



Official Minutes of the Planning and Zoning Commission Meeting
 Held March 17, 2008 6:00 p.m. at the
 City of Cottonwood Council Chambers
 826 North Main Street, Cottonwood, Arizona

Item #1 - **Call to Order**

Chairperson Gillespie called the meeting to order at 6:00 p.m.

Item #2 - **Roll Call**

Chairperson Gillespie	Present	Commissioner Kevin	Present
Vice Chairperson Kiyler	Present	Commissioner Lovett	Present
Commissioner Fisher	Present	Commissioner Smith	Present
Commissioner Gonzales	Present		

Staff Present:

George Gehlert, Community Development Director
 Wes Ballew, Planner
 Charlie Scully, Planner
 Carol Hulse, Planning Technician

Public Present:

See attached sign-in sheet.

Consideration of minutes of the February 25, 2008 Commission meeting.

Commissioner Kevin moved to approve the 2/25/08 minutes as written. Commissioner Gonzales seconded the motion and it carried unanimously.

PCU 08-002 Consideration of a request for a 24-hour materials processing plant for processing and removal of mining slag on a 12.25 acre portion of a site located on the Verde Valley Fair Association property north of Hwy. 89A between 6th and 12th streets in a C-F (Community Facilities) zone. The application also includes a request for alternative surfacing improvements for interior parking and access areas as set forth by the Cottonwood Zoning Ordinance Section 406.C.2c and for the placement of 80-foot tall storage silos and catwalk structures. APN: 406-42-097M (a portion of). Owner: Verde Valley Fair Assoc. Applicant: Minerals Research & Recovery, Inc. Agent: Thomas C. Oakes.

Director Gehlert gave a lengthy presentation explaining the staff memo and projecting aerial photos, site plan, site photos, and photos of the surrounding area. During the presentation, he noted that the proposed height of the silos was reduced from eighty to fifty feet.

He explained that the plant would consist of seven silos and a bagging house connected by a conveyor and catwalks. It would take about eighteen months to set up the plant and about fifteen years to process and remove the slag. Director Gehlert explained the request for the conditional use permit, the recommended stipulations, and the reviews.

He noted that conditional use permits do not go to the City Council unless there is an appeal.

Director Gehlert reported that he and Commissioner Smith traveled to Ajo to view the MRR (Minerals Research & Recovery) plant there and they toured the slag operation in Clarkdale that afternoon.

Director Gehlert reviewed the public process to date, which included three Planning and Zoning Commission meetings, two updates to City Council, and two community meetings. He said staff sent two separate mailings to surrounding property owners. The second mailing went to property owners within a 1,000-foot radius of the proposed project. Summaries of the community meetings were posted on the city website.

Director Gehlert reviewed the packet contents noting the packets contained numerous letters and emails received from the public about the proposal and explained an addendum to the staff memo that was a response to several issues raised at the second community meeting. Some of those issues were access, noise, lighting, and dust.

Director Gehlert said the General Plan highlights removal of the Slag Pile and commented that this proposal is a new experience for the city. He said the applicants and the fire department talked about access to the eighty-foot tall structure.

Director Gehlert reminded the Commission that this is a Conditional Use Permit application and, if they approve it, they should think about performance standards because this would be a capital-intensive project.

Director Gehlert projected additional photos of the site and surrounding areas. He said he was confident about the applicant's ability to contain dust and was more concerned about the current condition of the ground and the dust problem that currently exists. He projected a picture he took recently of the vacant area and the enormous dust cloud that the wind stirred up. He suggested that the applicant could possibly address that issue in the beginning.

Director Gehlert highlighted the following items for the Commission.

- NOISE - The applicant's noise study demonstrated that the noise level at 1,000 feet was in the upper 40 decibels range. The Ordinance allows 52 decibels maximum at the neighborhood. The city would stipulate that the noise not exceed 52 decibels at the edge of the neighborhood. Director Gehlert noted that this is not an industrial area and asked the Commission if they felt this was good enough. Sound mitigation options he mentioned were additional sound barriers on site, constructing a building to house equipment, and staggered hours of operation with most of the noise occurring during the day. The twenty-four hour activity would be confined to the indoor limits of the bagging house.
- SECURITY – The applicant is not suggesting any security at night.
- ACCESS - A variety of alternate access points were discussed. Staff supported the Aspen Street access because there is not a tangible proposal for the alternatives and no property owner has been willing to commit to a long-term lease. MRR is willing to reconstruct Aspen Street. The City already has plans to reconstruct Sixth Street. That route takes them to a signalized intersection (at Hwy. 89A). He noted, however, that the Aspen Street access would put the trucks closer to residences on Aspen.
- RECLAMATION – Director Gehlert explained MRR's offer to contribute to a reclamation fund.

- DUST – Director Gehlert said MRR could work with the city on that issue. However, he suggested that the Commission might want to stipulate that no materials be brought on site for processing.
- PROP 207 WAIVER – Director Gehlert explained it would be a measure to protect the city from a lawsuit if MRR came back later requesting expansion, such as more hours, and were denied.
- SOUND STUDY – licensed professionals hired by the applicant performed the sound study.

Chairperson Gillespie said the Commission wanted to hear from the Fire Department.

Points of Fire Marshal, Rick Contreras's presentation were as follows.

- The proposal is in compliance for fire/life safety.
- The contractor has done everything the Fire Department asked them to do.
- The MRR staff is trained in rescue. They will place a crane on top. If the proposal were approved, the Tucson Fire Department would train the Cottonwood Fire Department for rescues of this type.
- The open-air buildings are exempt from the fire sprinkler ordinance.
- The requirement to install fire hydrants would enhance the neighborhood.
- One concern is the possibility of explosion as in the Georgia sugar plant case. MRR would have to provide proof that this material is not explosive.
- If a situation arose requiring rescue in a silo, Sedona Fire Department has confined space training and they would be called under mutual aid; the same as if someone was in a manhole on Main Street.
- Mr. Contreras assured the Commission that if the project were approved, the Fire Department would make certain that the project complies with their requirements before the plant opens. Every department submits a list of conditions to the contractor and the plant would not open unless those conditions were met.
- The highest structure in the project is eighty feet. The four-story addition at the hospital is seventy-two and one half feet tall.

Chairperson Gillespie invited the applicant to speak.

Tom Hurkett, representing Minerals Research and Recovery (MRR), addressed the Commission and confirmed he had read the staff memo addendum. He listed prior issues and said the addendum addressed those issues.

Other points of his presentation were as follows.

- He met with the Fire Department to resolve their access and rescue issues.
- ACCESS: MRR explored three alternate access points for general operations. However, none was suitable, primarily due to private ownership. Additionally, the Public Works director preferred the Aspen to Sixth Street route.
- UPGRADE ASPEN STREET: they would remove the portion of Aspen Street from their plant entrance to Sixth Street and reconstruct it to accommodate the weight of their trucks.
- BUFFER FOR THE FIVE HOMES THAT FACE WEST ADJACENT TO THE PROJECT: MRR agreed to provide a buffer but they requested a meeting with the residents to be certain that what they install is to their wishes.

- **REMEDICATION:** MRR offered to provide a per-ton amount over the course of the operation for mediation, which is not the City's responsibility. If mediation were unnecessary, the fund would go to the City.
- **LIGHTING:** proposed lighting is within the limits of the Ordinance.
- **DUST CONTROL:** Mr. Hurkett showed specific areas for different parts of the operation on the site plan. They would use reclaimed water at the crusher for dust control and every transfer point from the dryer forward would be enclosed. The entire operation would be licensed under ADEQ and would be under their scrutiny. Dust control would be closely evaluated as part of the detailed engineering.
- The construction process would take about eighteen months and would include activities that occur at most construction sites. Reclaimed water trucks would be used to suppress dust during construction.

Chairperson Gillespie opened the floor to the public and called upon people who submitted request-to-speak forms. He invited people who were for the project to speak first.

Barbara Bower said she lives in one of the five homes that face the proposed project and she showed pictures of the views. She made the following points.

- If the sound barrier were placed near her fence, it would block the views. She preferred placement nearer the silos.
- The slag pile currently screens businesses on Sixth Street from her view. She wants guarantees that those businesses would be required to install screening when the slag pile is removed.
- Alternate route through fairgrounds would not be safe because of the activities there and the Kid's Park.
- The dust from the proposed operation would not be as bad as the dust is now from the open field.
- She is not concerned about noise. The fairgrounds is loud until 1:00 a.m. but she cannot hear vehicles, etc.
- Her primary concern is how views would be affected.
- The alternate route to Seventh Street does not connect well.

Cedar Earles spoke in favor pointing out the following:

- Jobs are needed.
- She grew up here and from a youth perspective, we need improvements.
- Noise would not be a problem. Her husband is a trucker and brings his truck home in this neighborhood without complaints.
- If the alternate access using Twelfth Street were chosen, the traffic light at Twelfth and Hwy. 89A would need adjustment.

Dr. Bob Richards said he is very much in favor of the proposal and cited the following.

- This is a prime example of recycling.
- He requested a stipulation that, regardless of the access chosen, a route be defined to keep the trucks on commercial streets.

The following people spoke against the proposal.

Kia Chapman opposed the project because of trucks and fifteen years of construction with accompanying noise. She implored the Commission to give the request careful consideration.

Cathy Ransom agreed the slag pile should be removed. However, she expressed the following.

- Twenty-four hour operation not reasonable – twelve-hour operation would be.
- Real estate value would probably decline.
- If the fairgrounds benefits, they should remunerate to the homeowners if values plummet.
- Noise abatement walls spread sounds more broadly (based on her experience living near a freeway).
- Backup alarms are annoying.
- The city should monitor on a random basis at least twice a month to test decibel levels.
- Concerned about dust.
- Concerned about contaminants in dust.
- Concerned about availability of reclaimed water.
- Wants project done right.

Merlyn Brown's points were:

- Three entities will make money at the expense of others around them.
- Trucks would have to turn left against traffic at Sixth Street.
- Aspen Shadows would “go to hell” if it is across from a slag processing plant.

Carol Farmer declined her opportunity to speak saying others have said what she had to say.

Tamara Nieto owns rental property in the area. She reported that the Ajo Copper News had an article in the April 2000 issue that stated that local residents objected when MRR tried to get a permit for lesser air quality. She expressed concern that MRR would try to alter whatever is approved.

Mr. Hurkett responded to Ms. Nieto's report saying they have to follow state regulations and ADEQ has specific rules. He explained that they had one incident where they had to fire an employee who then filed several complaints against MRR. He reiterated that the plant here would be more modern than the Ajo plant. Ms. Nieto asked if there would be dust at the silo. Mr. Hurkett said there would not.

Ernie Strauch introduced himself as a Past Vice Mayor of Sedona. He was concerned about potential heavy metals, quality of the reclaimed water, and where the reclaimed water goes after use.

Mr. Hurkett explained that a lab in California did heavy metals testing using a leach test. He said the Commissioners had a copy of the report in their packets. The only metals reported were chromium and barium and those were barely detectable. He said the water would come from the City of Cottonwood and go back into the soil from a retention basin. Fire Marshal Rick Contreras added that the reclaimed water quality is Class A. Vice Chairperson Kiyler noted it is used to irrigate landscaping at Cottonwood Ranch.

Margot Soderstrum asked about the decibel level, which Director Gehlert explained would be within 52 decibels at the property limits. Ms. Soderstrum said a person could go deaf at 6 decibels. Director Gehlert noted that normal speech is 60 decibels.

Barbara Chavez began by thanking staff for the notification letter. She said she is a 4-H member, extolled the virtues of 4-H for children, and explained that the Verde Valley Fair Association (VVFA) is a 501C-3 non-profit. Her points were:

- No signed agreement with the VVFA.
- No core test completed.
- Where would money come from for cleanup?
- Not opposed to slag removal but we need to be responsible when we look at these kinds of things.
- Think about the children and long-term effects of what may be under the slag.

Becky Drake said:

- In favor of slag removal.
- Concerns are noise, dust, traffic, and what the property under the slag would become after the removal.
- Property owners are buffered between the businesses on Sixth Street by the park, fairgrounds, and slag pile.
- What would the land be zoned?
- Are there plans to move the fairgrounds?

Director Gehlert interjected that the General Plan highlights the potential of the area but gives no specific uses. The area constitutes a very large block of relatively undeveloped property in the middle of the city. It could be a good town-center project but that is for the next generation to decide. It will be a slag pile as long as the slag pile is there. The slag pile is a major obstacle to development.

Ms. Drake also addressed news articles about MRR in Ajo. She said the residents said they were “plagued” by the dust. She said that even though the toxicity may not there she wondered about restrictions for the particle dust.

Mr. Hurkett said he did not know the specific levels. He explained that Pima County Air Quality regulates Ajo and ADEQ regulates this jurisdiction. He said that MRR has never received a citation from the Pima County Air Quality Board. They restrict non-toxic dust particles as well as toxic.

Ms. Drake preferred hours of 8:00 a.m. to 5:00 p.m. for normal crushing and allowance for extended hours from 6:00 a.m. to 10:00 p.m. fifty days per year.

Chairperson Gillespie closed the floor to the public and opened it for Commission questions and discussion.

Discussion throughout the lengthy hearing was mostly about the issues of access, hours or operation, dust, contamination, lighting, ownership and agreements, and providing jobs. Points of discussion on each topic are listed below (not chronological).

ACCESS

The Commission, staff, and Mr. Hurkett discussed various access routes. Summarized discussion points follow.

Proposed access using Aspen, 6th, Hwy. 89A.

Pro:

- Applicant favors this route and is willing to rebuild that portion of Aspen to standards for truck traffic.
- Commissioner Smith said he had a copy of a document dated 1983 that states their right to access to Aspen Street.
- The city engineer prefers this route.
- There is a preexisting easement (Aspen Street to Sixth Street) and a preexisting right to the slag.
- Adequate turning radii.
- Is logical (when you look at the site plan).

Con:

- Unpopular with neighbors on Aspen.
- Trucks would have to turn left onto 6th Street.

Alternate access through fairgrounds to 12th Street by the Kid's Park.

Pro:

- Would remove plant traffic from Aspen.
- Commissioner Smith said the Fairgrounds Association is benefiting yet they and Lindner are not making accommodations.
- Commissioner Smith stated his opinion that one truck an hour through the fairgrounds, even during activities, should not be a problem.

Con:

- It is private property and the owner (Verde Valley Fair Association) does not want that.
- It would put trucks closer to the houses.
- May not be doable.

Alternate access on Bed Rock's paved road to 12th Street.

Pro:

- Route would not go through any residential.
- Route would skirt the fairgrounds and not go through it.
- Trucks would reach a signalized intersection at 12th and Hwy. 89A.

Con:

- There was discussion about how to skirt the slag pile and it appeared it would be problematic.
- Access at 12th Street would be close to a major intersection and turning movements would be a concern.
- Fire Marshal, Rick Contreras, said fire trucks require a 29-foot turning radius and the trucks accessing the plant could be longer.

City-owned right of way near 12th Street

Commissioner Smith talked about a city-owned right-of-way in that area and the possibility of MRR using it for access but did not seem to know exactly where it was. Director Gehlert speculated that it was additional frontage right-of-way along Twelfth Street acquired during recent street improvements. There was not enough information about this to warrant further discussion.

During the discourse on access, Commissioner Smith expressed his opinion that he would prefer the Twelfth Street route but it may not be doable. Chairperson Gillespie said the logical access route is Aspen-Sixth-Hwy. 89A. Mr. Hurkett said MRR would continue to work on the access issue.

HOURS

After the February meeting, MRR analyzed the need for a nighttime operation. The conclusion was that they would need unrestricted primary crushing from 6:00 a.m. to 6:00 p.m. They would need unrestricted secondary crushing from 6:00 a.m. to 10:00 p.m. They would need 24-hour bagging and truck loading but those would be indoors.

Chairperson Gillespie and others expressed definite opposition to any 24-hour operation.

DUST

Mr. Hurkett said the plant is dust free and no workers are required to use breathing equipment unless they are in a silo for maintenance and the plant would not be operating at that time.

CONTAMINATION

Commissioner Kevin asked if MRR would excavate down to bare ground during set up of the plant. Mr. Hurkett said not in the construction phase. They would not know if they would be close to bare ground until they are into the detailed engineering phase. He explained that during excavation for the roadway they would not be within ten feet of bare ground but they could dig on down (for a core sample to test for contamination). However, that would not tell them what is in another area of the property.

Mr. Hurkett pointed out that if there is contamination under the slag now, it is already leaching into the soil and polluting the environment. Additionally, it cannot be cleaned up until the slag is removed.

LIGHTING

Commissioner Lovett questioned if the lights at Bed Rock bothered the neighborhood and there was no response to indicate that they do.

OWNERSHIP & AGREEMENTS

Vice Chairperson Kiyler asked if anyone from the fairgrounds was present. When no one said they could legally represent the fairgrounds, he asked Mr. Hurkett about signed agreements between MRR and the fairgrounds. Mr. Hurkett said there is none. He said the Fair Association's attorney failed to show at the last Fair Association meeting when they were supposed to sign documents.

Chairperson Kiyler reiterated his disappointment that no one was there from the VVFA. He asked why they are considering a conditional use permit with no agreement in place. Director Gehlert responded that it is because they have a hearing application. Mr. Hurkett stated that, legally, they do not need a written agreement with the VVFA because the owner of the slag has a perpetual right to process the slag as they see fit. However, MRR is trying to obtain a lease from VVFA on property adjacent to the slag to process but it is not required. Mr. Hurkett said they have a notarized document on file from the VVFA authorizing the conditional use permit application. They also have a written agreement with the owner of the slag.

JOBS

- Jobs are needed. People are already calling for jobs. The Clarkdale plant has 300 applications on file.
- Vice Chairperson Kiyler urged Mr. Hurkett to hire local truckers.

MISCELLANEOUS

- Current owner of the slag removed about 30,000 tons of slag per year for a few years. There was bulldozing and truck loading at night and there were no complaints.
- Slag is more durable than chip seal and would only be used on the interior roads. Outside street construction would be asphalt.
- The applicant would sell material on site. There was a question about on-site sales in a CF (Community Facilities) zone.
- The plan is to have the silos fifty feet tall. The conveyors would still be about twenty-five feet above the silos, or seventy-five feet. The exact height would not be know until they do detailed engineering but they hope to be at seventy two feet. They never intended to have eighty feet tall silos. The eighty feet number represented the highest point, which would be the conveyor.

Vice Chairperson Kiyler commented to the audience that if they have a problem they should document it in writing to the city including the date, time, and description of the problem. He addressed comments at the neighborhood meeting that indicated people thought it was already a "done deal." He assured the crowd that the Commission does nothing outside of that meeting room.

Chairperson Gillespie called upon each Commission member for comments.

Commissioner Smith:

- In favor of the project with stipulations.
- They would make a huge initial investment and the stipulations should be tight and go for years.
- Did not feel they could review them once a year – it should go five years unless there were complaints.
- Any change extending hours, change in equipment, change in trips per day, etc. should come back to the Commission and the Council for approval.
- Stipulations should include unannounced random inspections by the city.
- Any change in access routes from the Aspen-Sixth Street-Hwy. 89A route should come back for approval.

Commissioner Lovett:

- Wants the slag pile removed but in a manner that is least obtrusive to the neighbors yet benefits MRR.
- She expressed confidence in MRR but wants to make stipulations the best they can be for everyone.

Commissioner Fisher:

- Concurred with Commissioner Lovett and wants the slag pile removed.
- Acknowledged that it would put a burden on the people that live close by.
- Concerned about hours and who would handle any requests for extension of hours. Director Gehlert said any request for extension of hours would come back to the Commission. The purpose of the Prop. 207 waiver would be so the Commission would not be forced to approve such a request.

Commissioner Kevin:

- Concurs that slag pile should be removed.
- Did not believe dust and noise would be issues for the processing operation.
- Concerned about trucks going out on Aspen.
- Preferred access onto Twelfth Street and suggested teamwork between the city and MRR to secure that access.

Commissioner Gonzales:

- Believed Aspen-Sixth Street access was most logical.

Vice Chairperson Kiyler:

- Reiterated about his disappointment in the lack of representation from the VVFA.
- Believed slag pile should be removed although it had been there almost 100 years.
- Wants stipulation that trucks must use a specific route and agrees it should be the same route used by Phoenix Cement's trucks.
- Had mixed feelings about noise and dust.
- Wanted numerous inspections during the first two years.
- Suggested first review occur four or five years from approval date.
- Wanted to see documentation about who has the right to remove the slag.
- Thanked and complimented Mr. Contreras for his presentation.

Chairperson Gillespie:

- The project presented is a good project, overall.
- Removal of the slag pile would be a benefit to the city.
- Wanted to tie down the stipulations.
- One-year review for two or three years.
- No 24-hour a day operation at all.
- Changes could be requested at the periodic reviews.
- How MRR conducted their operation and the number of legitimate complaints would affect granting changes.
- The neighborhood would be a good watchdog.

Staff and the Commission discussed possible stipulations if the proposal were approved. Some points that emerged during that discussion were:

- If truck drivers deviate from the stipulated route, the city has no ordinance or other means to enforce the stipulation. Enforcement would be a function of MRR through their contracts with trucking companies.
- If stipulations are violated, the operation could be shut down.
- There would be 10-15 truck roundtrips per day and 10-15 loads loaded per day.
- An area is set aside for retail and an office with access to them.
- The scale would be a private scale.
- The City Council would deal with money and liability issues such as the amount of contribution to a remediation fund and maintenance of Aspen Street after the appeals process is exhausted.

Chairperson Gillespie motioned to approve PCU 08-002 with the following seventeen (17) stipulations.

- 1. Approval of the request subject to development in conformance with the site plan dated 2-14-08, revisions in the letter from MRR dated 3/9/08 except those specified below, and subject to modifications as may be required by the Commission, the Fire Department, or other Staff.***
- 2. That all emergency response issues be addressed to the satisfaction of the Cottonwood Fire Marshal.***
- 3. That the applicant be allowed to use the crushed slag for surfacing, in lieu of chip seal, subject to approval by the Public Works Director.***
- 4. That an agreement be reached with the City of Cottonwood for maintenance to Aspen and 6th Street. Agreement to be approved by the City Council, Public Works Director, and the City Attorney.***
- 5. That the applicant work with staff and the neighbors in addressing night lighting; and providing additional buffering improvements adjacent to the residential areas to the east, for review and approval by the Design Review Board.***
- 6. That the applicant address the issue of back up beepers at the site and provide a solution that reduces impacts to residential areas.***
- 7. That all other reasonable sound reduction measures be addressed (sound walls, enclosures, etc.).***
- 8. That all activity be conducted between the hours of 6:00 a.m. to 10:00 p.m.***
- 9. That all necessary emergency response training for Fire Department personnel and MRR's personnel be completed before plant operation begins.***

10. That the ADEQ permit be obtained before plant operation begins.
 11. That all access ways to silos, catwalks, and staircases be secured when plant is unattended with a means of access provided to the Fire Department.
 12. That MRR establishes a truck route from the plant to Aspen Street to Sixth Street to Hwy. 89A to SR 260 to I-17 (same route that CTI trucks use) and enforces use of that route.
 13. That drainage is contained within retention areas on site.
 14. That MRR execute and provide a Proposition 207 waiver to the City.
 15. That MRR provide necessary crosswalks and signs on Aspen Street as designated by staff.
 16. That no other material be imported to the site for processing.
 17. That the CUP be reviewed by the Commission in one (1) year.
- Commissioner Gonzales seconded and the motion carried unanimously.

Chairperson Gillespie declared a brief recess at 9:03 p.m. and reconvened at 9:12 p.m.

ZO 08-011 Discussion and possible action regarding amendments to Section 405.B (Sign Code definitions) including but not limited to those for “sign” and “outdoor advertisement”; to Section 405.G.1 to allow administrative authority to combine sign privileges for two street frontages and a single street location; and to 405.E.9 relieving requirements to replace legal, non-conforming signs with fully compliant signs upon removal of the pre-existing sign.

Vice Chairperson Kiyler motioned to table ZO 08-011 due to the hour and the “New Business” items on the agenda. Commissioner Smith seconded and the motion carried unanimously.

ZO 08-012 Discussion and possible action regarding proposed amendments to the Zoning Ordinance, Section 424, “PAD” Planned Area Development Zone, pertaining to revised procedures, criteria, and submittal format for Planned Area Developments.

Vice Chairperson Kiyler motioned to table ZO 08-012 due to the hour and the “New Business” items on the agenda. Commissioner Smith seconded and the motion carried unanimously.

ZO 08-013 Discussion and possible action regarding amendments to Section 404.G.6 (General Provisions “Swimming Pools and Detached Accessory Buildings,” Section 201 (Definitions - Guest House), and Section 413 (R-1, Single Family Residential) of the Cottonwood Zoning Ordinance pertaining to standards and requirements for guest homes.

Vice Chairperson Kiyler motioned to table ZO 08-013 due to the hour and the “New Business” items on the agenda. Commissioner Smith seconded and the motion carried unanimously.

PCU 08-005 Consideration of a request for a Conditional Use Permit to allow an exception to Section 415.D.11 of the Zoning Ordinance (height restriction) for proposed construction of a three-story 68-unit apartment complex on a 2.65 acre site in an R-3 (Multiple Family Residential) zone. The location is north of (and adjacent to) 740 E. Mingus Ave. (Mountain View Villa Apartments) at the end of 7th Street. APN 406-42-013L. Owners: Cottonwood Mountain View Villa Apartments. Agent: Richard A. Reece.

Planner Ballew presented the staff memo. He projected the site plan, elevations, photos of the surrounding area, and explained surrounding uses. He said the proposed additional buildings would match the existing buildings except that the continuous balconies were eliminated. He said the request is for a Conditional Use Permit to allow three story buildings. The buildings would face a small gully that runs through the property. Rather than perform significant grading on the site in order to remove the grade along the gully, the applicant would like to take advantage of the terrain for additional units. The three story sections of the buildings would face inward and would not be easily seen outside the site. Mr. Ballew reported that the project received Development Review Board (DRB) approval. Planner Ballew said staff recommended approval of the request with some stipulations, which he read.

Chairperson Gillespie noted that recommendation number two referenced Fire Department stipulations but those stipulations were not included in the packets. Mr. Ballew apologized and explained that the stipulations regarded providing access for the ladder truck. There was some discussion about Fire Department access to both sides of the buildings and emergency exit from the top floor. Planner Ballew said it is all interior access and the Fire Department approved the plans.

Chairperson Gillespie clarified that the only issue before the Commission is the height. He called on the applicant to speak.

Richard Reece, the architect for the project, said that Mr. Ballew summed it up well. Mr. Reece explained the plan is that two stories would be visible above the mesa. They had a choice of building a tall stem wall going down to the wash or using that space for additional units (which constitutes the third floor).

Regarding emergency exit, Mr. Reece explained that the building would be sprinklered and all ingress/egress is interior. The units have balconies but they do not have outside stairways.

Chairperson Gillespie opened the floor to the public. No one spoke for or against the proposal and he closed the floor to the public.

Commissioner Lovett moved to approve PCU 08-005 with the following two (2) stipulations.

- 1. That the proposal be developed in conformance with the letter of intent and site plan, dated 2/22/08.***
- 2. That all fire department requirements stipulated at the recent code review meeting for the site be met.***

Commissioner Fisher seconded and the motion carried unanimously.

Z 08-003 Consideration of a request to rezone a .81 acre parcel from MH (Manufactured Home) to C-2 (Heavy Commercial) to accommodate construction of a proposed 6,300 square foot professional office building at the northwest corner of Cottonwood and 6th Streets (behind Country Bank). APN 106-06-005L. Owner: M&J Leasing Agent: Phil Terbell.

Planner Ballew presented the staff memo. He projected graphics depicting the elevations, location, and the surrounding neighborhood and explained the surrounding uses, which consisted of residential and commercial uses. He also explained access and proposed shared parking. He noted that the architecture matches Country Bank.

Mr. Ballew said a neighborhood meeting was held on February 13 regarding the proposal. Concerns about the project that were communicated during that meeting included increased traffic on Cottonwood Street, visual impacts on the adjacent residential neighborhood, and additional conversion of the neighborhood from residential to commercial.

Mr. Ballew said the proposal is consistent with the City's General Plan and Zoning Ordinance and staff recommends approval of **Z 08-003**, subject to stipulations, which he read.

Mr. Ballew explained that the Commission has an option. If they do not wish to approve a C-2 (Heavy Commercial) zoning for the property, the option is available to approve a C-1 use that would still allow for the proposed use on the site. Professional offices are an allowed use in the C-1 zone and the Commission may see this as a buffer to the residential neighborhood nearby. C-1 (Light Commercial) is a less intense zoning classification than the advertised C-2 (Heavy Commercial) zone so re-advertising would not be required.

Chairperson Gillespie invited the applicant to speak.

Phil Terbell, representing the applicant, said the ownership of this project is the same as the ownership of Country Bank. Other points of his address to the Commission were as follows.

- The back of the building was altered from the original plans to blend with the neighborhood. The back has a patio, etc.
- The building serves as a buffer for the residences to block headlights from cars at the bank.
- They scaled down the size of the building to provide a more residential look.
- The Development Review Board (DRB) was pleased with the design.
- There are issues with the intersection at Sixth and Cottonwood streets that they will work out.

The Commission and Mr. Terbell engaged in discussion that highlighted the following.

- The building is intended for professional occupancy with approximate hours of 8:00 a.m. - 5:00 p.m.
- The 6,000 square foot (approximate) interior would be divided into five suites.
- The plans conform to all codes.
- Staff advised that plans included too many handicapped parking spaces so they reduced the number by one.

- No night occupancy is anticipated.
- All exterior lighting is “down” lighting.

Chairperson Gillespie opened the floor to the public.

Jerry Brown spoke for the project saying he represents the owner of Country Bank. He reiterated that the ownership of the two projects is the same and the bank wanted the uses of Country Plaza to compliment the bank. He made the following other points.

- Access concern – they have a request pending with ADOT for a right-in-right-out access on Hwy. 89A. Will pursue this when the property between them and the hill develops.
- The building was originally designed to look like the bank but they changed it to avoid a “mini bank” appearance and to lower the roofline for the benefit of the neighborhood.
- This project would share the bank’s dumpster because it would be difficult to hide another dumpster and the usage would be light.
- The infrastructure was done during bank construction.
- They added a fire hydrant.
- They have met with the neighborhood and been sensitive to them.

No one else came forward to speak for the proposal. Joyce Sinman spoke against it. She said she submitted a petition against it and presented a copy of the petition to the Commission. Her points were as follows.

- Re: the petition – there are 22 residences on the street and 4 are vacant. Two thirds of the remaining residences signed the petition opposing the project. Only one resident refused to sign.
- She wants the street to stay residential
- Traffic is already horrendous.
- She asked the Commission not to approve the zoning change.

Chairperson Gillespie closed the floor to the public.

The Commission discussion that followed elicited the following information.

- C-2 zoning would allow a lot more than C-1. C-1 is a good buffer for the neighborhood.
- Mr. Terbell said that adjacent property is C-2 and C-1 would be an island. However, he did not see that C-1 zoning would affect their use. The General Plan suggests “commercial” uses but does not specify the level of commercial use.
- Commissioner Lovett asked Ms. Sinman if C-1 zoning would make her happy. Ms. Sinman said it would not; she wants it to remain residential.

Director Gehlert asked to amend stipulation #3 by inserting text to require that a copy of the shared parking agreement with the adjacent property be submitted for approval by the City Attorney.

Commissioner Kevin made the motion to recommend to Council approval of Z 08-003 with the following five (5) stipulations.

- 1. That the proposal be developed in conformance with the letter of intent and site plan, dated 2/19/08.***
- 2. That a stop sign be placed on the driveway access to Cottonwood Street.***
- 3. That the applicant submits to the city attorney for review and approval a copy of a shared parking agreement for the parking lot adjacent to the property. After approval,***

the applicant shall record the document and provide the city a copy of the recorded document.

4. That the screening wall on the southwest edge of the driveway along Cottonwood Street be stuccoed and painted.

5. That the zoning be changed to the more restrictive C-1 (Light Commercial) zoning instead of the requested C-2 (Heavy Commercial) zoning.

Commissioner Gonzales seconded the motion, which carried unanimously.

Discussion of possible future work sessions.

Director Gehlert and the Commission discussed a possible need for a work session to work on the sign code. The conclusion was that if applications were received for the April meeting, they would have a work session on March 31 to discuss the sign code. If not, the three code items that were tabled tonight (including the sign code) would be on the April 21 agenda.

Informational Reports and Updates.

Director Gehlert announced that the zone change for Country Plaza would be on the Council agendas for April 1 and April 15.

Possible discussion of monthly Building Department and/or Code Enforcement reports.

There was no discussion of this item.

Adjournment.

Chairperson Gillespie adjourned the meeting at 9:56 p.m.

Minutes prepared by: Carol Hulse, Planning Technician

Date Approved: April 21, 2008