



**MINUTES OF THE SPECIAL MEETING OF THE
COMMON COUNCIL OF YOUNGTOWN, AZ
THURSDAY, JANUARY 4, 2018
TOWN CLUBHOUSE, 12033 N. CLUBHOUSE SQUARE**

1. **Call to Order:** Mayor LeVault called the special meeting to order at 4:00 p.m.
2. **Roll Call:** In lieu of a roll call Mayor LeVault noted attendance included Vice Mayor Charles Vickers and Councilmembers Jack Duran, June Miller, Margaret Chittenden, Susan Hout and Judy Johnson.

Staff present: Town Manager Jeanne Blackman, Town Attorney Trish Stuhan, Town Clerk Mary Reynolds, Community Development Manager Gregory Arrington and Town Engineer Grant Anderson.

3. **Site Visit:** The Council left the Council Chambers for a tour of the property generally located between Rancho Estates and Agua Fria Ranch with the most northern point being Peoria Avenue. The Council and staff discussed re-zoning of the property, road placement, house layout/design, traffic impacts, emergency access requirements, storm water study needs, and the need to have more information from the developer if they would like to continue with the accelerated schedule that has been requested.

Attorney Stuhan advised that the schedule for this process has been set based on the developer's request and the recommendation would be that the developer request to modify the schedule based on the ability to meet the requests of the Council; otherwise the developer would be facing the high probability of being denied. Community Development Manager Arrington commented that the developer is aware of the requested information and the timeline to provide it.

4. **Return to Council Chambers:** Council returned to chambers at 4:51 p.m.
5. **Discussion:** Mayor LeVault explained that he requested the site visit to ensure the Council was comfortable when taking action on this request. There will be certain requirements of the developer that will need to be met and Community Development Manager Arrington advised that he, with Town Engineer Anderson, will be having a conference call with the developer on Monday and will have more information at that time.

Mayor LeVault requested clarification on the General Plan amendment. Attorney Stuhan explained that the General Plan amendment and the zoning change need to happen at the same Council meeting so if the developer is not going to be ready for the scheduled time they will need to notify the Town soon so this can be rescheduled.

It was discussed that the Planning and Zoning Hearing is scheduled for January 16, 2018 at 1:30 p.m. and that the Hearing Officer will not be able to make a recommendation without certain information. The information that is needed was discussed and was inclusive of geotechnical results, storm water plans and traffic reports. Community Development Manager Arrington has also requested having the composite designs of the structures as well as the actual layout of the development. Attorney Stuhan noted that this is information they have been working on but they have not conveyed this information to the Town at this time and it is unclear if it will be before January 16.

Mayor LeVault advised that he spent time speaking with the Sun City Home Owners Association (SCHOA) representatives, as well as residents of the Sun City ranchettes, over the last few weeks and the biggest concern is the traffic exiting the proposed site onto 112th Avenue. The Sun City Home Owners Association (SCHOA) has indicated that there are some covenants, conditions and restrictions (CC&R) on the property that will need to be addressed and this will inhibit the building permit issuance by the Town. Mayor LeVault has also spoken to County Supervisor Clint Hickman to get him involved and his response was that he is happy to see that the Town is going to have a chance to grow a little.

Mayor LeVault reiterated that the biggest concern of the ranchettes is the traffic impact. He did indicate to the people he spoke with that the Town is willing to work with the developer to mitigate the concerns of traffic. Additionally, the neighborhood meeting that was held by the developer resulted in residents of the ranchettes

stating that they do not want to look out of their homes and see the new homes; this is not a reasonable objection to the proposed development because they are not public safety or traffic concerns. The hope is that if the Council approves this project they will be proud of the results.

Councilmember Chittenden commented that she has been contacted by a resident that doesn't live near the proposed development location and they have asked her not to vote for the project. Mayor LeVault noted that he is aware of this and feels the general public needs to be educated on the proposal so they can make informed decisions.

Mayor LeVault indicated that a large portion of Town income is directly related to population which makes growth necessary. With the surrounding communities seeing extraordinary growth the Town cannot just sit idle.

Councilmember Miller commented that the article in the paper inferred that there could be more crime in Rancho Estates if Youngtown built the new development and she would like a public apology for this. Attorney Stuhan explained that a newspaper has the right to publish what they would like and they would need to get to a level of defamation, particularly of a person, before they would be breaking any laws.

Mayor LeVault asked if the traffic concerns were addressed to move traffic out onto Peoria Avenue it will be putting pressure on Agua Fria Ranch. This could be an opportunity to have Peoria Avenue extended to reconnect with Agua Fria Ranch Parkway and have the project funded in part, if not whole. It would not be justifiable to go to the Agua Fria Ranch community and tell them that an additional 100 cars per day would be coming into the development. Mayor LeVault also reviewed the funds that were placed in an account for the benefit of Agua Fria Ranch at the time of development and that these funds could be used for this purpose. Attorney Stuhan added that this is a restricted account that must be used to benefit Agua Fria Ranch and this purpose may be considered a benefit.

Councilmember Chittenden commented that extending Peoria Avenue is the only way Agua Fria Ranch is going to be okay with this proposal. Mayor LeVault countered that he has spoken to some residents in Agua Fria Ranch and they have not been opposed to the proposal, but noted that in any situation you will always have someone that is not happy with a proposal. Mayor LeVault added that it is the responsibility of the Council to do what is in the best interest of the Town on several levels and that the Council needs to be proud of the project when it is done. The Sun City Home Owners Association (SCHOA) seemed happy to work with the Town if we are willing to work on the concerns that have been raised.

Mayor LeVault brought up the premise in the State of Arizona that the property owners have certain rights to property use and the State has frequently upheld the rights of a property owner to use the land they own. Attorney Stuhan agreed with this statement in general.

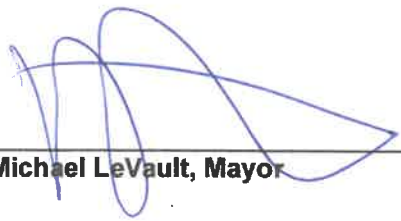
Vice Mayor Vickers asked who needs to rectify the CC&R's on what is being referred to as Tract D? Community Development Manager Arrington replied that the developer will need to clear these with Sun City and bring proof that to the Town for review by the Town Attorney for that section of the development. It was clarified that they could build up to that portion of the property and that the developer initially presented plans in a two (2) phase process. Mayor LeVault noted that without the building on Tract D the developer would be looking to build 100 homes and with Tract D they would be adding an additional 25 homes.

Councilmember Miller asked if Maricopa County Sheriff's Office (MCSO) has jurisdiction over this area. Mayor LeVault advised that they do. Councilmember Miller countered that if this is the case she does not understand why Sun City is worried about crime. Mayor LeVault advised that Sun City is entitled to an opinion.

There was discussion of changing the property use and what the impact of making amendments if there was not a plan in place. Attorney Stuhan advised that a General Plan amendment could be done and a zoning could be done later.

Councilmember Chittenden asked if the property would about the Commerce Park and it was confirmed it could. It was also confirmed that there was not a Planning and Zoning hearing held yesterday. Town Manager Blackman advised that the original material was provided for the purpose of the site tour only and will be given back to the Town Manager before leaving this evening because it was prepared for Executive Session.

Motion to Adjourn: Vice Mayor Vickers
2nd – Councilmember Duran
Meeting Adjourned 5:25 p.m.



Michael LeVault, Mayor

Attest:



Mary Reynolds, Town Clerk

Minutes approved at January 18, 2018 regular meeting.