former body, and move forward with a resolution.

Tom Neilson said that he thought that Main Street was beautiful and he likes it very much; he is so proud that the sidewalks are coming about. He also described a program in Payson that he has shared with Manager Lee, involving the sale of memorial plaques to be installed on the poles; it is one way to recover the cost of some of the poles.

Mayor Gioia responded to Mr. Neilson's comments that there is no guarantee on the Town being successful in the three grant applications. Gioia then addressed Ms. Wischmeyer's complaint with the explanation that the Town has been pursuing the concerns she has raised; a question about a conflict of interest has slowed the process down drastically, and Gioia apologized for the time it is taking.

There was no further public input.

6. **Discussion, consideration, and possible acceptance of Azure Street into the Town's road system. Azure Street is located in the Verde Cliffs Subdivision.**

There was no action taken.

Staff was directed to continue with the practice of determining that all improvements in front of each home being completed need to be already done before a Certificate of Occupancy is issued.

Community Development Director Wright reviewed the request of Universal Homes, the builder who has been building a number of homes in the Verde Cliffs development involving approximately 60 permits with 50 in various stages of construction. Approximately five of the homes will be completed within about 3 to 4 weeks at which time the builder will be seeking Certificates of Occupancy. In the belief that the Town must accept at least a portion of one street in front of those homes in order to be granted the CofO's, the builder has submitted the subject request. Wright has confirmed that this is not the case, and because there are still a number of improvements to be made, staff is recommending that a CofO be granted for those completed homes with the understanding that there is still work to be done. The financial assurances, or bond, are still in place and will not be released until final approval by the Town and determination that repair to any damages during completion has occurred.

The Council agreed that for the protection of the Town, and even though temporary CofO's could be granted, the better solution would be to only accept public roads after any work to be done by heavy equipment has been completed. Wright said that the builder has been informed that any improvements in front of any home that is being completed need to be finished, and the builder has agreed with that request. Staff was directed to continue with that practice.

There was no public input.

(Council agreed to hear Item 8 prior to Item 7.)

7. **Discussion, consideration and possible approval of Ordinance 2005-A313, an ordinance of the Town of Camp Verde, Yavapai County, Arizona, changing the zoning from R1L to Commercial for 39 acres and amending the PAD dated January 2003 for Homestead as shown in Exhibit "A" for Five (5) parcels 404-23-008V, 403-23-008Z, 403-23-010K, 403-23-010Z, and 404-19-152L consisting of approximately 377.1 acres to allow the following changes as shown on Exhibit B: 1) Relocation of the Educational Site; 2) Redesign of the Street System including some exceptions to Street Standards as shown in Exhibit 'C'; 3) Exceptions to the design standards as shown in Exhibit 'D'; 4) Change of Name of Development to Simonton Ranch. This project is located along State Route 260 and Finnie Flat Road between I-17 and Cliff's Parkway.**

On a motion by Baker, seconded by Kovacovich, the Council unanimously approved Ordinance 2005-A313, an ordinance of the Town of Camp Verde, Yavapai County, Arizona, changing the zoning from R1L to Commercial for 39 acres and amending the PAD dated January 2003 for Homestead as shown in Exhibit "A" for Five (5) parcels 404-23-008V, 403-23-008Z, 403-23-010K, 403-23-010Z, and 404-19-152L consisting of approximately 377.1 acres to allow the following changes as shown on Exhibit B: 1) Relocation of the Educational Site; 2) Redesign of the Street System including some exceptions to Street Standards as shown in Exhibit 'C'; 3) Exceptions to the design standards as shown in Exhibit 'D'; 4) Change of Name of Development to Simonton

Ranch; this project is located along State Route 260 and Finnie Flat Road between I-17 and Cliff's Parkway; the changes also should include that the relocation of the Educational Site will be the maximum time as allowed by law; and also the changes requested as previously noted regarding (1) water used for construction purposes to come from effluent when possible, (2) ditch water when possible and any other alternative method available, and (3) transfer any non-used surface water rights to the Town; and (4) transfer of any non-used well water rights on the site to be brought up during the final plat process.

STAFF PRESENTATION

Director Wright reviewed the problem that had been brought up just prior to the last meeting regarding the question of requested exceptions and the lack of authority for the Council to grant those exceptions other than under a PAD. After considerable discussion the Commission voted to approve the request for a zoning map change and amendment to a PAD for the site. Wright pointed out changes in the most current proposed ordinance before the Council, and explained the reasons for those adjustments. The Council is basically being asked to consider an update from what was duly accepted and approved by Council several years ago for the Harvard Homestead development that included approval of 1100 units. The changes reflect what the Council has asked of the developer, namely that there be more commercial properties, and relocation of the planned open space and the educational area. Wright described other changes involving less roadways and pathways along the washes amounting to 8 to 10 acres of additional open space. The Commission has approved the amended version of Mr. Simonton's project that was necessary in order to be granted the exceptions for the zoning and the subdivision regulations to allow him to put in the kind of developments that Mr. Simonton believes will be the most productive and also good for the community.

PUBLIC HEARING OPEN

Applicant's Statement

Scott Simonton displayed boards to illustrate the sequence of the process leading to the issue that is now before the Council. At this point the Mayor requested that the applicant discuss some water issues, and a point of order was called as to the procedure for holding a public hearing, as had been adopted by the Council, with the Town Attorney confirming that the hearing should proceed in the order listed on the agenda.

Mr. Simonton continued with his presentation, commenting on the inordinate amount of time spent and work he has done and discussions he has had with staff, with members of the Council, with local builders, realtors and other developers in trying to come up with what should be put on the property. He was concerned with what the Town would want, what is marketable and trying to reconcile many different opinions. Mr. Simonton then reviewed the project using the display boards, describing the details and uses planned for the different areas, and explaining how he has responded to all the input he had received and adjusting to the zoning issue, including input from the Town Attorney.

COMMENT FROM OTHER PERSONS

Ron Maughan, Superintendent of the Camp Verde Unified School District, first commended Mr. Simonton for his work and dedication to working with the community and the School District. Mr. Maughan said that when the Harvard project was approved there was a commitment to a 10-acre site for an elementary school, and reviewed the background of the development up to the present owner of the property. He said that the School District continues to expect to have a ten-acre site somewhere near the middle of town on which to build the elementary school. Mr. Maughan also stressed the flexibility of the Board to cooperate in order to accommodate the project, regardless of where the site is located within the development, but that the citizens do expect setting aside an area for the school. He also raised the question of when the 10-year period mandated for construction of a school site would begin, whether this year when the current development is commenced, or 6-1/2 years ago when the original approval was granted. The position of the School Board is that because of the ongoing uncertainty of where the site would be located the Board never had the opportunity to even consider beginning construction.

Mr. Maughan added that the Town would be asked to support the position of the Board on that issue, and to keep in mind that there remains the expectation that the site would be closer to the middle of Town.

Bob Womack, Camp Verde, commented that the Camp Verde real estate prices are escalating rapidly; Mr. Simonton is planning to develop some affordable, or lesser-priced homes as well as some upscale and nicer homes. Mr. Womack believes it is a good project and a timely one, and he hopes that the Town does not use a lot of phantom water issues to distort facts, and that the project will be approved in order to put Mr. Simonton in business. Mr. Womack added that the Town needs him and he needs the Town.

Jim Bullard, Camp Verde, said he would like it to be remembered that most of the people in the development will be retirees and commented on having the school there.

Lynn Reddell, Camp Verde, recalled being present during the many times that Harvard had talked to the Council; the land that was proposed for the school was out front at the highway. Mr. Simonton is showing putting it back closer to the industrial, which was not intended originally. Pushing it to the back is not fair to the Town or to the children, and putting it back near industrial is not appropriate. Ms. Reddell also expressed her belief that the time should start when the ground is ready to build on, not 6-1/2 years ago.

APPLICANT'S REBUTTAL

Mr. Simonton requested from Attorney Woodford confirmation of Mr. Simonton's understanding that it is illegal for a Town to require donations of sites or monies to school districts. Mr. Woodford said that current statutes allow the Town to reserve, not require donation of a school site for a period of time. The 10-year period for reservation of a school site was also discussed, and Mr. Simonton said that if the Council agrees that the site should remain as originally indicated and the School Board wants that, then he would agree with that decision, although that would eliminate the area planned for 1/2-acre homes. Mr. Simonton also commented on what he felt was no need for an elementary school in the development, considering the 80 acres that the School District is negotiating to acquire from the Forest Service, as well as the unfairness of a retirement development being required to provide schools for children from other developments when no other development in Town has been asked for the same commitment. Mr. Simonton described further his plans for providing for development of a Town park along the Verde River as part of the development, and the area he feels would be better suited for the school site.

PUBLIC HEARING CLOSED

(A recess was called at 8:27 p.m.; the meeting was called back to order at 8:36 p.m.)

Council Discussion

The discussion commenced with a comment from Attorney Woodford that he has not yet researched the question regarding amendment of a PAD and whether the time allowed for reservation of school sites starts anew or not. However, there is no question that the site can be reserved for the balance of the original 10-year period, or the Council could reserve the site for the maximum time allowed by law; Mr. Woodford will submit a written opinion as to what exactly that would be. There was also further discussion with Mr. Maughan regarding the proposed acquisition of the 80 acres from the Forest Service, and Mr. Maughan's reiteration that the School Board would support the relocation of the school site within the development if it is in the best interest of Mr. Simonton. It was also generally agreed that because of the expansive soil in the original site, relocation of the school site might be the better choice, plus it would also be near the site reserved for the open space area and the planned trails system, and less of an impact on the expense to the developer. There was further discussion with Mr. Simonton regarding the proposed number of units for the area with the original school site, and confirmation as to his commitment in the PAD for the school site and that the School Board is willing to work with the development in moving the site.

The subject of the water issues was discussed in detail with Mr. Simonton and among the Council members at length. Gioia first discussed with Mr. Simonton the suggestion that stipulations be included regarding use of reclaimed effluent water for construction sites wherever appropriate; surface water rights on the property be used in development of the property; the transfer to the Town of water rights not utilized in landscaping; and turn over to the Town any wells on the property. Mr. Simonton indicated his desire to be sensitive to the environment and water issues in the Town; he also said he would have no problem with turning over unused or unreserved water rights to the Town. The issue of the wells on the property and their locations was also discussed. Mr. Woodford confirmed that since the applicant has agreed to transfer to the Town excess water rights not used, the Town would have the right to accept them, even though the Town does not currently have a water portfolio or own a water company.

Mayor Gioia requested that a portion of the final motion be entered into the record at this point, and after some suggestions for changes were discussed, that portion basically would provide as follows: (1) water used for construction purposes must come from reclaimed effluent when available, or (2) surface water from the ditches, (3) after the development Mr. Simonton and successors agree to transfer any non-used surface water rights to the Town to be calculated by landscape or qualified water professionals, (4) Mr. Simonton will transfer all wells on the property to the Town ownership; any non-used wells will be deeded to the Town. During the discussion of water rights with Mr. Simonton, he confirmed that he will be holding the water shares and controlling and only meting out to each development what it needs or will use and that Mr. Simonton will end up with whatever is left over; however, the wells are a separate issue but he will assist the Town in whatever way he can. Mr. Simonton said he would commit to the issues regarding water rights as a zoning stipulation that can be enforced in connection with final plats during the development projects. Mr. Woodford agreed that the enforcement could be done at the subdivision final plat time; access rights will also need to be transferred in order that the wells can be used.

There was considerable discussion regarding the remaining exceptions that Mr. Simonton had requested as to the number of units, lot coverage increases and decreases, the proposed street sections, sidewalks and pathways, on-street and off-street parking, accesses to properties, and setbacks.

8. **Discussion, consideration, and possible approval of SRP 2005-02: a request made by Jim Rohr for approval of a site plan for a commercial office complex to be located on parcel 404-30-007 (2.77 acres) and is zoned C2-4.**

On a motion by Teague, seconded by Baker, the Council voted unanimously to continue Item 8 until next week.

Director Wright explained that the proposed office complex would be almost directly across from Babe's Restaurant on Montezuma Castle Highway, with 11 units consisting of offices in the front and warehouse activities in the rear. The site plan review is a precursor to the design review that it is hoped will be in place soon, and provides Council the opportunity to review the elevations, signage, circulation and parking requirements for the project. The Commission has unanimously approved the site plan review with certain stipulations, one of which was that a deceleration lane be provided.

Dean Willet, the project manager, spoke regarding the request for the deceleration lane, saying that four different civil engineers had agreed that such a requirement would not be necessary in a 25-MPH zone, and the study suggested would be very expensive. Mr. Willet described briefly the layout and construction of the project, explaining that he had only been prepared to discuss the request for the deceleration lane.

There was a thorough discussion of the question of the need for a deceleration lane, a suggestion for creating one perhaps by eliminating the proposed sidewalk, the suggestion that if

a study was required that should be the responsibility of the Town, and the fairness of requesting such a lane when neighboring businesses had not been required to provide one. The area being quite busy and heavily traveled, with possible problems resulting from traffic turning into the office complex, was also discussed at length. There was a suggestion that staff review alternatives for safety such as a center turn lane or use of the right-of-way and what utilities may be involved, and bring possible options back to Council for discussion. It was also agreed that a safety issue does exist. The Town Attorney, by telephone conference, confirmed that the Council could legally work with the applicant to accomplish a turn lane or to make the necessary improvements where there are safety concerns. The expense that the developer might have to incur was also discussed. The applicant, because of the urgent financial need to move forward with the development, confirmed that they would be willing to cooperate and work with the Town in whatever way they can to resolve the problem.

PUBLIC INPUT

John Reddell commented on the need to address the loss of the eight feet for the bicycle lane on the opposite side of the road.

Jim Bullard said that he thinks that law enforcement should get involved to slow people down in that area.

Chondra Tenley questioned how much water and what kind would be used in the project to mix concrete and related activities. There was response from the Council and discussion with the speaker regarding the issue.

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

There was no public input.

10. **Advanced Approvals of Town Expenditures**

There were no advanced approvals of Town expenditures.

11. **Manager/Staff Report**

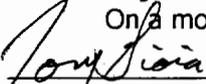
There was no Manager/Staff Report.

12. **Council Informational Reports**

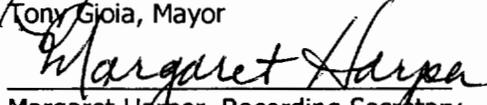
Councilor Smith commented on the launch of the 7 astronauts, asking for everyone's prayers and blessings to be with them, and hope for a safe return.

13. **Adjournment**

On a motion by Teague, seconded by Kovacovich, the meeting was adjourned at 9:49 p.m.



Tony Gioia, Mayor

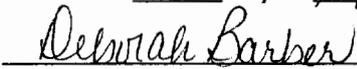


Margaret Harper, Recording Secretary

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 27th day of July, 2005. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 2 day of September, 2005



Deborah Barber, Town Clerk