

Official Minutes of the City of Cottonwood
Planning & Zoning Commission Special Meeting
Held, September 10, 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 6:01 p.m. Advised public to fill out a comment card if they wish to speak. Roll call was taken as follows:

Planning & Zoning Commission Members Present

Robert Hart
Christopher Dowell
Jesse Dowling
Thomas Narwid
Susan Masters
Vice Chairman Judd Wasden
Chairman Robert Williams

Planning & Zoning Commission Members Absent

None

Staff Members Present

Berrin Nejad, Community Development Director
Steve Horton, City Attorney
Scott Ellis, Planner
Jim Padgett, Planner
Amber Richards, Planning Technician, Recorder

APPROVAL OF MINUTES OF August 20, 2018 - REGULAR MEETING

Motion: **To approve the minutes of 8/20/2018**

Made by: **Commissioner Dowling**

Second: **Commissioner Hart**

Roll Call Vote: **Unanimous**

Robert Hart – Aye

Christopher Dowell – Aye

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.

Jesse Dowling – Aye
Thomas Narwid – Aye
Susan Masters – Aye
Vice Chairman Judd Wasden – Aye
Chairman Robert Williams – Aye

CALL TO THE PUBLIC

None.

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 18-004 / DR 18-005 – Dairy Queen - Request for Design Review and a Conditional Use Permit to allow the development of a new drive through restaurant on the site of the existing Dairy Queen at 102 S. Main St and the development of an adjacent vacant parcel for parking in the C1 (Light Commercial) zoning district. APN 406-41-014 and 406-41-026 Owner: Twin Oaks Inc., Applicant: Todd Young, Architect.**

There was a brief presentation by Jim Padgett. This is a request for a Conditional Use Permit and Design Review for a new Dairy Queen at the present Dairy Queen location. The reason it requires a Conditional Use Permit is because the C-1 zone requires a Conditional Use Permit for a Drive-Thru restaurant. There is an adjacent property with a home on it that will be demolished and that lot will be the parking lot for the new Dairy Queen. Parking and landscaping requirements will be met. There have been no objections for this project. There have been some phone calls in support and general inquiry phone calls. Color and paint samples were shown to the commission. Commissioner Hart asked if Orange Julius's will be served and the applicant confirmed yes, they will. Has the City Engineer discussed the closeness of the exit lane to the corner? Jim explained that it's an existing parcel and existing business and that the end result of the project will be an improvement. They will be improving the gutter/sidewalk to meet City standard. Commissioner Dowell asked if they ally is going to be asphalt. Yes, it would be finished. How far down the alley does the asphalt surfacing go? Does it go beyond the property line? City Engineer, Robert Winiecke, believed it is the property line but would have to go back and check. Commissioner Dowling

asked about the garage mentioned in the letter of intent. Jim stated that is no longer part of the project. Commissioner Narwid asked if there were any alternatives discussed for the six (6) foot vinyl fence? Jim stated the six (6) foot portion would only be adjacent to residential use and the perimeter would be a three (3) foot buffer along with landscaping. It is not a chain link fence, it's a solid vinyl fence. Chairman Williams announced that Steve Horton, City Attorney and Tim Elinski, Mayor were in attendance. Jim Lawler introduced himself as the builder for the project. He addressed the concern of Engineering wanting the entrance at Main Street to be narrowed and explained that the issue will be taken care of with landscaping. Commissioner Wasden asked if there was any thought given to outside seating? Jim Lawler explained that Dairy Queen is a national brand and therefore they have a national design. He did not feel that there would be a lot of room to adjust the design. However, the Main Street side with the landscaping would be very inviting and there is outside seating in the front. Vice Chairman Wasden asked about the pavement of the alleyway and whether it ends at the property line? Jim Lawler said the transition from the pavement would be even so there would not be a drop in the elevation but the asphalt would end at the property line. Vice Chairman Wasden also asked how long the current Dairy Queen will be closed? Jim Lawler said that the project will be completed as fast as possible. Commissioner Dowling asked if there was any consideration of angle parking rather than parallel? Jim Lawler stated the parallel parking is similar to Main Street and they felt the City would be ok with that. They needed those spaces to meet their parking requirements. They also need to provide 4 bicycle parking spaces and are thinking they will use one of the parallel parking spaces to meet that requirement. Commissioner Dowling stated he is glad to see that Dairy Queen will be renovating the current space instead of seeking a new space. Commissioner Narwid agreed with Commissioner Dowling. Commissioner Narwid asked for a timeline on the project from start to finish. Jim Lawler stated the target is around January or February to start and they anticipate it would probably take three (3) to four (4) months to build. Chairman Williams opened the floor to the public. Ron Lewy introduced himself as a resident nearby the project. He is here to support the project, however, his big concern is with animal control. He expressed concern with customers walking from Dairy Queen to home and being attacked by dogs as this is an ongoing issue and he has personally been attacked. Chairman Williams closed the floor to the public. Commissioner Hart stated he likes the solution for parking. The idea of refurbishing that whole corner will be great for City. Commissioner Dowell thinks it's a great project. Vice Chairman Wasden still would like to see outdoor seating but agreed it's a great project. Commissioner Dowling would like to see infill done but otherwise is all for it. Commissioner Narwid thinks it's a nice project. Commissioner Masters thinks it's a great project and Chairman Williams seconded the comments made by the rest of the commission.

Motion: Approve PCU 18-004 with stipulations.

Made by: Vice Chairman Wasden
Second: Commissioner Dowell
Roll Call Vote: Unanimous

Robert Hart – Aye
Christopher Dowell – Aye
Jesse Dowling – Aye

Thomas Narwid – Aye
Susan Masters – Aye
Vice Chairman Judd Wasden – Aye
Chairman Robert Williams - Aye

PCU Stipulations:

1. That the project is developed in conformance with the development plans submitted for the September 10, 2018 Planning and Zoning Commission meeting, and as may be further modified by the Planning and Zoning Commission.
2. That the project conforms to the Code Review Board comments dated June 27, 2017.
3. A Certificate of Zoning Compliance documenting the completion of conditions shall be issued prior to issuance of a Certificate of Occupancy.
4. A Right of Way permit be obtained from the Public Works Department prior to any work or landscaping in the right of way.
5. Identify a minimum of three (3) bicycle parking spaces to be located on the parcel with the restaurant. These spaces are required to be identified on the construction drawings when submitted.
6. Screen walls adjacent to the parking area shall be constructed of a solid material as required by Section 406.C.2.i of the Zoning Code.
7. Building Permits shall be applied for within two (2) years from the date of approval by the Planning & Zoning Commission or the Conditional Use Permit shall be subject to revocation procedures.

Motion: Approve DR 18-005 with stipulations as stated.

Made by: Vice Chairman Wasden
Second: Commissioner Hart
Roll Call Vote: Unanimous

Robert Hart – Aye
Christopher Dowell – Aye
Jesse Dowling – Aye
Thomas Narwid – Aye
Susan Masters – Aye
Vice Chairman Judd Wasden – Aye
Chairman Robert Williams - Aye

DR Stipulations:

1. That the project is developed in conformance with the development plans submitted for the September 10, 2018 Planning and Zoning Commission meeting, and as may be further modified by the Planning and Zoning Commission.

2. That the project conforms to the Code Review Board comments dated June 27, 2017.
3. A Certificate of Zoning Compliance documenting the completion of conditions shall be issued prior to issuance of a Certificate of Occupancy.
4. A Right of Way permit be obtained from the Public Works Department prior to any work or landscaping in the right of way.
5. Identify a minimum of three (3) bicycle parking spaces to be located on the parcel with the restaurant. These spaces are required to be identified on the construction drawings when submitted.
6. Screen walls adjacent to the parking area shall be constructed of a solid material as required by Section 406.C.2.i of the Zoning Code.
7. Building Permits shall be applied for within two (2) years from the date of approval by the Planning & Zoning Commission or the Conditional Use Permit shall be subject to revocation procedures.

2. **Z 18-002 / DR 18-012 - Starbucks** – A request for Design Review and rezoning of two parcels; one from C-2 (Heavy Commercial) and one from PAD (Planned Area Development) to PAD (Planned Area Development) to develop a new drive-thru coffee shop. The project is located at 1010 S. Main Street, on the southwest corner of State Routes 89A and 260 in Cottonwood. APN: 406-04-149H & 406-04-056D Owner: Cottonwood/Verde Valley Chamber of Commerce, Applicant: Matthew Shelley and Jeff Koski.

Commissioner Dowling recused himself for conflict of interest. There was a brief presentation by Scott Ellis for a new Starbucks located at 1010 S. Main Street, on the southwest corner of State Routes 89A and 260 in Cottonwood. A traffic study was provided by the applicant to ADOT. ADOT responded with various options to the applicant to mitigate any traffic concerns. One option was to construct a right hand turn lane on southbound/eastbound 260 into the shopping center which is what the applicant is proposing to do. The landscaping meets City requirements for the most part. Brick and color samples were passed around for the commission to view and photos were shown. Scott Ellis stated that this project fits with surrounding uses. A representative from Police Department, the City Engineer and the applicant were all present for questions. Chairman Williams asked if there was a representative from ADOT present. Scott Ellis stated there was not. Commissioner Hart stated that the screen wall is shown as three (3) foot four (4) inches in the text but the drawing shows just the columns as three (3) foot four (4) inches and the wall as three (3) foot tall and asked for clarification. Scott directed that question to the applicant. Commissioner Narwid asked about the right hand turn off of 89A and how it's going to work. The drawing did not seem clear. His concern was when people make the right hand turn off of 89A East onto 260 South, that they will stay in that lane thinking that that's the lane when it isn't. Scott deferred to City Engineer/ADOT. Commissioner Masters also had a concern about how people will be able to exit the property safely. Robert Winiecke, City Engineer came up to address questions. When making the right hand turn off 89A, people will stay in the traveling lane. There will be striping to show lane diverging. Robert Winiecke stated applicant will be required to get permits from ADOT. Robert

Winiecke discussed the traffic study and that it shows that Starbucks peak times do not overlap other peak times for traffic. Chairman Williams asked about relieving congestion at 260 and if the City has adopted any plan. Robert Winiecke stated that retiming signals at this intersection is being looked at as an option to help with congestion and we have applied for grants from ADOT which the City has not been awarded at this time. It is in the works though to alleviate congestion in that area. There was talk about a bypass in the future. Commissioner Hart mentioned that part of the text showed additional signage at Camino Real to direct Home Depot traffic and asked if that was something still being considered? Robert Winiecke confirmed that is part of the overall mitigation currently in process. Commissioner Dowell asked about an estimated projection for the changes. Commissioner Dowell also asked if there was consideration of making a right hand turn only lane onto 260. Robert Winiecke stated the City would support making it right turn only but it is an ADOT issue. Vice Chairman Wasden asked about peak times, specifically what is Starbucks window and the City's window for peak times. Robert Winiecke stated the times are listed on the data collection tables. According to commissioners, actual times were not listed. Vice Chairman Wasden also expressed concern that the study was not done during a busy time for the City and it was probably the least busy time. He expressed concern with the increased traffic and the congestion and asked if conversations had been had with ADOT. Vice Chairman Wasden stated it's great visibility for Starbucks but a negative impact traffic wise for the City. Commissioner Narwid expressed concern with how people will get back to where they came from safely. Starbucks will generate more traffic on surrounding streets and he also did not feel the traffic study provided adequate data. Commissioner Masters also had concerns about the traffic and stated it's always difficult to get out of the Home Depot parking lot as it is now. Chairman Williams asked if City still needs to have additional data on this project to move forward. Robert Winiecke confirmed that yes, there are more approvals needed. Jeff Koski, Architect and Matt Shelley, Developer were introduced. Jeff addressed the traffic issues and stated plans have been submitted to ADOT and that he had received comments back. ADOT is in approval of the right hand turn lane and they have met the requirements from the traffic study. In regard to the wall, it will be a minimum of three (3) feet in height however, they were agreeable to a stipulation of the wall being a minimum of three (3) feet four (4) inches. Commissioner Hart asked why this location was chosen. Jeff stated, high visibility was important for Starbucks. Commissioner Hart did state he felt the traffic solution for exiting the site was a really good solution. He also had questions about the sewer line/water main. Jeff stated they would have to go through an approval process for utilities and that the intent is to reroute the water line. Commissioner Dowell asked if the other Starbucks inside of Safeway would remain operational? A representative from Starbucks confirmed yes, it will. Vice Chairman Wasden reiterated traffic concerns. He also asked if there was any consideration for other materials for the rock veneer. River rock would be ideal being that the site is on such a prominent corner. Applicant would be agreeable to with using river rock. Vice Chairman Wasden also suggested breaking up wall with something. Applicant would also be agreeable to adding elements to break up the side view of building. Commissioner Narwid asked if there were other vacant locations considered. Matt Shelley answered yes, there were other sites considered. However, the current site was available, Starbucks likes the high visibility and this site was the best site for Starbucks. Commissioner Narwid mentioned the rerouting of traffic to Sedona through

this intersection and that will increase traffic in the future. This was not addressed at all in the traffic study. Jeff Koski explained that this is a traffic study based on the current use of the space. What are the consequences to the intersection if vacant property is developed with similar high traffic business? Matt Shelley agreed that if it's developed the traffic will increase but did not speculate on how much. Commissioner Narwid expressed concern of whether the traffic study was done by a professional. Matt Shelly stated yes it was. Commissioner Narwid asked how much volume would Starbucks produce and how much traffic they think they will generate. Matt Shelley clarified he is not with Starbucks and deferred question to Martin Baker, District Manager of Starbucks. Martin Baker agreed with a statement that a good Starbucks store could sell two hundred (200) to five hundred (500) cups of coffee per day. With that, Commissioner Narwid asked how you determine how many cars that might be. Martin Baker stated on average there are 3 customers per car. Chairman Williams recapped on the traffic issues. The floor was opened to the public. Dennis Tomko introduced himself and commended the commission for being concerned with traffic safety but asked how much of that is an ADOT issue vs. a City issue. He also stated that the presence of a Starbucks at the entrance of town is a positive change for the community and the town is growing. Christian Oliva del Rio, CEO for Cottonwood Chamber of Commerce introduced himself. He did not see a problem with that location for Starbucks. The timing of the light at Fir is more of an issue than the intersection of 260 and 89A. In his 11 years working at that intersection at the Chamber of Commerce, he only witnessed two accidents. He expressed that anybody who goes into that property will have an impact on traffic and we are limited on solutions for that intersection. The traffic issue will be there no matter what business comes in. ADOT has not given a lot of good answers. Tahona Epperson, introduced herself and spoke in favor of Starbucks. She did not feel it is the developers responsibility to fix the traffic issue. The floor was closed to the public. Chairman Williams deferred to Steve Horton to ask what the commission's obligation is for this project. Steve Horton explained the commission's obligation is to make a recommendation to City Council. Statute on that is 30 days and the commission is expected to provide reasons for their recommendation. Council does not have jurisdiction to make the decision on a rezoning without commission's recommendation whether approved or denied. Commissioner Hart is in favor of solution provided by developer for traffic flow. They have done the best they can do with that lot and it's a good addition to the City. Commissioner Dowell stated Cottonwood is expanding and growing but the corner will be developed no matter what and Starbucks is a good option and that he thinks it's a great project. Vice Chairman Wasden stated he is supportive of developing the area but would like a solution from ADOT. He felt that ADOT is a key player in this project would have liked to have them present to discuss solutions. He reiterated that one of the biggest issues is people leaving the site and that he would like to see a solution put together. Vice Chairman Wasden stated he had a real problem moving forward with the rezone. Commissioner Narwid agreed with Vice Chairman Wasden and reiterated longer term problems could happen as a result of Starbucks developing the site for safety, health and welfare for the town. He had no issue with Starbucks, felt the plan was nice but the missing element was ADOT and what they didn't do for the town or for Starbucks. Commissioner Masters has concerns of the traffic but feels it's an ADOT issue and would approve the project. Chairman Williams stated this intersection has been an issue since the 80's.

Has some real concerns about the location because of limited access out but agrees that the design and use will fit the site.

Motion: Recommend approval to City Council of Z18-002- Starbucks

Made by: Vice Chair Wasden
Second: Commissioner Dowell
Roll Call Vote: 4-2

Robert Hart – Aye
Christopher Dowell – Aye
Thomas Narwid – No
Susan Masters – Aye
Vice Chairman Judd Wasden – Nay
Chairman Robert Williams - Aye

Z Stipulations:

1. That the project is developed in accordance with the Master Development Plan submitted on August 8, 2018 and as may be further modified by the Planning & Zoning Commission.
2. That the project conforms to code review board comments dated December 4, 2017, Master Development Plan staff review comments dated June 11, 2018 and July 27, 2018, and any other comments provided by any City department reviewing this project.
3. Any other required supporting documentation is submitted to staff and approved (i.e. drainage reports, traffic reports, surveys, etc.).
4. All Engineering and Arizona Department of Transportation comments and requirements are adhered to.
5. The applicant/developer must submit a written request to the Community Development Director requesting an up to 10% reduction in the required number of parking spaces based on the requirements outlined in Section 406 Parking and Loading Requirements of the City's Zoning Ordinance, prior to submitting for building permits.
6. Parcels are to be combined prior to submitting for building permits
7. Construction permits are applied for within two (2) years of City Council approval or the properties will be subject to reverting back to their former zoning classifications from City Council.
8. A Certificate of Zoning Compliance documenting the completion of conditions shall be issued prior to obtaining a permanent Certificate of Occupancy.
9. Approval of this request does not confer any vested rights to develop the property unless all conditions of approval are adhered to.

Motion: Approve DR18-012 with stipulations as read with the addition of following stipulations.

Made by: Vice Chairman Wasden
Second: Commissioner Hart
Roll Call Vote: Unanimous

*Robert Hart – Aye
Christopher Dowell – Aye
Thomas Narwid – Aye
Susan Masters – Aye
Vice Chairman Judd Wasden – Aye
Chairman Robert Williams - Aye*

DR Stipulations:

1. River rock facing.
2. West elevation pop out.
3. Screen wall is to be at least three (3) feet, four (4) inches tall.

III. DISCUSSION ITEMS: Berrin Nejad mentioned that there will not be a Regular Meeting for the month of September.

IV. INFORMATIONAL REPORTS AND UPDATES: None.

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).

V. ADJOURNMENT

Meeting adjourned at 7:58 p.m.

Made by: Vice Chairman Wasden
Second: Commissioner Hart
Vote: Unanimous