

Official Minutes of the City of Cottonwood  
Planning & Zoning Commission Regular Meeting  
Held, June 20, 2016, at 6:00 P.M. at the City Council Chambers  
826 N. Main St. – Cottonwood, Arizona

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CALL TO ORDER & ROLL CALL

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

Planning & Zoning Commission Members Present

Vice Chairman Robert Williams  
Thomas Narwid  
Suzanne Poslaiko  
Judd Wasden  
Jean Wilder

Planning & Zoning Commission Members Absent

Chairman Ed Kiyler  
Ray Cox

Staff Members Present

Berrin Nejad, Community Development Manager  
Scott Ellis, Community Development Planner  
Christina Papa, Planning Technician, Recorder

APPROVAL OF MINUTES OF MAY 16, 2016-REGULAR MEETING

***Motion:*** ***To approve the minutes of 5/16/2016-regular meeting***

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

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

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

CALL TO THE PUBLIC (NONE)

OLD BUSINESS (NONE)

NEW BUSINESS

1. **DR 16-011 FLIP CITY-** Design Review approval for the construction of a new two story building with two classrooms, offices, and a gymnastics area. Address: 614 S. Airpark Rd. APN: 406-08-055. Owner City of Cottonwood. Agent: Bob Backus. Below is Ellis's report:

**STAFF REPORT**

**TO:** Planning and Zoning Commission

**FROM:** Scott Ellis, City Planner

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

**HEARING DATE:** June 20, 2016

**PROJECT NUMBER:** **DR 16-011 Flip City**

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The applicant is requesting approval of a Design Review application for the construction of a new two story building with two classrooms, offices, and a gymnastics area.

**PROJECT DATA AND FACTS:**

<b>Applicant/Agent</b>	Bob Backus
<b>Owner</b>	City of Cottonwood
<b>Location of Property</b>	614 S. Airpark Road
<b>Present Zoning and Land Use</b>	I-2 (Heavy Industrial)
<b>Description of Applicant's Request</b>	New two-story building for gymnastics and preschool classrooms.

**LAND USE:**

<b>Description and Character of Surrounding Area</b>
The site is located at 614 S. Airpark Road, on the curve where it turns into W. Cottonwood Street. It is immediately adjacent to the Cottonwood Airport and has vacant land and airport hangars bordering it.
<b>North:</b> I-2 - Heavy Industrial – Vacant land.
<b>East:</b> I-2 – Heavy Industrial – Vacant land.
<b>South:</b> I-2 – Heavy Industrial – Airport Hangars.
<b>West:</b> I-2 – Heavy Industrial – Cottonwood Municipal Airport.

**PROJECT PROPOSAL:**

**Background:**

The site is vacant and undeveloped. The property is owned by the City but is part of the 100 year airport lease agreement and has been leased to the applicant who wishes to construct a new two-story building to be used by a local gymnastics company and also provide two classrooms for a preschool and offices. If the gymnastics company does not use the building as anticipated, the applicant would like to possibly split the building for other tenants to use as permitted in the I-2 zone.

The applicant is required to obtain FAA approval for the project due to its proximity to the airport. FAA form 7460-1 has been submitted to the FAA by the applicant and will be submitted to staff once approved.

The proposed development fits within the General Plan designation for this area and the Land Use Map showing Industrial development.

**STRUCTURE DESIGN:**

Number of Buildings	1
Number of Stories	2
Square Footage	6,000 sq. ft. of 1 <sup>st</sup> floor used as gymnastics. 1,500 sq.ft. of 2 <sup>nd</sup> floor used as gymnastics. 1,500 sq.ft. of 1 <sup>st</sup> floor used for two preschool classrooms and office areas.

**Parking:**

The City's Parking Ordinance requires 1 space per 400 square feet of usable floor area, plus 1 space per 2 employees for the gymnastics use. The preschool would require 1 space per employee. This adds up to 19 required spaces for the gym, not counting employees. It is undetermined how many employees would be utilized for the preschool. The applicant has proposed 33 parking spaces as shown on the site plan, which staff has determined would exceed the minimum number of spaces likely to be required.

**Lighting:**

Exterior lighting as per the lighting plan meets lighting ordinance requirements.

**Signage:**

At this time the applicant is unsure as to what signage may be used for the building, and the signs depicted on the elevations may not be accurate. A complete sign permit application with all required details will be submitted to staff for approval when a design has been agreed upon.

**Access:**

Access will be from an existing curb cut at the south end of S. Airpark Road before it makes the turn to W. Cottonwood Street (see site plan).

**Landscape Plan:**

The landscape plan meets zoning ordinance requirements.

The landscape ordinance requires a landscape island to be placed after every 15 consecutive parking stalls. The north side of the property shows 16 consecutive parking stalls without a proposed landscape island. The applicant has been made aware of this requirement and is asking for an exception to allow the 16 stalls without a landscape island.

**Utilities:**

All necessary utilities are located in proximity to the site.

**Architecture, Materials, Colors:**

The building will be a steel structure with metal siding except for a 60' x 8' high wainscot along the north elevation, and a 25' x 8' high wainscot along the west elevation. The wainscot will be horizontal Hardi plank siding, which is a concrete composite siding painted to match the colors indicated on the renderings and samples. This will help break up the vertical lines of the building facing Cottonwood St. which will be the most visible portion of the building.

**CRB Review:**

This project was reviewed by the Code Review Board on May 17, 2016 for the initial approval and applicant has already met most of the requirements from staff.

**STIPULATIONS:**

Staff has reviewed this project and finds it fits within the Industrial use of this area as depicted in the General Plan. If approved, staff recommends the following stipulations:

1. That the project is developed in conformance with the site plans submitted May 24, 2016 and as may be further modified by the Planning Commission.
2. That the project conforms to Code Review Board comments dated May 20, 2016.
3. A Certificate of Zoning Compliance documenting the completion of conditions shall be issued by the timeframe specified.
4. Any other stipulations the Planning & Zoning Commission deems necessary.

Commissioner Narwid asked staff what the size of the lot was, didn't see it in the packet. Staff responded that it was about .83 acres. Commissioner Wilder commented to staff that there is a concern with the preschool playground being located right at the turn of the road, also would like to see more covered parking. Commissioner Poslaiko had some concerns with the FAA approval, and if the applicant needs that why is the commission approving a project that may not get that approval. Staff responded that the applicant has submitted a successful application to the FAA. Commissioner Narwid asked staff if there was anything that the FAA needed from the commission. Staff responded that they do not. Commissioner Poslaiko had some concerns regarding parking spaces, and how it is determined whether they have enough parking if they are unsure how many employees they will have, also, will there be no parking signs installed to disallow street parking. Applicant mentioned that

there should be no parking signs along that road, but that there are not, that is why we want to get as much parking as we can in the parking lot, also with the playground there will be a good buffer between the roadway and the fence. Commissioner Wilder asked the applicant if the offices and gymnastics center are open year round. Applicant responded that the preschool will only operate during normal school hours and school days within a year, the offices and gymnastics center would be open year round. Commissioner Wilder mentioned that the reason she asked was because of the lighting. Applicant responded that there will be minimal lighting on the building.

**Motion:** *To Approve DR 16-011 Flip City with the following stipulations:*

- 1. That the project is developed in conformance with the site/landscape plans submitted on May 24, 2016*
- 2. That the project conforms to Code Review Comments dated May 20, 2016.*
- 3. A Certificate of Zoning Compliance documenting the completion of conditions shall be issued.*

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

2. **DR 16-012 RENDEZVOUS SQUARE-** Design Review approval for the enclosure of an existing open-bay building and future development of the site. Address: 773 N. Main St. APN: 406-28-024, 406-38-025A, 406-38-025E, 406-38-025D. Owner: Pender Enterprises LLC. Agent: Tom Pender. Below is Ellis's report:

Vice Chairman Williams asked staff if there was enough parking for all three phases. Staff responded that there was. Commissioner Narwid asked staff what the allowable number of parking spaces is. Staff responded that depends on the use, this is a commercial use, so it can range from a restaurant to a retail space. Commissioner Narwid mentioned that the commission is being asked to approve a plan without knowing if there will be enough parking, what would be the allocation under normal circumstances, they are going to use and include the adjacent property then RIOT should be upgraded, need to develop the properties combined to present a parking plan with RIOT and phase one, two, and three, there is not enough information and coordination. Commissioner Wasden asked if there were any samples of the materials from the applicant, there were not any in the packet. Staff responded that they did not receive any. Commissioner Poslaiko also had some concerns with the parking allotment. Commissioner Wilder mentioned that she remembered when RIOT came in for approval, and there were questions regarding parking, and it was determined that there was parking allowed on Main Street. Vice Chairman Williams asked what is the allotment for the maximum use, at what point on the map are they exempt from parking? Staff responded that the parking is determined by the useable square footage of a use, and that can vary, the parking requirements change just past RIOT at the bridge. Commissioner Narwid mentioned that he can understand the first phase and

parking there, but has concerns regarding the other two phases. Vice Chairman Williams mentioned to the commission that they have the option to choose what they want to approve or not approve. Applicant mentioned that they did not agree that there should be a line drawn down the middle of the ditch by the bridge that distinguishes whether they are exempt from parking or not; there is not a conflicting use. Meaning that the eight (8) to five (5) operation hours are not the same as the hours existing for the restaurant. Vice Chairman Williams asked the applicant if he still owns the whole property of RIOT and if he still owns the building in the middle of the two properties. Applicant responded that he sold RIOT but retained a shared parking agreement with the owner so that he has ownership of that parking lot. Commissioner Narwid asked the applicant how many parking spaces would be available for the third phase? Applicant responded twelve spaces. Commissioner Narwid mentioned that he would like to see a better parking plan besides the stalls being striped, should be adequately striped where phase three parking spaces will be, along with all other phases. Vice Chairman Williams mentioned that one of the stipulations is already on there that parking stalls are to be striped. Applicant mentioned that they will re-stripe the parking spaces that are out there. Commissioner Wasden mentioned that he really liked the project and that it will be a good use, there have been a lot of changes with both the commission and staff, there needs to be consistency with what is required in the submittal to the commission for approval; has a hard time approving a project without seeing a rendering of materials that are going to be used, the commission needs to have that, and I do not see parking being an issue. Commissioner Wilder mentioned that she had no problems with the project as it is presented. Commissioner Poslaiko agreed with Commissioner Wasden that the commission needs a color board, to have a concrete example in writing, the commission wants to be consistent, would like to see the finished materials that will be used in the future phases. Commissioner Narwid mentioned that he doesn't have a problem with phases one, two, and three, but has a problem with approving something five to ten years away from now. Vice Chairman Williams mentioned that they need architectural renderings for future detail, in fairness to everyone we have to stay consistent, we need materials to approve, table the item and give the applicant time to get back with us on that. Commissioner Wasden said we have to show consistency. Commissioner Wilder mentioned that this submittal is much better then what was presented on the project down the street. Vice Chairman Williams mentioned that phase one is fine but need the details for the future phases. Applicant mentioned to the commission that he will bring back samples. Commissioner Wasden mentioned to bring them back for the next meeting (July).

**Motion:** *DR 16-012 Rendezvous Square be tabled pending submission of materials, samples, and renderings for phases one, two, and three at our next meeting in July.*

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

3. Recommendation to City Council regarding the status of new state law Arizona Revised Statutes, Title 9 (Cities and Towns) Section 9-500.38, Limitations on

regulation of vacation rentals; state preemption; definitions. And amending various sections of Title 42 Taxation, related to vacation rentals.

There was a brief discussion but the commission was all in agreement on the motion below and the below information:

### RECOMMENDATION TO COTTONWOOD CITY COUNCIL

WHEREAS THE ARIZONA STATE LEGISLATURE IN THE 2016 LEGISLATIVE SESSION APPROVED SENATE BILL 1350, AND THE GOVERNOR OF ARIZONA INACTED SAID BILL INTO LAW.

WHEREAS SAID SENATE BILL 1350 AMENDED THE ARIZONA REVISED STATES TO LIMIT REGULATION BY ANY COUNTY, CITY, OR TOWN ON VACATION RENTALS AND SHORT-TERM RENTALS BASED UPON THEIR CLASSIFICATION, USE OR OCCUPANCY, EXCEPT FOR PROTECTION OF HEALTH, SAFETY, NOISE, WELFARE, PROPERTY MAINTENANCE, AND OTHER NUISANCES.

WHEREAS SAID SENATE BILL 1350 NEGATES THE CITY OF COTTONWOOD AND THE COTTONWOOD PLANNING AND ZONING COMMISSION FROM ENFORCING CITY RESIDENTIAL ORDINANCES 411-417, INCLUSIVE, WITH REGARD TO LIMITING THE USE OF THE PROPERTIES IN SAID DISTRICTS TO PROTECT THE RESIDENTIAL CHARACTER OF THESE PROPERTIES.

WHEREAS THE CITY OF COTTONWOOD PLANNING AND ZONING COMMISSION IS OF THE OPINION THAT SAID SENATE BILL 1350 NEGATES THE PROTECTION OF PROPERTY OWNERS IN RESIDENTIAL ZONED DISTRICTS OF THE CITY OF COTTONWOOD FROM COMMERCIAL RENTAL OF PROPERTIES IN SAID DISTRICTS, AND THEREFORE THE PROTECTION OF THE RESIDENTIAL CHARACTER OF THEIR NEIGHBORHOODS AS SET FORTH IN CITY ZONING ORDINANCES.

THE CITY OF COTTONWOOD PLANNING AND ZONING COMMISSION HEREBY REQUESTS THAT THE COTTONWOOD CITY COUNCIL TAKE ALL NECESSARY ACTION, WORKING WITH ARIZONA STATE LEGISLATORS, YAVAPAI COUNTY SUPERVISORS, AND THE LEAGUE OF ARIZONA CITIES AND TOWNS, TO OVERTURN OR AMEND SAID SENATE BILL 1350 TO ALLOW THE CITY OF COTTONWOOD TO ONCE AGAIN PROTECT THE RESIDENTIAL CHARACTERISTICS OF RESIDENTIAL ZONED AREAS OF THE CITY.

**Motion:** *Planning and Zoning Commission do state unequivocally to members of the City Council that the commission does not support the statue that was passed by the state which is Title 9 Section 9-500.38, Limitations on regulation of vacation rentals; state preemption; definitions and amending various sections of Title 42 Taxation, related to vacation rentals. Urge City Council to take action to defend the rights of residential homeowners.*

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

DISCUSSION ITEMS (NONE)

INFORMATIONAL REPORTS AND UPDATES

*There was a brief update/discussion in regards to the following, no action was taken, these were only for informational purposes.*

1. Treasure Junkies
2. Landscaping at Development Services Building
3. Galpin RV Sign
4. Merkin Winery Sign
5. Old Recreation Center Building
6. Hippie Emporium

ADJOURNMENT

Meeting adjourned at 7:43 p.m.

APPROVED