

Official Minutes of the City of Cottonwood  
Planning & Zoning Commission Regular Meeting  
Held, January 27, 2014, at 6:00 P.M. at the Verde Room at the Cottonwood Recreation  
Center  
150 S. 6<sup>th</sup> St. – Cottonwood, Arizona

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CALL TO ORDER & ROLL CALL

Chairman Kiyler called the meeting to order at 6:05 p. m. Roll call was taken as follows:

Planning & Zoning Commission Members Present

Chairman Ed Kiyler	Diane Lovett, Vice Chair
Robert Williams	Philip Rosen
Judd Wasden	Jean Wilder

Planning & Zoning Commission Members Absent

Ray Cox

Staff Members Present

Berrin Nejad, Community Development Director  
Steve Horton, City Attorney  
Scott Ellis, Community Development Planner  
Christina Papa, Administrative Coordinator, Recorder

CALL TO THE PUBLIC (NONE)

APPROVAL OF MINUTES OF DECEMBER 09, 2013

**Motion:** *To approve the minutes of 12/09/13.*

**Made by:** *Commissioner Williams*

**Second:** *Commissioner Wasden*

**Vote:** *Unanimous*

UNFINISHED BUSINESS (NONE)

NEW BUSINESS

1. **RCU 97-037- BULLARD RV PARK:** Review of a Conditional Use Permit approved in 1997 with a 10 year review ending in 2008 and approved for another 5 year review for the placement of a nine (9) unit RV Park located in a R-4 (Single Family/ Multiple Family/ Manufactured Home) zone. APN 406-37-222. Address 427 N. 15<sup>th</sup> Street. Owner: Courtyard RV. Agent: Larry Bullard.

Director Nejad began meeting with a summary of the conditional use permit that is in review. Below is Nejad's report:

The following is a review of a Conditional Use Permit which allowed the placement of a nine (9) unit RV Park in an R-4 Zone. The property is located at 427 N. 15<sup>th</sup> Street.

**Last Review:** The last review of this Use Permit was conditioned on 1 stipulation. The stipulation is as follows:

1. RV units to be placed in conformance to 10 foot minimum setback requirements.

**Investigation:** Research and an inspection were performed and the property is in compliance with the stipulation noted above.

**RECOMMENDATION:** This RV Park operation has been in existence since the original approval of a Conditional Use Permit in 1997. Staff recommends that the permit be continued on a permanent basis.

**Motion:** *To approve RCU97-037 with the stipulations that the project is brought back for review in 5 years (January 2019).*

**Made by:** *Commissioner Lovett*  
**Second:** *Commissioner Wasden*  
**Vote:** *Unanimous*

2. **RCU 13-009- GUNNER'S BBQ PIT:** Review of a Conditional Use Permit approved in July 2013 for the placement of a mobile food stand to be located in a C-1 (Light Commercial) zone. The site is located on the property of Main Stage night club. APN 406-43-018A. Address: 1621 E. Mingus Ave. Owner: Eileen Riffel. Agent: Tamara Jarvis.

Planner Ellis began meeting with a summary of the conditional use permit that is in review. Below is Ellis's report:

The following is a review of a Conditional Use Permit approved July 15, 2013 which allowed placement of a mobile food vendor operation in a C-1 Zone. The property is located at 1621 E. Mingus Ave.

**Original Approval:** The original approval of this Use Permit was conditioned on two (2) stipulations. The stipulations are as follows:

1. That the establishment changes its closing hours of operation 30 minutes earlier than the Main Stage operating hours, which are: Sunday-Closed, Monday-Wednesday 11am-6pm, Thursday-Saturday 11am-1:30am.
2. That it is subject for review in 6 months (January 27, 2014 meeting).

**Investigation:** The business is no longer in operation.

**RECOMMENDATION:** Staff recommends that the Use Permit be terminated as the business is no longer in operation.

**Motion:** *To revoke the Conditional Use Permit*

**Made by:** *Commissioner Lovett*  
**Second:** *Commissioner Wilder*  
**Vote:** *Unanimous*

3. **DR 13-007- COVENANT DENTAL:** The applicant is requesting Design Review approval to allow signs in a newly built dental office located at 1061 South State Route 260 in a C-2 (Heavy Commercial) zoned property. APN 406-04-151. Owner: Cottonwood Covenant Dental. Agent: Signs Plus-Chris Totton.

Planner Ellis began meeting with a presentation of the items that staff had received and reviewed in regards to the Covenant Dental Sign. Below is Ellis's report:

**REQUEST:**

The applicant is requesting Design Review approval to allow signs in a newly built dental office located at 1061 South State Route 260 in a C-2 (Heavy Commercial) zoned property.

**Applicant:**

Signs Plus  
Chris Totton  
9200 E. Valley Rd.  
Prescott Valley, AZ 86314

**Property Owner :**

Cottonwood Covenant Dental  
1700 Red Hill Ave.  
Irvine, CA 92614-5626

**BACKGROUND:**

A vacant fast food restaurant has been converted into an adult and children's dental clinic. The applicant would like to place one (1) sign on the west side of the building along the street frontage and one (1) additional sign on the south side of the building facing the parking lot. Each sign will indicate the name of the adult dental clinic and the children's dental clinic. Section 405 of the City of Cottonwood Zoning Ordinance only allows two (2) signs per use for any one (1) street frontage.

**SIGN DETAILS:**

Each sign will be illuminated lettering using white LED lighting and will be 84 sqft. for a total of 168 sqft. The City's sign ordinance allows up to 200 sqft. of total sign area. Most of the sign will be white lettering with the exception of the word "Cottonwood" which will be ivory, and the word "kids" which will have a different color for each letter. The building signs meet Section 408 of the City of Cottonwood Zoning Ordinance Lighting Code, which allows for white/translucent lettering on a sign.

**RECOMMENDATION:**

Staff has reviewed the proposed signs and finds they meet city code and due to the distance to the roadway from the building, they should not create any distractions for drivers along State Route 260. Therefore, staff recommends approval of DR-13-007 based on the following stipulations:

1. The signs are constructed and placed as indicated on the sign permit submitted 12/12/13.
2. Any other stipulations the Design Review Board deems necessary.

Commissioners had a discussion regarding the monument sign and whether or not that would be used by the dental place. The applicant stated that they have no plans for that sign at this time. Chairman Kiyler commented that the sign will have to be removed if they do not use it. Commissioner Wasden had concerns along with other commissioners in regards to the lighting of the sign. Commission had asked if they signs could be put on a dimmer in the evenings. Applicant said that they could put a dimmer on the signs so that it would not be as bright.

***Motion:***            ***Signs are constructed and placed as indicated on the sign permit submitted 12/12/13. The sign lights are put on a dimmer along with working with staff on the square footage of signs.***

***Made by:***        ***Commissioner Lovett***  
***Second:***        ***Commissioner Wasden***  
***Vote:***            ***Unanimous***

4. **RCU 13-023- SONORA TAQUERIA:** Review of a Conditional Use Permit approved in October 2013 for the placement of a mobile food truck located in a C-2 (Heavy Commercial) zone at the corner of Zalesky Road and 89A. The site is located on the property of Rio Verde RV Park. APN 406-07-011C. Address 3420 E. State Rte. 89A. Owner: Joy Kim. Agent: Sergio Tadeo.

Planner Ellis began meeting with a summary of the conditional use permit that is in review. Below is Ellis's report:

The following is a review of a Conditional Use Permit which allowed the placement of a mobile food truck on a vacant lot. The property is located at 3420 E. State Route 89A.

**Request:** On October 21, 2013 the Commission approved PCU 13-023 and had asked the applicant to roll down the sides of the shade tent when closed to screen tables and chairs. The applicant complied with this request; however, he contacted staff in December 2013 stating the enclosed tent becomes a danger when it is windy. Applicant is requesting a modification of this approval to allow the tables and chairs to be stacked neatly under the tent and left overnight Thursday through Sunday without having to roll down the sides of the tent. These are the days the applicant is open for business. On the days he is not open for business the applicant will remove the tables and chairs from the site so they are not sitting out during the day when nobody is there.

**RECOMMENDATION:** Staff has not received any complaints regarding the placement of this mobile food truck. Considering the applicants hours of operation and the dangers associated with leaving the tent sides down, staff recommends allowing this modification to leave the tables and chairs overnight during the days noted above without rolling down the tent sides.

**Motion:** *Approve modification, and is up for a review in one year (January 2015).*

**Made by:** *Commissioner Lovett*  
**Second:** *Commissioner Williams*  
**Vote:** *Unanimous*

5. **PCU 14-001- ZONACARE MMJ CULTIVATION CENTER:** Consideration of a Conditional Use Permit to operate a state licensed medical marijuana cultivation center in an I-2 (Heavy Industrial) zoned property located at 300 E. Cherry St. APN 406-42-105Q. Address: 300 E Cherry St. Owner: Benny G. Grosz. Agent: Ian Pedersen.

Vice Chair Lovett recused due to the proximity of her home to the project.

Planner Ellis began meeting with a presentation of the items that staff had received and reviewed in regards to Zonacare MMJ Cultivation Center. Below is Ellis's report:

**APPLICANT:**

Zonacare

**AGENT:**

Ian Pedersen

**OWNER:**

Benny Grosz

**PROPOSAL:**

This is a request to allow cultivation of marijuana for medical purposes. The applicant has proposed this use in a 12,800 sq.ft. building located on the north side of 300 East Cherry Street, just west of 6<sup>th</sup> Street. This project will be developed in phases, with Phase I to begin immediately, Phase II to begin in six (6) months, and Phase III to begin in twelve (12) months. Only interior modifications will be made to the building beginning with the installation of 25 exposed 1000 watt HID lighting fixtures for Phase I. Phase II and III will include the installation of 25 more 1000 watt HID fixtures (for each phase), for a total of seventy-five (75) fixtures. The applicant will also conduct infusion operations within the building, which will take place in the front office portion, and require significant remodeling. This will require the applicant to obtain an additional Conditional Use Permit and is planned to take place in approximately six (6) months.

**BACKGROUND:**

The building is divided into two (2) sections, with the rear section containing a 9,881 sq.ft. warehouse and the front section containing approximately 2,465 sq.ft. of office space. The rear section of the building will be used for cultivation purposes and the front will eventually be used as an infusion facility. Section 308 of the City of Cottonwood Zoning Ordinance addresses medical marijuana cultivation and infusion facilities as follows:

*Section 308.C.*

*3. Medical Marijuana Cultivation Facilities and Medical Marijuana Infusion Facilities.*

*a. Registration with the City of Cottonwood is required for Medical Marijuana Cultivation Facilities and Medical Marijuana Infusion Facilities, as described in this Ordinance.*

*b. A medical marijuana cultivation facility, whether separate or combined with an authorized medical marijuana dispensary and/or infusion facility, shall be allowed in the*

*I-2 (Heavy Industrial) Zoning District subject to obtaining a Conditional Use Permit, as per Section 302 of this Ordinance.*

*c. Medical marijuana cultivation facilities located in the I-2 Zone shall be limited to no more than 10,000 square feet of gross floor area, including growing area, storage and office uses.*

*d. Medical marijuana infusion facilities located in the I-2 Zone shall be limited to no more than 5,000 square feet of gross floor area, including processing, storage and office uses.*

*e. Minimum Separation Requirements.*

*1) Medical marijuana cultivation facilities or infusion facilities shall not be located within five-hundred (500) feet of the exterior property lines of a school, including a daycare facility, preschool, kindergarten, elementary, middle school or high school.*

*2) Medical marijuana cultivation facilities or infusion facilities shall not be located within one-thousand (1,000) feet of the exterior property lines of another medical marijuana cultivation facility or infusion facility.*

*f. Method for Computing Measurement. For the purposes of calculating the separation requirements, the distance shall be measured from the closest portion of the exterior surface of the wall of the building in which the medical marijuana is to be dispensed, cultivated or processed to the nearest point of the property line of the use requiring minimum separation.*

*g. Retail sales of medical marijuana shall be prohibited from a medical marijuana cultivation facility or infusion facility; however, a separate authorized dispensary may be located at the same site subject to the development standards described in this Ordinance.*

*h. There shall be no emission of dust, fumes, vapors, smoke or odors into the environment from the facility.*

The applicant has met all the above requirements as outlined in the Medical Marijuana Ordinance.

**SURROUNDING PROPERTIES:**

West: Office Building (I-2)

East: Metal Recycling (I-2)

South: Church Parking Lot (I-2)

North: Single Family Homes (R-1)

**CODE REVIEW:**

The project was reviewed by the Code Review Board on December 31, 2013. Applicant has met all requirements from staff.

**SITE PLAN:**

The property is surrounded by a six (6) foot chain link fence with an additional 1.5 feet of inverted barbed wire on top of the fence. The two (2) entrances have gates that will be locked with chains, and have CCTV's monitoring these locations day and night.

Exterior walls are constructed of solid cement and reinforced block. All entrances to the building will be monitored by CCTV's day and night.

The main entrance to the building will have a keyed security pad to gain access to the inside of the building. CCTV's will monitor interior activity day and night, with additional motion detectors to be placed at all possible entrances. The facility will have an alarm system which will automatically notify law enforcement and fire services when activated. The facility is not open to the public and visitors must schedule an appointment with the facility director and be accompanied at all times while at the facility. Security protocols must meet state requirements for the facility to operate.

**SIGNS:**

No signs are proposed for this project.

**LIGHTING:**

Exterior lighting will meet all security requirements and will also meet all Dark Sky requirements.

**LANDSCAPING:**

No landscaping changes or additions are planned.

**STAFF RECOMMENDATION:**

Staff has reviewed this project and finds it fits within the Cottonwood General Plan Land Use and Zoning requirements, therefore recommends approval of PCU 14-001 subject to the following stipulations:

1. That the project is developed in conformance with the site plans submitted 01-08-14 and as may be further modified by the Planning & Zoning Commission.
2. That the project conforms to Code Review comments dated 01-06-14.
3. That the permit be reviewed in one (1) year.
4. Any other stipulations the Commission deems necessary.

Commissioners had concerns with the security of the facility, and the neighborhood that surrounded the location. There was some fencing issue that was brought up by a neighbor that borders the property, Tom Pender said that he will fix that fence. Commissioners also had some concerns with any affiliation to the dispensary that is in town already,

applicant and staff informed commission that they do not. Applicant also let commission know that they are under very strict rules and regulations from the State, and that they meet all the criteria for them, along with an extensive security plan that has been submitted to the Chief of Police. Commissioner Wasden mentioned that as long as the fencing was fixed that was next to the residential neighbor, and that it is stipulated that the applicant come back for a review in one year that he was ok with the project, Chairman Kiyler agreed with Commissioner Wasden, as long as all state security requirements are met and that the applicant comes back for a review in one year.

**Motion:** *The project is developed in conformance with the site plans submitted 01/08/14 and as may be further modified by the Planning & Zoning Commission. That the project conforms to Code Review comments dated 01/06/14. That the permit be reviewed in one year (January 2015).*

**Made by:** *Commissioner Wasden*  
**Second:** *Commissioner Wilder*  
**Vote:** *Unanimous*

6. **PCU 14-002- SYCAMORE SQUARE:** Consideration of a Conditional Use Permit to allow RV storage in a C-2 (Heavy Commercial) zoned property located at 1329 E. State Rte. 89A. APN 406-06-028G. Address: 1329 E. State Rte. 89A. Owner: Peterson Revocable Family Trust. Agent: Dan Peterson.

Planner Ellis began meeting with a presentation of the items that staff had received and reviewed in regards to Sycamore Square. Below is Ellis's report:

**APPLICANT:**

Dan Peterson

**OWNER:**

Peterson Revocable Family Trust

**PROPOSAL:**

This is a request to allow outdoor RV/boat storage on a portion of a large lot adjacent to a remodeled retail building. The applicant would like to create 25 new parking stalls to be used for storage of RV's, boats, and trailers. This portion of the property is located on the southwest side of a retail building at 1329 E. State Route 89A, between 12<sup>th</sup> Street and Main Street. The storage area will be completely fenced and separate from the retail building. Access will be through a gate with a keypad to open. The proposed parking

stalls to be used will all be created on existing asphalt to prevent issues with dust. Customers will not be allowed to dump any waste from RV's on site.

**BACKGROUND:**

The property is part of an old lumber sales yard. The large building on the property is currently being remodeled to allow new retail spaces for multiple tenants. The site contains a large yard that the applicant would like to utilize in addition to the retail space in the building. A C-2 (Heavy Commercial) zone does not allow outdoor storage of RV's as a permitted use, however, it can be allowed with a Conditional Use Permit based on the following:

**Section 419.C.6.**

*Any such other uses as determined by the Zoning Administrator to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.*

**SURROUNDING PROPERTIES:**

West: Bank (C-1) and vacant property (R-2).

East: Food City Shopping Center (C-1).

South: Vacant Land and Multi-Family Residential (R-2).

North: (Across SR 89A) Restaurant and Retail Store (C-1).

**CODE REVIEW:**

The project was reviewed by the Code Review Board on January 7, 2014. Applicant has met most of the requirements from staff.

**SITE PLAN:**

The parking stalls will be created under existing lumber racks. The structures may provide minimal shade, but is not intended to be considered covered storage. Applicant may remove these structures prior to allowing storage.

**SIGNS:**

Applicant has not provided any sign designs and has not indicated if any signs will be used for this project.

**LIGHTING:**

Lighting will meet all Dark Sky requirements.

**STAFF RECOMMENDATION:**

Staff has reviewed this project and finds it fits within the Cottonwood General Plan Land Use and Zoning requirements, therefore recommends approval of PCU 14-002 subject to the following stipulations:

1. That the project is developed in conformance with the site plans submitted 12-26-13 and as may be further modified by the Planning Commission.
2. That the project conforms to Code Review comments dated 01-08-14.
3. Any other stipulations the Commission deems necessary.
4. That the permit be reviewed in 5 years.

Commissioners had some questions in regards to whether the whole back area was paved, and if the fencing that is there will be slatted so that the RV's are screened from 89A. The applicant stated that the back was not all paved; the fencing will be screened (slatted) from 89A. Commission also had questions in regards to how many spaces are allotted for the RV storage, applicant replied that as of right now it will be only 26 stalls, if he is wanting to put more in that Morgan Scott from Public Works said he would have to resurface the back. Floor was opened to the public and a representative from Crestwood subdivision read the commissioners complaints from several neighbors, and Chairman Kiyler said that an e-mail complaint was received as well. Floor was closed to public and discussion between commissioners began. In response to some of the complaints made Commissioner Wilder did not see how this was going to increase traffic flow on 89A since most of the traffic will be for the actual Sears store not the RV storage facility. Commissioner Lovett commented on how this will be an improvement on the existing use. Commission Wasden's concerns were with the fence and screening it from 89A, and that he would like to make that a stipulation, along with a one year review of this permit, and that only the allotted spaces are to be covered under this permit if more are to be added the applicant will have to come back to the commission. Commissioner Williams agreed with commissioner Wasden on the said stipulations.

**Motion:** *The project is developed in conformance with the site plans submitted 12/26/2013, that they project conforms to Code Review comments dated 01/08/2014, the fencing on the east side (facing 89A) be slatted, that the applicant comes back for a review in one year (January 2015), the permit is for a maximum of 26 spaces and if more are to be added that the applicant comes back to commission, and that all lighting meets the dark sky requirements.*

**Made by:** *Commissioner Lovett*  
**Second:** *Commissioner Wasden*  
**Vote:** *Unanimous*

INFORMATIONAL REPORTS AND UPDATES

1. General Plan Update

There was a brief update made by Berrin Nejad Community Development Director in regards to the upcoming General Plan open house. There will be one held at Parks and Recreation on February 20, and another on March 26. Staff would like commission members to be present. They will be putting the plan up in public buildings, and it is located on the City website.

2. Historic Preservation Commission

CLG Status was approved, and landmarking projects will be starting soon.

3. Skyline Apartments

No updates at this time, staff has not heard from the applicant.

ADJOURNMENT

Meeting adjourned at 7:50 p.m.

APPROVED