

Official Minutes of the City of Cottonwood  
Planning & Zoning Commission Regular Meeting  
Held, February 26, 2018 at 6:00 P.M. at the City Council Chambers  
826 N. Main Street – Cottonwood, Arizona

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CALL TO ORDER & ROLL CALL

Vice Chairman Robert Williams called the meeting to order at 6:03 p.m. Roll call was taken as follows:

Planning & Zoning Commission Members Present

Vice Chairman Robert Williams  
Robert Hart  
Judd Wasden  
Thomas Narwid

Planning & Zoning Commission Members Absent

Staff Members Present

Berrin Nejad, Community Development Manager  
Scott Ellis, Community Development Planner  
Jim Padgett, Community Development Planner  
Amber Richards, Administrative Assistant, Recorder

APPROVAL OF MINUTES OF December 18, 2017- REGULAR MEETING

***Motion:***            ***To approve the minutes of 12/18/2017 – Regular Meeting***

***Made by:***           ***Commissioner Wasden***

***Second:***           ***Commissioner Narwid***

***Vote:***                ***Unanimous***

Vice Chair Williams made an announcement that Chairman Ed Kiyler had to resign due to medical reasons. He personally thanked Ed for his many years on the Commission and as Chairman. He was very dedicated and kept things moving forward. The annual election for Chairman and Vice Chair followed. Vice Chair Williams opened the floor for nominations for Chairman. Commissioner Narwid nominated Vice Chair Williams, a vote was taken and unanimously carried for Vice Chair Williams as Chairman. Chairman Williams opened the floor for nominations for Vice Chair. Chairman Williams nominated Judd Wasden for Vice Chair, seconded by Commissioner Narwid, voted on and carried unanimously for Commissioner Wasden as Vice Chair.

CALL TO THE PUBLIC

At 6:04 pm, the floor was opened to the public and closed to the public.

OLD BUSINESS- None

NEW BUSINESS-

1. **PCU 18-001-ANIMAL SANCTUARY** – A Request for a Conditional Use Permit to allow additional large animals, exceeding what is allowed by the City of Cottonwood Zoning Ordinance, on property zoned AR-43 (Agricultural/Residential) to be used as an animal therapy sanctuary, located at 902 N. 14<sup>th</sup> Street in Cottonwood. APN 406-36-011. Owner/Agent: Susan Masters. Below is Jim Padgett’s report:

**STAFF MEMO**

**TO:** Planning and Zoning Commission  
**FROM:** Jim Padgett, Assistant Planner  
**THROUGH:** Berrin Nejad, Community Development Manager  
**HEARING DATE:** January 22, 2018  
**PROJECT NUMBER:** **PCU 18-001 Animal Sanctuary**

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The applicant is requesting approval of a Conditional Use Permit to allow additional large animals to be used as an animal sanctuary, exceeding what is allowed by the City of Cottonwood Zoning Ordinance. The property is Zoned AR-43 (Agricultural/Residential) and is located at 902 N. 14<sup>th</sup> St. and consists of a single parcel 1.04 acres in size.

**PROJECT DATA AND FACTS:**

<b>Applicant</b>	Susan Masters
<b>Property Owner</b>	Susan Masters
<b>Location of Property</b>	902 N. 14 <sup>th</sup> St.
<b>Present Zoning and Land Use</b>	AR-43 (Agricultural/Residential) – Single Family Residential
<b>Description of Applicant’s Request</b>	Request for a Conditional Use Permit to allow additional large animals to be used as an animal

	sanctuary.
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**LAND USE:**

<b>Description and Character of Surrounding Area</b>
The site is on the terminus of 14 <sup>th</sup> Street . The property is surrounded by a cemetery to the south, and some single family uses along the southeastern portion of the property. The northern boundary is adjacent to portions of Riverfront park and a large acreage single family parcel to the north and west.

<b>Adjacent Land Uses and Zoning</b>	
<b>North:</b>	AR-43 (Agricultural/Residential) Riverfront Park and R1L-35 (Yavapai County) large acreage Single Family Residential
<b>South:</b>	R4 (Single Family/Multiple Family/Manufactured Home) Cemetery and residential neighborhood with a mix of mobile home and site built homes.
<b>East:</b>	R1L-35 (Yavapai County) Large acreage Single Family Residential
<b>West:</b>	AR-43 (Agricultural/Residential) Riverfront Park

**PROJECT PROPOSAL:**

**Background:** The owner of the property resides on site and would like to have additional animals to offer animal assisted therapy for people. This would be occasional sessions and there would be no charges for the therapy sessions. The applicant is requesting to allow 2 mini donkeys, 1 mule, and 4 goats. Current code would allow for 1 head of cattle or horses (in this case donkey) for every 20,000 square feet of lot area. In this case, the property would be permitted by code to have two donkeys. Per Section 404.O.2 goats would be permitted in the case of “show animals” allowable only by the use of family members residing on the premises. The applicant/owner does reside on site and would be the person operating the therapy animal sanctuary. The therapy sessions would be controlled by appointments only between the hours of 9:00 am to 5:00 pm. Occasional fostering of animals may be done on a limited basis.

**Parking:** Adequate parking already exists in the parking lot at the rear of the building to accommodate the use as proposed and as originally required.

**Lighting:** No lighting changes are proposed.

**Signage:** The applicant is proposing a 1’x2’ sign to identify the site. Business signs are permitted in the agricultural zoning district and any signage is required to be approved under a separate permit.

**Access:** No change. One driveway entrance exists on the property allowing access off North 14th Street.

**Landscape Plans:** No change. No additional landscaping is required

**Utilities:** All required utilities are available to the site.

## **REQUIRED FINDINGS:**

### **General Findings:**

The current zoning of AR43 (Agricultural/Residential) allows animal related uses, and the operation of the animal therapy sanctuary is subject to a Conditional Use Permit being obtained. The use will not be detrimental to the health, safety, and well-being of surrounding properties.

### **Compatibility with Surrounding Uses:**

The existing use of the property as an animal sanctuary is compatible with the mixture of surrounding uses in the area, including similar agricultural uses

### **Traffic and Circulation:**

The request will not change the existing traffic and circulation. There are not any traffic or circulation issues associated with this project or property. The existing road is adequate to handle the traffic generated by this business.

### **Nuisance Activities:**

No nuisance activities have been identified at this location for the existing or proposed use.

### **Buffering and Screening:**

The use requested by this permit does not create the need for additional screening and some fencing is already in place.

## **Staff Review:**

Staff has reviewed this project and finds the requested use of the property is permitted, with the need to obtain a Conditional Use Permit. If approved, staff recommends the following stipulations:

1. That the project conforms to Code Review Board comments from November 28, 2017.
2. A Certificate of Zoning Compliance documenting the completion of conditions shall be issued prior to issuance of a Certificate of Occupancy.

3. Any other stipulations the Planning & Zoning Commission deems necessary.

Attachments: Letter of Intent  
Photos

Jim Padgett began presentation. The current zoning for the Animal Sanctuary is AR43 – Agricultural/Residential and in order to have the Animal Sanctuary as proposed, the applicant is required to have a Conditional Use Permit. The current zoning will allow 2 horses and 4 donkeys and goats would only be permitted as show animals. Applicant is requesting to allow 2 miniature donkeys, a regular sized donkey, a mule and 4 goats. The request would be to offer between 9:00 a.m. and 5:00 pm for people to come for therapy sessions. Existing building on site is a Single Family Residence. Parking would be on site behind the fenced area. We have received two inquiries from adjacent property owners to gather information. No complaints on the site. Letter of neighbors in support of project was received. Site is at the north end of 14<sup>th</sup> street where it dead ends. The Cottonwood ditch runs on the North side. The reason for CUP at the beginning was applicant's desire to provide animal therapy to those who need it. Susan Masters, applicant is present for questions. Vice Chair Wasden asked about occasional fostering of animals which may be done on a limited basis. Is there clarification? Jim deferred question to applicant but did state it would be very short term for dogs, cat, etc. Susan Masters introduced herself and stated she would like to have a sanctuary for people for animal therapy but also wanted to have the option to foster, mainly small animals, if the need would arise. Commissioner Hart asked for the definition of show animals. Applicant stated that none of the animals would be show animals. Vice Chair Wasden asked for clarification on the fostering of a few animals for a short period of time and that there be a set time and a set number of animals. Masters stated she is only asking for the option to foster one animal at a time. For example, a cat with kittens or a dog with puppies. Vice Chair Wasden asked applicant if she would be okay with that being in writing, applicant was agreeable. Chairman Williams opened/closed the floor to public at 6:15 p.m. There were no comments from the public. Commissioner Hart stated he thinks it's a great idea for someone in the community to provide this service for people who need it and it's a real good idea. Vice Chair Wasden stated he has no problem other than it not being specific. Chairman Williams stated it fits in with our community. The Commission discussed making a stipulation to limit the fostering to one animal and put a limit on the length of time an animal can be fostered.

***Motion: Approve PCU 18-001 – Animal Sanctuary with the following stipulations:***

1. ***That the project conforms to Code Review Board comments from November 28, 2017.***

2. *A Certificate of Zoning Compliance documenting the completion of conditions shall be issued prior to the issuance of a Certificate of Occupancy.*
3. *Foster animals shall be limited to one and their nurturing offspring. Small animals and their nurturing young which could be dogs and cats, for a 3 month period.*

**Made by:** Vice Chair Wasden  
**Second:** Commissioner Narwid  
**Vote:** Unanimous

2. **DR 17-003 CIRCLE K MONUMENT SIGN** – Design Review request for freestanding monument signs for a new Circle K gas station and convenience store in the C-1 (Light Commercial) zone. The property will total approximately 1.435 acres and is located at the northwest corner of N. Main Street and E. Mingus Avenue. APNs: 406-37-001; -001C; -001F; -001H; -002A; -004; -005. Address: 1500 E. Mingus Avenue. Owner: Steven C. Coury, GW Cottonwood LL; Angela M. Lozano. Agent: Land Development Consultants, LLC. Below is Jim Padgett’s report:

**STAFF MEMO**

**TO:** Planning and Zoning Commission  
**FROM:** Jim Padgett, Assistant Planner  
**THROUGH:** Berrin Nejad, Community Development Director  
**HEARING DATE:** January 22, 2018  
**PROJECT NUMBER:** DR 17-003 (Monument Signage)

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**DESIGN REVIEW:** Request for approval of Design Review for monument signage at a new gas station and convenience store. The proposed site is located at the northwest corner of N. Main Street and E. Mingus Avenue directly to the north of the existing Circle K gas station and convenience store.

**PROJECT DATA AND FACTS:**

<b>Applicant/Agent</b>	Land Development Consultants, LLC
<b>Property Owners</b>	Steven C. Coury; GW Cottonwood LLC; Angela M Lozano – All properties in Escrow to Circle K
<b>Location of Property</b>	The Northwest Corner of N. Main Street and E. Mingus Avenue

<b>Present Zoning and Land Use</b>	C-1 (Light Commercial) Includes Goodwill, commercial buildings and unused property.
<b>Description of Applicant's Request</b>	Sign plan to locate 2 monument signs, wall signs and fuel canopy signage.

**LAND USE:**

<b>Description and Character of Surrounding Area</b>
Mostly commercial uses surrounding with residential use across 15 <sup>th</sup> Street to west and to north across Apache Street.

<b>Adjacent Land Uses and Zoning</b>	
<b>North:</b>	C-1 (Light Commercial) – Commercial and residential uses.
<b>South:</b>	C-1 (Light Commercial) – Existing Circle K and commercial uses.
<b>East:</b>	C-1 (Light Commercial) – Commercial across Main Street
<b>West:</b>	R-3 (Multiple Family Residential) – Residential across 15 <sup>th</sup> Street

**PROJECT PROPOSAL:**

**Background:**

Circle K intends to construct a new 5,881 square foot convenience store and gas station with a 5,053 square foot fuel canopy on the block directly north of their existing store. The total site contains 62,483 square feet or 1.435 acres. The existing Goodwill store and several other commercial buildings on the block bounded by N. Main Street, E. Mingus Avenue, N. 15<sup>th</sup> Street and W. Apache Street will all be removed and replaced with a new convenience store and fueling facility.

The project for the development of the gas station/convenience store was approved with a Conditional Use Permit and Design Review at the Planning Commission meeting on June 19, 2017. The wall and canopy signage were approved but the free standing signage was tabled and requested to be reconsidered by the Planning Commission at a later date for further consideration pertaining to height, number, locations and lighting.

**Previously approved building and canopy signage:**

1. Wall Sign: Circle K sign over front entry of store. (12'-8" x 5') 64 square feet.
2. Wall Logo: 2 total (3' x 2'-6") 7.5 square feet each; total 15 square feet.
3. Fuel canopy sign: 3 total:  
1 at (10'-3" x 3') 30.75 square feet.

*2 at (3' x 2.6') 7.5 square feet each; total 15 square feet.*

### **PROPOSED FREE STANDING MONUMENT SIGNAGE:**

1. Two Freestanding monument signs:

Mingus Avenue driveway: 10 feet 6 inches in height (10' x 3.33') 33.3 square feet.

Main Street driveway: 10 feet 6 inches in height (10' x 3.33') 33.3 square feet.

One sign is proposed at the Main Street entrance to be located on the north side of the drive aisle and the second sign is proposed on Main Street and the sign would be on the east side of that entrance. Both monument signs will be internally lit, double faced signs in a fabricated aluminum cabinet painted to match one of the proposed building colors. The upper portion of the cabinet is the Circle K logo with the center portion of the cabinet advertising the fuel pricing.

The following statement from Section 405.E.16.g applies to the electronic messaging portion of the proposed signage.

Exceptions: The following types of electronic signs shall be permitted for approved uses subject to obtaining a sign permit:

- (1) Gasoline price signs with electronic price numbers shall be permitted for service stations and fueling centers where incorporated into permitted on-premise signs.

A smaller changeable panel is located at the bottom of the sign just above the masonry base. The monument signs are topped off with a 6 inch cap which would have the sign be a maximum of 10'6" in height which is substantially lower than previously proposed at 16'6".

All monument signage is required to be 5' within the property line and should be noted as such on the sign permit when it is submitted.

***Total square footage of all signage proposed is 191.35 square feet. Section 405 of the City of Cottonwood Zoning Code allows up to 200 square feet of signage.***

### **STIPULATIONS:**

If approved, staff recommends the following stipulations:

1. That the free standing monument signs be constructed in conformance with the sign plans submitted for the January 22, 2018 meeting and as may be further modified by the Planning and Zoning Commission.
2. That the overall project is developed in conformance with the Conditional Use Permit and Design Review stipulations as approved at the June 19, 2017 meeting of the Planning and Zoning Commission.
3. A Certificate of Zoning Compliance documenting the completion of Design Review conditions, including the sign plan, shall be issued prior to the Certificate of Occupancy.
4. A sign permit is required under separate permit. Monument signs must be located 5' within the property line.
5. Any other stipulations the Planning & Zoning Commission deems necessary.

Jim Padgett presented that this is a Design Review for the Circle K monument sign located at the corner of Mingus and Main Streets. This has been seen at a previous meeting as Design Review for the project itself. At that meeting when the height of the sign was discussed, the commission asked that they lower the sign to conform to a proposed lower sign code amendment. Placement of signs will be on Mingus and Main Street. The height of the sign would be 10'6". The previous proposal was 16'6". So it has come down substantially. The new code as it goes into effect would have a 10 foot high maximum height. The two signs in question both meet the setback of being 5' within the property line. Applicant is requesting approval for two signs modifying the previously approved design review. Commissioner Narwid asked if at the time that applicant presented for the original sign, could it have been 16'. Jim confirmed that at the time of submittal, the sign could have been 16'. It was clarified by Berrin Nejad that the application was submitted before the ordinance was changed and the applicant is lowering sign on their own, they are not required to. Vice Chair Wasden asked about the brightness/LED and whether it's adjustable and whether we have a calculation for that in the code. Jim Padgett explained that we would have to look at the lumen count to make sure it's in compliance. Chairman William stated it could be a stipulation to follow the code for that issue. Jim mentioned that we have the Dark Sky Ordinance. Representatives for Circle K, Tracy Rodell and Susy Fields introduced themselves. Tracy commented that the sign is static, not flashing and that they will definitely take into account the code for allowable lumens, and otherwise they would appreciate the Commission's support. Vice Chair Wasden stated he appreciated the second trip and the height difference. Chairman Williams asked about a development schedule update. Susy stated there was not an update at this point as there are some factors that are out of their control. At 6:27 p.m. Chairman Williams had no slips from the public and opened/closed the floor to the public. Commissioner Hart had an observation that the sign does not look to have a very substantial base for a monument sign, as a design element. Chairman Williams had a question for staff about whether they are within the sq. footage limit and Jim Padgett confirmed that they are and explained that the sign itself has not significantly changed, but the base has. Applicant could address the base issue with landscaping and planting. Vice Chair Wasden stated it looks good and he appreciates Circle

K working with the height. Commissioner Narwid stated it's a very good tradeoff for the town to have a lower sign by 4-5 feet, and appreciates Circle K accommodating us on that issue. Chairman Williams likes the positioning of the sign, and mentioned there was a concern about visibility and that it's now at a much better location.

**Motion:** *Approve DR 17-003 Monument signage with the following stipulations:*

- 1. That the free standing monument signs be constructed in conformance with the sign plans submitted for the January 22, 2018 meeting and as may be further modified by the Planning and Zoning Commission.*
- 2. That the overall project is developed in conformance with the Conditional Use Permit and Design Review stipulations as approved at the June 19, 2017 meeting of the Planning and Zoning Commission*
- 3. A Certificate of Zoning Compliance documenting the completion of Design Review conditions, including the sign plan, shall be issued prior to the Certificate of Occupancy.*
- 4. A sign permit is required under separate permit. Monument signs must be located at least 5' within the property line.*
- 5. Lumens output be in accordance with Dark Skies and electronic signage code.*

**Made by:** *Vice Chair Wasden*  
**Second:** *Commissioner Narwid*  
**Vote:** *Unanimous*

- 3. Z 13-022 – SKYLINE APARTMENTS-** A request for an extension of conditions of zoning approval for the Skyline Apartment project to maintain PAD (Planned Area Development) zoning on three (3) parcels on 5.78 acres located between 16<sup>th</sup> St. and Main Street. APN 406-06-364G, 406-06-029M, and 406-04-040. Address: 840 & 842 S. Main Street. Owner: Skyline Apartments, LLC & Seabourn, LLC. Agent: Tom Pender. Below is Scott Ellis's report:

#### MEMO

**TO:** Planning and Zoning Commission

**FROM:** Scott Ellis, Planner

**THROUGH:** Berrin Nejad, Community Development Manager

**HEARING DATE:** February 26, 2018

**HEARING NUMBER:** Z 13-022 Skyline Condominiums

## Background:

On May 18, 2015 the Planning and Zoning Commission recommended approval of Z 13-022 to the City Council to rezone three parcels from R-1, R-2, R-3, and C-1 to PAD in order to convert existing apartments to condominiums, and build future condominiums on a vacant parcel. The City Council approved the project on September 15, 2015 with the following stipulations:

1. All future site plans/maps, construction plans, and design review come back to the Planning & Zoning Commission for approval.
2. That the project be developed and maintained in accordance with the Master Development Plan dated September, 2013, with site modifications submitted May, 2015 and as may be further modified by the Commission and/or Council.
3. That construction permits to begin developing the site are applied for no later than two years from the effective date of this ordinance. If at the expiration of this period the owner has not applied for construction permits for the use for which it has been approved, it shall revert to its former zoning classification without legislative action.

Based on Stipulation #3, the two year deadline was reached on October 15, 2017. The City's Zoning Ordinance Section 301.F.4 read as follows:

*At the time of rezoning, the Council may establish a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, it shall revert to its former zoning classification without legislative action.*

Arizona Revised Statutes do not allow for zoning or rezoning of land to occur without legislative action, therefore on November 21, 2017 the City Council approved the following change to Section 301.F.4. to accurately represent the state's legal requirement:

*At the time of rezoning, the Council may establish a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, a public hearing shall be scheduled with the Planning and Zoning Commission to determine compliance with the schedule for development and to provide a recommendation to the City Council whether to extend the schedule for development or cause the zoning to revert to its former classification. A public hearing shall then be scheduled with the City Council to either 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. The property owner and applicant who requested the rezoning shall be sent notification by certified mail regarding all scheduled public hearings on these matters.*

On December 1, 2017, staff received a letter from the applicant requesting an extension of time to pursue the development of this project. The applicant is requesting a permanent zone change for the properties.

### **Stipulations:**

If approved, staff recommends the original stipulations of approval continue to be in place, except a timeline for completion, unless the Commission determines otherwise.

Scott Ellis presented that Z13-022 Skyline PAD Rezone is an extension request to a stipulation that was part of the final rezone approval. It's on three parcels of property located between Main Street and 16<sup>th</sup> Street. The original request was to rezone from R1, R2, R3 and C1 to PAD. Several meetings were held in Oct and Nov 2013, project was tabled a couple times. May 18, 2015 the Planning Commission recommended approval to City Council and on September 15, 2015 the City Council approved ordinance number 614 for the rezone. The stipulation that has led us back here tonight is stipulation number 3 in that ordinance which required construction permits to be applied for within 2 years of the date of approval or the property would revert back to its original zoning classification. Applicant is requesting a permanent rezone. A lot of the adjoining neighbors had protested the rezoning and in the end it sounds like most of their concerns have been worked out with the property owner. They are only going to do 41 units if they build as planned. They will be coming back to Planning Commission for design review, site plan approval etc. this is just for the rezone. The applicant, Jesse Dowling with Pender Engineering introduced himself. He explained the reason for lapse in process after approval was due to Mr. Graham having health difficulties and passing away. Would like to still do the development but would like the approval with no deadline to follow through with the master plan. There was a lot that went into getting property ready, prior grading and drainage. Although ground was not broken and permits not applied for, a lot of work was done to prepare for the project. Applicant is hoping to proceed and work together with the City to develop the property as agreed to. Vice Chair Wasden asked about what time frame the applicant is looking for. Jesse stated he does not know exact time table, family is still trying to sort through holdings of Mr. Graham. They just want to know they can proceed without having to continually come back for approvals. The son, Keith Graham is here. Chairman Williams mentioned that in the past, the Grahams were not going to be the developers, were going to have a builder come in and build this up. Keith Graham introduced himself and stated there was never a plan to sell the property off. It's a very good investment. He stated there are certain things they would do immediately, would convert storage unit to an apartment or a condominium. As far as the large 41 unit thing, he doesn't exactly know when that would be done and is still trying to catch up with where his dad was and can't promise it would be done in the 2 year time frame. Commissioner Narwid proposed 4 years instead of 2. Applicant stated that would be better but it's very hard to guess at timing. At 6:41, Chairman Williams had one slip from the public for comment. Phil Moyer who introduced himself. He stated that there were 90 letters that came in previously

objecting to the project. He understands that this is a value perspective for the applicant and that a fixed zoning would allow them to sell the property to anyone when they want and that the rezoning would increase the value of the property. The longer period of development time that they can offer to the buyer can increase the value. He also stated that the 90 people who were on their committed to find out who was going to be their neighbors, were concerned about their property value. They are surrounded by pretty nice houses and the idea of rentals is not too appealing. The concern for Mr. Moyer is what the specifics (for the project) are. If the applicant is given an unlimited time frame, then there should be more details now to show how it's going to conform to existing neighborhood housing. If not, stay with the 2 year program and see what happens. At 6:50 p.m., Chairman Williams opened the floor to the public and closed it. Chairman Williams stated his recollection was that there was a lot of negotiating with neighbors but there was a basic agreement made on the concept of the project. Basically tonight, we are voting on an extension of the approved plan. The applicant will still have to come back before building. They will have to go through the design review process. And PAD is the basic concept. Tonight is strictly an extension of a time frame. Commissioner Hart stated he was uncomfortable with forever and that 2 years seems reasonable. Commissioner Narwid agreed that there should be a time limit and that 2-4 years would be reasonable, but he would prefer 2 and would not want to rezone in perpetuity. Vice Chair Wasden agreed 2 years is sufficient time and that he thinks it's a good project but 2 years is ample time. Chairman Williams also agreed perpetuity was not a good idea and that 2 years would be sufficient time and the market will still be there. The property should be very marketable.

***Motion: To recommend approval to City Council for Z 13-022 SKYLINE APARTMENTS with the following stipulations:***

- 1. That the project conform to code review board comments dated June 25<sup>th</sup>, 2013.***
- 2. That the project be extended for another two year period from the date of council approval.***

***Made by: Vice Chair Wasden***  
***Second: Commissioner Hart***  
***Vote: Unanimous***

- 4. GP 18-001 – INSPIRATION AT COTTONWOOD** A request for a Minor General Plan Amendment to change Land Use Classification from Performance Commercial/Industrial (PCI), and General Commercial (GC) to Planned Development (PLD), to construct a 192 unit apartment complex. APN: 406-33-016E. Location: Southwest side of State Route 89A, across from S. Candy Lane. Owner: Garrison Family Trust. Agent: Luke Sefton. Below is Scott Ellis's report:
- 5. Z 18-001 – INSPIRATION AT COTTONWOOD** A request to rezone approximately 9.01 acres of land from I-2 (Heavy Industrial) and C-2 (Heavy Commercial) to PAD (Planned Area Development) to construct 192 apartment units

on the south side of SR 89A, across from Candy Lane. APN: 406-33-016E. Owner: Garrison Family Trust. Agent: Luke Sefton. Below is Scott Ellis's report:

### STAFF REPORT

**TO:** Planning and Zoning Commission  
**FROM:** Scott Ellis, Planner  
**THROUGH:** Berrin Nejad, Community Development Director  
**HEARING DATE:** February 26, 2018  
**PROJECT NUMBER:** GP 18-001 and Z 18-001 Inspiration at Cottonwood

Applicant is requesting a zone change on one parcel from C-2 (Heavy Commercial) and I-2 (Heavy Industrial) to Planned Area Development (PAD) in order to develop land for construction of a 192 unit apartment complex.

A minor amendment to the Land Use Map associated with the Cottonwood General Plan, changing the land use designation from Performance Commercial/Industrial and General Commercial to Planned Development, is also required and requested by the applicant.

#### PROJECT DATA AND FACTS:

<b>Property Owner</b>	Garrison Family Trust
<b>Representative</b>	Luke Sefton
<b>Location of Property</b>	South side of SR 89A, across from S. Candy Lane.
<b>Present Zoning and Land Use</b>	C-2–Heavy Commercial & I-2–Heavy Industrial Vacant, undeveloped land.
<b>Description of Applicant's Request</b>	Rezone one parcel to PAD in order to develop a 192 unit apartment complex, and amend the General Plan.

**LAND USE:**

<b>Adjacent Land Uses and Zoning – Main Street Property</b>	
<b>North (across SR 89A):</b>	C-1 (Light Commercial) and PAD (Planned Area Development). Mix of vacant and developed land used primarily for medical providers.
<b>South:</b>	I-2 (Heavy Industrial) and MH (Manufactured Home). Industrial use and a portion of a Manufactured Home Park.
<b>East:</b>	MH (Manufactured Home). El Rio De Oro Manufactured Home Park.
<b>West:</b>	C-2 (Heavy Commercial) and I-2 (Heavy Industrial). Mix of vacant, undeveloped land and industrial uses.

**PROJECT PROPOSAL:**

<b>Background</b>
<p>The current property owner is allowing a prospective buyer to move forward with a rezone request to develop one parcel into a 192 unit apartment complex. The property is currently vacant and undeveloped, directly adjacent to State Route 89A.</p> <p>The site consists of a single undeveloped parcel totaling approximately 11.42 acres. The applicant will be splitting out approximately 2.41 acres as a separate parcel and leave the existing C-2 zoning for future commercial development. This will leave approximately 9.01 acres to be rezoned and developed into the proposed apartment complex. The existing parcel, and resulting larger parcel after the split, currently has two zonings across it. The front approximately 200 feet along State Route 89A is zoned C-2, while the remaining depth of the parcel is currently zoned I-2. The larger 9.01 acre parcel will be rezoned to PAD for the proposed apartments. No rezone request is being made for the 2.41 acres to remain as commercial.</p> <p>The applicant is seeking approval of the submitted Master Development Plan as a conceptual guide to rezone the property. Design Review of the project will be submitted to the commission at a future date to review details of the site including landscaping, colors, architecture, etc.</p> <p>The proposed use conflicts with the City’s General Plan and requires a Minor Amendment which has been applied for by the applicant.</p>

**Structure Design**

Number and Proposed Use of Building	17 buildings for apartments, a clubhouse, offices, etc.
Number of Stories	1-3

**Parking**

Parking will be accessed via two driveway entrances on opposite ends of the property. A total of 320 parking spaces will be provided for the development of the apartment complex. The parking will be provided throughout the property to accommodate access to the various building locations. The perimeter buildings along the southeast and southwest will allow for garage units for additional resident parking. Most of the parking stalls will be covered.

**Lighting:**

All lighting will be designed to be in compliance with Section 408 of the City of Cottonwood Outdoor Lighting Ordinance and will be required to meet all Dark Sky requirements.

**Signage:**

Preliminary sign information has been included in the Master Development Plan as a conceptual design only. Any proposed signs will be included in the Design Review portion of the project to be presented to the Commission at a later date.

**Access:**

Two access driveways are proposed for the project off State Route 89A; one on the west end of the property and one on the east end of the property. These drives will also provide access to the 2.47 acre commercial site via a recorded access easement. Circulation throughout the site will allow for flow of traffic across the property, and access to each building.

**Landscaping:**

A conceptual landscape plan has been included for review which will include an adequate buffer to surrounding and adjacent uses. A variety of trees, shrubs, plants, groundcovers, and decomposed granite will be used throughout the development.

The landscape plan as submitted is only intended to give an overview of the project site and what the applicant is proposing for landscaping. A full, detailed landscape plan with plant types, sizes, locations, and quantities will be required for Design Review approval. All landscaping will be required to meet Section 407 of the City's Zoning Ordinance.

**Utilities:**

All utilities are available to the site and the developer will ensure all requirements are met to install additional water, sewer, and other utility lines as necessary throughout the property.

**Architecture, Materials, Colors:**

A total of 17 buildings will be constructed throughout the project consisting of 8 apartment buildings, 8 carriage buildings, and 1 clubhouse. Common areas will include administrative offices, social areas, community kitchen, internet lounge, and office space. Buildings will be situated at the perimeter to help screen the parking area from public view. Exterior amenities will include a pool, BBQ area, and open space for tenant use. Approximately 34% open space will be provided throughout the development. Several units will consist of “carriage” houses with garages, situated around the perimeter of the site. A site wall and landscaping will also be included around the perimeter.

Three building types are proposed, consisting of 2 and 3 story residential units and a clubhouse. The buildings will have stucco finishes with metal accents. Colors will match surrounding land and natural aspects. Parapet style roof designs will provide for a modern design. Details of the building designs, including colors, will be presented to the Commission at a later date for Design Review.

**GENERAL PLAN:**

**Analysis:** As per Arizona Revised Statutes (ARS), a change of zoning must conform to the adopted General Plan of the municipality as relates to the range of uses, densities and intensities indicated in the land use element. Such conditions are specifically described through the Land Use Map. The applicable section of ARS Title 9 (Cities) is as follows:

ARS 9-462.01. Zoning regulations; public hearing; definitions

F. All zoning and rezoning ordinances or regulations adopted under this article shall be consistent with and conform to the adopted general plan of the municipality, if any, as adopted under article 6 of this chapter. In the case of uncertainty in construing or applying the conformity of any part of a proposed rezoning ordinance to the adopted general plan of the municipality, the ordinance shall be construed in a manner that will further the implementation of, and not be contrary to, the goals, policies and applicable elements of the general plan. A rezoning ordinance conforms to the land use element of the general plan if it proposes land uses, densities or intensities within the range of identified uses, densities and intensities of the land use element of the general plan.

**GENERAL PLAN CONFORMANCE:**

The General Plan 2025 indicates the Land Use classification for this area as Performance Commercial/Industrial and General Commercial. A General Plan Minor Amendment is required to accommodate the rezone request. The applicant has submitted a request to change the Land Use classification to Planned Development (PLD).

The State Statute allows such rezoning requests to be considered in terms of goals and policies of the General Plan. In addition, the applicable State Statute section describes the method for making such determination as such: “the [rezoning] ordinance shall be construed in a manner that will further the implementation of, and not be contrary to, the goals, policies and applicable elements of the general plan.” In this case, a General Plan amendment is required to support residential use in this area. The proposed PAD zoning is indicated as in conformance with General Plan goals for this area.

## **STAFF REVIEW:**

### **CRB Review:**

This project was reviewed by the Code Review Board on August 8, 2017. The applicant will comply with all comments prior to development of site.

Staff has reviewed this submittal and finds the overall proposed use of the land meets General Plan guidelines, would be a good in-fill development for the area, and provides a high quality residential use for the area.

The applicant held the required neighborhood meeting and received generally positive feedback from neighboring property owners regarding the project. Several questions were asked from neighbors (see MDP), with answers provided by the applicant.

The following department comments have been provided based on initial review of the Master Development Plan submitted to staff on November 13, 2017, and additional reviews on subsequent submittals:

## **PLANNING & ZONING:**

All Planning & Zoning comments were related to the format and material submitted in the Master Development Plan and were not of a technical nature, therefore are not listed here.

## **NATURAL RESOURCES: (Water)**

No comments.

## **FIRE DEPARTMENT:**

### **PRELIMINARY GENERAL FIRE DEPARTMENT COMMENTS**

- The Cottonwood Fire and Medical Department looks forward to working alongside the developer/contractor on this upscale Garden Style Apartments project that will provide the most up to date current fire and life safety systems and code requirements within the State of Arizona. These features will provide our citizens and property with enhanced fire protection for many years to come.
- As a reminder, all plans and designs shall fully comply with the 2012 International Fire Code {IFC} and the 2012 International Building Code {IBC} and per the Cottonwood Fire Departments Conditions. Please review the comments that are listed below.
  1. A full complete set of detailed stamped plans shall be provided to the Cottonwood Fire & Medical Department for review and prior approval of all phases before the work is permitted to start.

## **BUILDING FEATURES**

2. Any buildings that exceeds 30' of the vertical distance between the grade plane and the highest roof surface shall meet all the requirements of Appendix D section D105.
3. Coordinate Roof hatch/ladder access location and dimensions with the Cottonwood Fire & Medical Department.

## **FIRE SPRINKLER & FIRE ALARM COMMENTS**

4. Fire sprinklers shall be installed throughout the building{s} per NFPA 13 & 13R and all local regulations. The system shall be designed to meet the Hazard Class. Fire Sprinkler Riser rooms are required to be installed with an exterior door.
5. Fire Alarm Panel, Fire Riser room locations and FDC signage is required, verify the exact verbiage and sign dimensions with the Cottonwood Fire Marshal.
6. The installation of Class "I" stand pipe systems within the buildings with two 2 ½" NTS hose connections shall be installed in accordance with NFPA 14 and NFPA 20. The Fire Flow shall meet all requirements per NFPA 20. All systems shall be protected from freezing. Provide a detailed drawing for approval to the Cottonwood Fire Department.
7. Fire alarms shall be installed in all commercial and residential buildings per NFPA 72 and NFPA 70.
8. Fire extinguishers are required per NFPA 10, coordinate quantities and locations with the Cottonwood Fire Marshal.
9. Multiple Knox Boxes will be required to be installed on all structures that contain Fire Sprinklers, Fire Alarm systems for fire and life safety. This will include the Community building and pool area. Verify the exact location with the Cottonwood Fire Marshal. Provide a copy of the door keys to the Cottonwood Fire Department for placement into the Knox Box.

## **FIRE HYDRANT AND FIRE FLOW COMMENTS**

10. All plans, designs and fire flow calculations shall fully comply with the 2012 International Fire Code Appendix B and Chapter 5 of the IFC and per the Cottonwood Fire Departments Conditions.
11. Per the 2012 International Fire Code for multifamily residential dwellings less than 3,600 square feet, the required fire flow is 1,500 gallons per minute for 2 hours. The 2012 International Fire Code table B105.1 requires buildings over 3,600 square feet requires a minimum fire flow of 2,750 gallons per minute for 2 hours. A reduction

*may* be applied up to 75% *not to be less than 1,500* gallons per minute if the building is equipped with an automatic sprinkler and alarm systems.

12. Fire hydrants and all water supply systems shall be installed, inspected, tested and accepted in accordance with all fire code requirements before any building materials and combustibles are allowed to arrive on site. Coordinate the installation and exact location of the fire hydrants with the Cottonwood Fire Marshal and the City of Cottonwood Utilities Department. {A reduction of fire hydrants and/or distance *may* be allowed} per appendix C of the IFC.

#### **STREET / ACCESS / FIRE LANE COMMENTS**

13. All road/street heights, widths turn around distance shall meet the requirements in the 2012 International Fire Code appendix D and the City of Cottonwood conditions.
14. Fire lanes shall be provided and shall be a minimum of 26' wide and have a vertical clearance of 13'6" and maintained within 150' of any part of the building.
15. 12"x 8" red retro reflective Fire Lane signs stating "No parking by order of the Fire Marshal" shall be posted at every 75'. All curbs in the Fire Lane shall be painted red with 4" white letters stating "No Parking Fire Lane" painted of the curb face.
16. The island at the South entrance shall be roll curb and not vertical curb.

#### **MAPPING / ADDRESSING COMMENTS**

17. All addressing and street names shall be coordinated and approved with the Cottonwood Fire & Medical Department Lieutenant Jeff Boyd. All requirements and conditions shall meet the conditions of Chapter 5 and appendix D of the 2012 IFC.

#### **LANDSCAPING PLAN**

- No trees or shrubs shall encroach into the Fire Lane, especially at the entrance{s} of Inspiration at Cottonwood, Please coordinate any future placement of trees and shrubs within these corridors that may obstruct the Fire Lane from working correctly. Also coordinate placement of trees around the vicinity of the BBQ grill locations.

#### **FIRE MARSHAL DIRECT COMMENTS**

- We believe that this will be an outstanding project that will satisfy all of the fire and life safety code requirements throughout the entire subdivision. Our goal is to provide you {the developer} with outstanding customer service, and also provide our citizens with the safest living community as possible. We value your experience within the

development/construction profession in Northern Arizona and look forward to hearing input from the developer so that we are all on the same page throughout this process.

18. If there are any questions or comments, please feel free to contact me at 928} 634-2741 or email [rcontreras@cottonwoodaz.gov](mailto:rcontreras@cottonwoodaz.gov)

**19. These comments are preliminary and final determinations, comments and approvals will be provided upon review of the final sets of plans submitted.**

#### **UTILITIES:**

Would like to see the project water main connect to the 8" DI water main at the end of Airpark Way as well as the connection to 89A.

#### **PUBLIC WORKS/ENGINEERING:**

1. There seems to be an inconsistency in the information contained in the MDP. Several of the sections reference a total of 172 living units and several other sections reference a total of 192 living units. This inconsistency needs to be clarified.
2. On plan C-7 "Preliminary Utility Plan" the City would like to see the developer connect the 6" water loop within the development along Roads C & D to the existing water main located in Airpark Way to the south of the development. This loop will provide redundancy to the water supply for the entire development.
3. The Preliminary Traffic Study will need to be approved by the ADOT prior to the City issuing Final Acceptance of the report. Approval by the ADOT alone does not preclude the City from requiring additional revisions. This report shall be submitted in final form and accepted by the ADOT and City of Cottonwood prior to the issuance of any permits.
4. The Preliminary Drainage Report shall be finalized prior to the course of plan development and shall be submitted in final form and accepted by the City of Cottonwood prior to the issuance of any permits.
5. The Preliminary Water Study shall be finalized prior to the course of plan development and shall be submitted in final form and accepted by the City of Cottonwood prior to issuance of any permits. The Developer shall also be responsible for obtaining the necessary approvals to construct and operate issued by Yavapai County Environmental Services Dept. for the new waterlines.
6. The Preliminary Sewer Study shall be finalized prior to the course of plan development and shall be submitted in final form and accepted by the City of Cottonwood prior to issuance of any permits. The Developer shall also be responsible for obtaining the necessary approvals to construct and operate issued by Yavapai County Environmental Services Dept. for the new sewers.

The applicant has indicated they will adhere to all code review and staff comments that have been provided.

**RECOMMENDATION:**

If approved, staff recommends the following stipulations:

1. That the project is developed in accordance with the Master Development Plan submitted on February 8, 2018 and as may be further modified by the Planning & Zoning Commission.
2. That the project conforms to code review board comments dated August 8, 2017, and Master Development Plan staff review comments dated December 5, 2017, January 17, 2018, and February 8, 2018.
3. Any other required supporting documentation is submitted to staff and approved (i.e. drainage reports, traffic reports, surveys, etc.).
4. The project comes back to the Planning & Zoning Commission for Design Review to include design of the buildings, site plan, landscape plan, signage, screening, and any other design related aspects of the project typically found in a Design Review submittal.
5. A permanent sign will be installed at both entrances to the apartment complex notifying tenants of the proximity to the airport.
6. An Avigation easement will be recorded against the property which will include:
  - a. A requirement to notify all tenants of the proximity to the airport.
  - b. A requirement to maintain the signage mentioned above in place and in good condition.
  - c. Construction methods shall be made in a way to comply with the submitted noise study.
  - d. Language of the Avigation easement to be approved by the City of Cottonwood.
7. Each lease must include a disclosure and acknowledgement by the lessee that they are moving into a building that is near an airport, and that there will be more air traffic and noise there than in other parts of the City.
8. The requested approvals are only for development of the proposed 9.01 acre site to accommodate the apartment complex, and does not include any site approval for the 2.41 acres remaining a commercial zone. Any future development of the commercial parcel will require the appropriate review processes beginning with the Code Review Board.
9. A Certificate of Zoning Compliance documenting the completion of conditions shall be issued by the timeframe specified.
10. Any other stipulations the commission deems necessary.

Scott Ellis presented GP18-001 and Z18-001. They are two separate items with two separate motions but will do one presentation for both of them. It's a piece of property on 89A just across from Candy Lane next to El Rio Del Oro Mobile Home Park and borders small vacant property, a bank and some industrial properties. Currently the property is dual zoned C-2 Heavy Commercial and I-2 Heavy Industrial. The applicant is proposing to re-zone 9 of the 11 acres to PAD to construct 192 apartment units and leave approximately 2.4 acres for future commercial development. They have done the Minor Land Division already. The land

use map with the General plan identifies this area as Performance Commercial Industrial (PCI) and General Commercial due to the dual zoning. They are requesting to change from PCI and GC to Planned Development. The requirement is that the zoning matches what the General Plan is and it does not do that. That is where the General Plan amendment comes in. There will be a stipulation that lessees will have to sign acknowledging that they are close to the airport and there will be more noise than in other parts of the city. The rezone to the PAD is what's being presented tonight. The design review portion of buildings and landscaping will be brought back to the Commission at a later date. The Utility Department, water and waste water do not have any major concerns. Applicant is here to answer questions. Commissioner Narwid asked about the piece of commercial property and whether it has been cut away. Scott stated that yes, minor land division done. Would applicant have to revert back to another zoning change if they wanted to redevelop this piece of property for apartments? Scott stated that there are two ways it could go. Commercial properties can be developed into residential properties subject to the R-3 standards which allow multi-family residential with a conditional use permit. They could come in and ask for a conditional use permit to put apartments on that commercial piece of property. Or they could request a rezone and minor land division. Commissioner Narwid mentioned in regard to Airport Way, when you have a public street, the town has easements involved off of the curbing. It would make a lot of sense to have a third entrance. Scott stated it would be up to the property owner to see if they wanted to work something out. Representative from the owner, Luke Sefton with Sefton Engineering representing applicants introduced himself and the owners Bill Jump and Bob Porter. He stated that in the process of designing the project, one thing they had to do is a market study. Verde Valley is about 1800 units short of apartments so they are trying to fulfill a real need. As an example, the hospital employees need upscale apartments and they will have 192 units. They met with ADOT to talk about traffic. After conversations, took some apartments and moved them due to another property to help them out with the driveway. The new arrangement consolidated to a main drive and a secondary drive. Commissioner Hart noticed quite a number of references to the number of handicap parking spaces. Will there be handicap units and is there a formula for how many handicap units? Luke Sefton stated that 5 % of the units have to be ADA. Most of the grading plan is done and all sidewalks are ADA compatible, pool is ADA and mailbox unit was added to accommodate ADA. Chairman Williams asked about a time frame. Luke Sefton stated that the applicant is ready to start as soon as they can get through the process. Commissioner Narwid asked if there was a statistic for shortage of apartments in Cottonwood specifically. Luke Sefton did not have a number for Cottonwood but stated the apartments we do have are renting very fast. Picked Cottonwood because there is a great demand here for at least 1000 apartments. Luke Sefton mentioned that they did meet with neighbors who are happy with the project being residential and not commercial. Bill Jump introduced himself and expressed that they are ready to get going on the project as soon as possible. At 7:22 p.m. the floor was opened to the public. Phil Terbell, Real Estate Broker, introduced himself. Supply and demand drives the real estate market and we are so short of in the rental market. This is affordable, multi-family housing. Cottonwood has provided the workforce and will continue to do that. He agrees with Mr. Jump with 1000 units. Seeing more demand and rental prices have gone up about 25 percent in the last year to year and a half. Expressed again it's a short supply of rentals and there is a real demand. Made comment that back entrance would invite industrial traffic which we are not equipped to handle. At 7:25 p.m. Chairman Williams closed the floor to the public. Vice Chair Wasden stated it looks great and that he personally

knows of people stuck in the process of looking for rentals. Chairman Williams mentioned the apartments on Mingus as an example were rented very fast. The location is good, lot of employees at the hospital who will be looking for this kind of housing.

**Motion:** *Approve GP 18-001 Change from PCI and General Commercial to PLD.*

**Made by:** *Vice Chair Wasden*  
**Second:** *Commissioner Narwid*  
**Vote:** *Unanimous*

**Motion:** *To recommend approval to City Council for Z 18-001 Inspiration at Cottonwood to Planned Area Development.*

**Z 18-001 – Inspiration at Cottonwood:**

1. *That the project is developed in accordance with the Master Development Plan submitted on February 8, 2018.*
2. *That the project conforms to code review board comments dated August 8, 2017, and Master Development Plan staff review comments dated December 5, 2017, January 17, 2018, and February 8, 2018.*
3. *Any other required supporting documentation is submitted to staff and approved (i.e. drainage reports, traffic reports, surveys, etc.).*
4. *The project comes back to the Planning & Zoning Commission for Design Review to include design of the buildings, site plan, landscape plan, signage, screening, and any other design related aspects of the project typically found in a Design Review submittal.*
5. *A permanent sign will be installed at both entrances to the apartment complex notifying tenants of the proximity to the airport.*
6. *An Avigation easement will be recorded against the property which will include:*
  - a. *A requirement to notify all tenants of the proximity to the airport.*
  - b. *A requirement to maintain the signage mentioned above in place and in good condition.*
  - c. *Construction methods shall be made in a way to comply with the submitted noise study.*
  - d. *Language of the Avigation easement to be approved by the City of Cottonwood.*
7. *Each lease must include a disclosure and acknowledgement by the lessee that they are moving into a building that is near an airport, and that there will be more air traffic and noise there than in other parts of the City.*
8. *The requested approvals are only for development of the proposed 9.01 acre site to accommodate the apartment complex, and does not include any site approval for the 2.41 acres remaining a commercial zone. Any future development of the*

- commercial parcel will require the appropriate review processes beginning with the Code Review Board.*
- 9. A Certificate of Zoning Compliance documenting the completion of conditions shall be issued by the timeframe specified.*
  - 10. Secure construction permits within two years of City Council approval.*

**Made by:** Vice Chair Wasden  
**Second:** Commissioner Narwid  
**Vote:** Unanimous

6. **ZO 18-001 – WIRELESS COMMUNICATIONS FACILITIES STANDARD TERMS AND CONDITIONS** - Consideration of adding a new Section 404-CC in the zoning ordinance; authorizing and approving right-of-way license agreements between the City of Cottonwood and wireless providers for the use of city right-of-way property to operate a wireless network; and authorizing the director of the Community Development Department to execute such license agreements; and issue small wireless facilities site permits; and providing for repeal of conflicting ordinances and severability. Below is Scott Ellis's report:

#### **STAFF MEMO**

**TO:** Planning and Zoning Commission  
**FROM:** Scott Ellis, Planner  
**THROUGH:** Berrin Nejad, Community Development Director  
**MEETING:** January 22, 2018  
**SUBJECT:** ZO 18-001 Text Amendment to Zoning Ordinance, Section 404 Regarding Small Wireless Facilities in the Right-of-Way

#### **REQUESTED ACTION**

Hold public hearing on proposed Zoning Ordinance text amendment and provide recommendation to City Council.

#### **BACKGROUND**

On March 31, 2017, HB 2365 wireless facilities; rights-of-way (ROW) was signed into law. This will allow wireless providers to locate small cells in the rights-of-way and public easements in the City. The new law also allows wireless providers to construct, install, modify, mount, maintain, operate and replace utility poles that are associated with collocation of small cells. They can do the same with monopoles that are associated with

the collocation of wireless facilities (not just small cells) in the ROW (See attached League of Cities & Towns Wireless Facilities Guide).

The effective date of HB 2365 was August 9, 2017, however, cities and towns are required to establish and make available rates, fees and terms that are consistent with HB 2365 by February 9, 2018 or three (3) months after receiving the first request by a wireless provider, whichever is later.

**Proposed Cottonwood Amendment:**

Currently, the Cottonwood Zoning Ordinance only describes procedures for the height of wireless communication facilities. This amendment will create a new section (CC) within Section 404 General Provisions of the Cottonwood Zoning Ordinance.

**RECOMMENDATION**

Due to the change in state law, staff recommends the Commission recommend approval to the City Council of this amendment. A motion should include the provision that the Commission recommends approval subject to changes and/or additions of substance by staff and/or the City Attorney, as needed.

**ATTACHMENTS**

- Approved version of HB 2365
- HB 2365 Wireless Facilities; Rights-of-Way Guide
- Addition to Section 404 General Provisions, CC

Scott Ellis presented that back in March of last year, House Bill 2365 was signed into law that basically allows wireless communication facilities in the right of way. It limits what cities and towns can do to regulate them, what process we can make them go through. We have to respond in a certain time frame and if we don't have an ordinance in place within a certain time frame of an application being submitted, we have to allow them to do what they are asking to do. This ordinance is to follow the new state law. Commissioner Narwid asked for an explanation of wireless by right of way. What does this mean? It means that any pole that is in the right of way can have a wireless facility put onto it or they can propose to put up a new pole in the right of way which is the city owns as right of way or anything the city owns. Page 2 of House Bill line 16 number 18 defines what the right of way is. Scott mentioned they are still limited to sizes and they are restricted on certain parameters. Chairman Williams mentioned that hopefully this is an evolution of technology. Chairman Williams opened and closed the floor to the public.

***Motion: Recommendation for approval to City Council for ZO 18-001Text amendment in ordinance section 404-CC small wireless facilities.***

***Made by: Vice Chair Wasden***

**Second:** *Commissioner Hart*  
**Vote:** *Unanimous*

DISCUSSION ITEMS- Berrin Nejad mentioned we have 2 openings on the commission and we have one applicant. We are hoping that appointment will happen at the March 6<sup>th</sup> City Council Meeting. We need applicants for the P & Z Commission and we are running the advertisement now. Chairman Williams invited members of the business community as opposed to just retirees to apply. It does not require a lot of time and it's an important Commission whose actions can have a positive or negative impact on our community. He would like to encourage people to come and apply. Commissioner Narwid asked about requirements. Chairman Williams stated that you have to be a qualified elector in the City of Cottonwood in order to be approved for the board.

INFORMATIONAL REPORTS AND UPDATES-

1. Commissioners asked staff on the status of the 89 & Vine Project and whether it is still going forward.

ADJOURNMENT

Meeting adjourned at 7:19 pm