

Official Minutes of the City of Cottonwood
Planning & Zoning Commission Regular Meeting
Held, June 18, 2018 at 6:00 P.M. at the City Council Chambers
826 N. Main Street – Cottonwood, Arizona

CALL TO ORDER & ROLL CALL

Chairman Robert Williams called the meeting to order at 6:00 p.m. Roll call was taken as follows:

Planning & Zoning Commission Members Present

Chairman Robert Williams

Robert Hart

Vice Chairman Judd Wasden

Thomas Narwid

Christopher Dowell

Susan Masters

Planning & Zoning Commission Members Absent

None

Staff Members Present

Berrin Nejad, Community Development Director

Jim Padgett, Community Development Planner

Jacqueline Robinson, Administrative Assistant, Recorder

Chairman Williams went over protocol for meeting.

APPROVAL OF MINUTES OF May 17, 2018 - REGULAR MEETING

Motion: *To approve the minutes of 5/17/2018 – Regular Meeting with changes*

Made by: *Vice Chair Wasden*

Second: *Commissioner Narwid*

Vote: *Unanimous*

CALL TO THE PUBLIC

No comments.

A verbal comment period will be provided during each hearing item. The Chair may impose a time limit on each speaker. The Commission will not consider written materials submitted less than three working days before the meeting.

Pursuant to A.R.S. § 38-431.02(B) the Commission may vote to go into executive session on any agenda item pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney.

The Cottonwood Council Chambers is accessible to the handicapped in accordance with Federal "504" and "ADA" laws. Those with needs for special typeface print or hearing devices may request these from the Planning Technician at 634-5505 (TDD 634-5526). All requests must be made at least 24 hours before the meeting.

This is the time for the public to comment on any matter that does not appear on the agenda. Commission members may not discuss items not identified on the agenda. Pursuant to A.R.S. §38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to criticism, or scheduling the matter for consideration at a later date. Comments are limited to five minutes for each person.

I. OLD BUSINESS:

None.

II. NEW BUSINESS:

- 1. PCU 16-004-MOD TERRA BENI-** A request to extend the approval date for the project until the irrigation lines are installed and seeding can begin. The project is located on S. Willard Street north of E. Terra Verde Drive. APN: 406-08-009D, 406-08-009C, 406-08-010A. Owner: Beaver Creek Development Company Inc. Applicant: Bernadette Selna.

Chairman Williams reminded the Commissioners that the only item up for discussion is the extension and whether it will be extended and for how long. This is an administrative action. Planner Jim Padgett gave a brief update of the project. The water line is now under the street and final grading is being done. Nothing else has changed except the applicant is asking for an additional six month extension. Staff recommends the approval of the 6 months. Commissioner Hart asked for an update on the project and timeframe. The longest delay was getting effluent line run under Willard. Now they need to connect to it and get final site prep. Commissioner Narwid asked if grey water has bacteria in it, and is it safe to be used for irrigation, and whether it is tested for bacteria when it is applied to food plants. Applicant: Bernadette Selna gave update and timeline information. In regards to the water, she spoke to someone at the Waste Water Department and they said the water was clean. Soil has been graded for irrigation purposes for crops. The irrigation system is being done on the east side first and pipe will be run from west side of Willard to reclaim water. Irrigation has taken a long time. They are straining the soil right now. The grading was done to help strain the dirt. Vice Chair Wasden asked if six (6) months is long enough or would twelve (12) months be a better timeframe. Applicant said it would take a burden off of her if they could give a twelve month extension.

Chair closed floor to the public for discussion amongst commission.

Motion: Motion to approve PCU 16-004 MOD with the following stipulations:

Made by: *Vice Chair Wasden*

Second: *Commissioner Dowell*

Vote: *Unanimous*

1. That the project is developed in conformance with the site plans submitted 01-12-16 and as may be further modified by the Planning Commission.
2. That the project conforms to Code Review Board comments dated 12-24-15.

3. Parking will need to be reviewed and approved by staff.
 4. Dust control will be required over the life of the project. Applicant will submit dust control plan to staff for approval.
 5. A lighting plan will need to be submitted and approved by staff prior to installation of any lighting structures. All lighting must meet Dark Sky requirements and ordinance requirements.
 6. All structures will need building permits and approval.
 7. The conditions of approval shall be completed by twelve months from the date of approval by the Planning & Zoning Commission or the Conditional Use Permit shall be subject to revocation.
 8. A Certificate of Zoning Compliance documenting the completion of conditions shall be issued by June 19, 2019.
- 2. PCU 17-003-MOD and DR 17-003-MOD Circle K** – A request to extend the approval date for the project. There have been significant design issues and delays in compiling all parcels as needed for the project. The project is located at the northwest corner of N. Main St. and E. Mingus Ave. APN: 406-37-001, 406-37-002A, 406-37-004, 406-37-005, 406-37-001F, C & H. Owner: Circle K Stores, Inc. Applicant: Land Development Consultants, LLC.

Planner Jim Padgett presented the request for an extension of time. The main issue is getting a clear title and the significant amount of underground utilities. Recommendation is for an extension that the Commissioners agree upon. Commissioner Narwid asked for clarification on how much time is being asked for. The standard is twelve (12) months to apply for a building permit, therefore, another twelve months would follow the norm.

Ms. Tracy Rodell spoke for the applicant Circle K. The main reason for the request for extension is that they are unable to close escrow due to significant title issues. Once this is resolved and they can close escrow they will be able to move forward. There are five or six parcels involved in this project. The title issue should be resolved by the end of next month. Circle K is requesting a twelve (12) month extension.

Chairman Williams closed the floor to the public for discussion.

Motion: Motion to approve PCU 17-003 MOD with the following stipulations:

PCU Stipulations:

1. The project is developed in conformance with the development plans submitted for the June 19, 2017 Planning and Zoning Commission meeting.

2. Project conforms to Code Review Board comments dated January 31, 2017 and follow-up review comments from Planning and Zoning, Engineering and Fire Department.
3. That the project conforms to the Design Review requirements which will be approved by a separate motion.
4. The applicant will work with the City Engineer regarding abandonment of the 20 foot wide alley right-of-way that now bisects the subject property east to west.
5. Building Permits shall be applied for by **(June 18, 2019)** twelve (12) months from the date of approval, by the Planning & Zoning Commission or the Conditional Use Permit shall be subject to revocation procedures.

DR Stipulations:

1. That the project is developed in conformance with the development plans submitted for the June 19, 2017 meeting of the Planning and Zoning Commission with the exception of the freestanding signs.
2. That the project conforms to Code Review Board comments dated January 31, 2017, and follow-up review comments from Planning, Engineering and Fire Departments.
3. Buffering and screening shall be provided as shown on the Landscape Plan with low masonry walls and plant material, including trees and shrubs along N. 15th Street across from residential uses. Low screening walls integrated into landscape strip along street shall have a minimum four course decorative block wall, approximately 34" in height minimum.
4. Building and canopy signs to be submitted through separate sign permit application shall be in compliance with allowable size for project.
5. Approval of the freestanding signs will require approval from Planning and Zoning Commission at a future meeting.
6. A Certificate of Zoning Compliance documenting the completion of Design Review conditions shall be issued prior to the Certificate of Occupancy.
7. Building Permits shall be applied for by **June 18, 2019**, twelve (12) months from the date of approval by the Planning & Zoning Commission or the Design Review shall be subject to revocation procedures.

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

Second: ***Commissioner Dowell***

Vote: ***Unanimous***

3. **ZO 18-004 – AMENDMENT TO SECTION 405 SIGNS – REAL ESTATE SIGNS & TEMPORARY SIGNS** – Consideration of a Zoning Ordinance text amendment to Section 405.E.6. adding Section 405.E.6.a. and 405.E.6.b. allowing larger Real Estate signs on larger acreage residential and commercial parcels; and adding Section 405.E.5.a. PROHIBITED SIGNS to clarify the type of permitted and unpermitted temporary signage. **(WITHDRAWN)**

4. **ZO 18-005 – AMENDMENT TO SECTION 404 GENERAL PROVISIONS – DETACHED ACCESSORY BUILDINGS & ARTICLE II – DEFINITIONS – CORNER LOTS** – Consideration of a Zoning Ordinance text amendment to Section 404.G.6.c.(1); *Detached Accessory Buildings in Residential Zones* by deleting side yard setback requirements for corner lots, prohibiting accessory structures to be placed in side or rear yards abutting streets, and adding a definition of “Corner Lot” to Article II – Definitions.

Director Berrin Nejad presented the items - The following four items are being presented with collaboration from other departments. These are minor changes we are adding or deleting. Currently our ordinance does not differentiate between corner lots and regular lots. We are adding one sentence to the ordinance to standardize setbacks.

Motion: Motion to approve sending ZO 18-005 forward to City Council:

Made by: *Vice Chair Wasden*

Second: *Commissioner Narwid*

Vote: *Unanimous*

5. **ZO 18-006 – AMENDMENT TO SECTION 417 – “MH” ZONE, MANUFACTURED HOME** – Consideration of a Zoning Ordinance text amendment modifying Section 417 regarding setbacks for carports and/or garages.

Ms. Nejad presented and explained that this additional language is to allow property owners to add garage or carport to their existing home.

Commissioner Hart stated that he has a problem with the setbacks being measured from the ‘sidewalk’ instead of the property line. Commission discussion is over property line vs. sidewalk or road. Ms. Nejad recommended adopting this amendment since sidewalk section is not part of proposed amendment, and will bring the ‘sidewalk’ verbiage back to the Commission.

The request was made that Planner Scott Ellis attend the next regularly scheduled meeting to report on the sidewalk verbiage.

Motion: Motion to approve sending ZO 18-006 forward to City Council as outlined:

Made by: *Vice Chair Wasden*

Second: *Commissioner Dowell*

Vote: *Aye – Chairman Williams, Vice-Chair Wasden, Commissioner Dowell, Commissioner Narwid, Commissioner Masters.*

Nay – Commissioner Hart.

6. **ZO 18-008 – AMENDMENT TO SECTIONS 410 GA (GENERAL AGRICULTURE), 411 AR-43 (AGRICULTURAL RESIDENTIAL), 423, CF (COMMUNITY FACILITY), AND 425 AR-70 (AGRICULTURAL RESIDENTIAL) – RV PARKS** – Consideration of a Zoning Ordinance text amendment to Sections 410 GA, 411 AR-43, 423 CF, and 425 AR-70 adding RV Parks as a Conditional Use within these zoning districts.

Ms. Nejad presented the staff report stating that staff has been receiving a lot of applications and inquiries for RV (Recreational Vehicles) park areas. Based on a study with other cities it has been determined that where camp grounds are allowed could also allow an RV park. Staff had added RV Park to campgrounds in CF (Community Facility) zone and added the definition of RV park. They are all Conditional Use Permits, meaning all applications will go before the P&Z Commission. Commissioner Dowell asked if we know what Camelot Park is zoned for. It is zoned Commercial.

Commissioner Narwid asked if staff had an example of property that is vacant now where one could put an RV park? Staff answered that the largest place in the city would be the fairgrounds or Catholic Church. In the recent past, there has been one proposal around the airport that was not allowed. The Commission will have opportunity to review all plans that come forward.

Motion: Motion to approve sending ZO 18-008 forward to City Council:

Made by: *Vice Chair Wasden*

Second: *Commissioner Narwid*

Vote: *Unanimous*

7. **ZO 18-009 – AMENDMENT TO SECTION 404 GENERAL PROVISIONS – HEIGHT REGULATIONS** – Consideration of a Zoning Ordinance text amendment to Section 404.H.3. to restrict overall building height of structures within the city, with or without a Conditional Use Permit, and re-number sections 404.H.3 through 404.H.10.

Chairman Williams said the first question to answer is what the difference is between a 2-½ story vs. 3-story building. Ms. Nejad gave an explanation. Chairman Williams said he has an issue with the wording of the 2-½ story definition. Commissioner Masters gave her description of a 2-½ story building, stating that you really need to pay attention to the roofline and that usually ½ of the house is offset by half a story from the other half.

Ms. Nejad presented the staff report: MH zoning district will have 2 stories or 20 feet high, that will not change, all other districts in City except PAD and CF zones, max height will be 2 ½ stories but not to exceed 35 feet, except with a Conditional Use Permit. We are adding these sections and were read for the record.

3. Maximum Building Height:

- a. Except within an approved Planned Area Development or by Conditional Use Permit, no building in any zoning district shall exceed 2 ½ stories or thirty-five (35) feet in height.
- b. No building in the MH Zone shall exceed two (2) stories or twenty-five (25) feet in height.

c. Notwithstanding any other provision of this subsection, or any uniform code adopted by the City, any building permitted to exceed three (3) stories or forty (40) feet in height, whether by Conditional Use Permit or as part of an approved Planned Area Development, shall be built entirely with noncombustible materials as approved by the City's Fire Chief and/or Fire Marshal.

Chairman Williams stated that he has an issue with why we make people get a Conditional Use Permit and go through Design Review for a 2-½ story building but not a two or three story building. His concern is that typically we build a two (2) or three (3) story building, but now they will have to apply for a Conditional Use Permit to have a 2-½ story building. We are requiring an extra step other than just Design Review, and now we have to give them a Conditional Use Permit on top of that, which doesn't make any sense to him. He stated that item 'c' makes sense because it is three stories so we should change item 'a' to three stories but with a 35 foot maximum. Ms. Nejad said that staff could study it a little more and check with architects to get an explanation. Chairman Williams said that our previous long-term planner could not explain this 2 ½ story either when it was asked in the past.

Commission Narwid asked for the height of a 3-story building. It is 40 feet. Chairman Williams stated that they approved the condos downtown as a 3-story building and they are only 35 feet. Ms. Nejad explained that 2-1/2 stories are not to exceed 35 feet. Chairman Williams said we should modify our ordinance because the condo builder had to file for a CUP because they were actually three stories, not 2-1/2 as defined here. It may make sense for Phoenix or somewhere else but not Cottonwood, because we are still within the fire codes of the 40 foot limit. Ms. Nejad stated that she will check into it further and if it needs to be corrected, it can be changed. Chairman Williams said he would like to table this item until there is more research done.

Ms. Nejad cautioned the Commission about changing architectural conditions so casually due to how it may affect other situations. Commission Narwid said he finds the amendment confusing and it needs to have a better definition and in language that we can all understand. Chairman Williams said there needs to be more research done on this.

Vice-Chair Wasden reflected on the building of the hospital and said that under these conditions a CUP would have been required. He does not understand the logic. Ms. Nejad explained that it is critical that item 'c' be approved at this meeting due to the need for correction in the code for an existing situation. The 2-1/2 story vs. 3 story can be fixed later after staff's study. That is a different issue. The building code states that non-combustible material must be used, however, we have a project that the applicants want to build a four-story public building and use combustible materials. The Commissions insisted on knowing more details about the project in question. Ms. Nejad stated that she is not able to discuss the details of the project and situation with the Commission at this meeting. Ms. Nejad restated the request that the building code and zoning ordinance be the same and state that non-combustible materials must be used. Chairman Williams indicated that we have never approved a project that didn't comply with the building code and doesn't understand the need for this clarification. He would like Steve Horton, City Attorney, to come before the P&Z Commission and explain the need. Commissioner Hart recommended that this item be tabled and the next time they have a discussion on this, a member of the Fire Department also be present. Commissioner Narwid asked if there was a time constraint involved with this amendment. Ms. Nejad continued to explain that there is an on-going project involved.

ITEM WILL BE TABLED UNTIL NEXT MEETING. Commission would like Steve Horton and someone from Fire to attend and explain the reasoning for changing the zoning code to marry up with the building code. They would also like to see the research on the 2-1/2 vs 3-story building.

Motion: Motion to table ZO 18-009 for further clarification:

Made by: *Vice Chair Wasden*

Second: *Commissioner Dowell*

Vote: *Unanimous*

III. DISCUSSION ITEMS:

Planner Jim Padgett – for the last couple of years the bicycle committee has been putting together different standards with the goal of becoming a Silver Status community. There is going to be a new bike rack in front of Merkin Vineyards. The handout describes in more detail where it will be installed and who will be working on the project. This is one of the steps the City is taking to try to encourage biking in the community.

IV. INFORMATIONAL REPORTS AND UPDATES:

A brief summary of current events by Chairperson, Commission members, and/or Community Development Director. (The public body does not propose, discuss, deliberate, or take legal action on any matter brought up during this summary unless the matter is properly noticed for legal action).

Vice-Chair Wasden – are you still addressing the banners? Jim – staff has been working with legal since the verdict from Supreme Court. We hope to have it on next agenda. There are a lot of restrictions and it is being reviewed by the City attorney. Whatever language ends up being proposed will go before Commission before going before Council as an ordinance.

Vice-Chair Wasden asked about the renovation being done with the hotel (Motel 6), did it ever come before the Commission? The façade seems like an addition to the existing building including an additional story. It's on Main Street and it's a big project. He was asking why I didn't come before the Commission. The Commission is confused on what should and should not come before the Commission.

Add discussion item for next meeting – what comes before commission and what doesn't.

V. ADJOURNMENT

Motion: Motion to adjourn

Time: *7:30pm*

Made by: *Vice Chair Wasden*

Second: *Commissioner Hart*

Vote: *Unanimous*