



Call to Order

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

Roll Call

Chairperson Gillespie	Present	Member Kevin	Present
Vice Chairperson Kiyler	Absent	Member Lovett	Present
Member Fisher	Absent	Member Smith	Present
Member Gonzales	Present		

Staff Present:

George Gehlert, Comm. Dev. Dir.	Steve Horton, City Attorney
Charlie Scully, Planner	Wes Ballew, Planner
Carol Hulse, Planning Technician	

Public Present:

Donna Castillo	Bob Oliphant	Rudy Stadelman
S. Max Castillo	Tony Ortiz	Tom Watkins
Terri Gage	Dr. Bob Richards	Barbara Watkins
Angie Lozano	Rick Schultz	

Consideration of Minutes of July 21, 2008

Commissioner Kevin moved to approve the minutes of July 21, 2008 as written. Commissioner Smith seconded and the motion carried unanimously.

PCU 08-029 Consideration of a Conditional Use Permit to allow operation of a boarding house in an R-1 (Single Family Residential) zone in a 1,103 square foot residence at 228 S. 13th Street. APN 406-41-123. (Use typically allowed in an R-4 Single Family/Multiple Family/Manufactured Home zone.) Applicant: Angela M. Lozano. Agent: Rudy Stadelman.

Planner Ballew presented the staff memo. He noted that PCU 08-029 and PCU 08-030 were two separate houses but the applicant and the issues were the same.

Mr. Ballew said the requests were for a commercial boarding house in the R-1 (Single Family Residential) district. The R-4 (Single Family, Multiple Family, and Manufactured Home) district allows that use but the R-1 district does not. Other points of Mr. Ballew's presentation were as follows.

- The letter of intent proposes the use as a sober support living environment.
- The property is surrounded by R-1 (Single Family) zoning on all sides.
- The applicant stated that no visitors or vehicles are allowed on the property. Mr. Ballew believed that was her way of addressing potential parking issues.
- The request for a conditional use permit came before the Commission in response to a complaint and subsequent enforcement action. The application was part of a stipulated judgment that the applicant comply with city requirements for the boarding houses.

- The two boarding houses were in operation for at least two years.
- Federal Fair Housing Act (FFHA) protects housing or facilities aimed at disabled residents. Alcohol treatment residents are considered “disabled.” Staff spent a considerable amount of time determining if the residents in these houses fall under the FFHA. Staff’s conclusion was that, although there might be residents there that fall under the FFHA, not all the residents do. Therefore, this facility is subject to the regulations put forth in the Cottonwood Zoning Ordinance.
- Support facilities such as these and the services they provide are a necessary element of any community.
- It is important to consider the impacts on the single-family residential district where the home is located. Residents who have purchased homes in the neighborhood did so with the expectation that the neighborhood would be single family residential in character. This use alters the character of the neighborhood to some extent.

If the commission decides to approve a Conditional Use Permit to allow the boarding house, staff recommends the following stipulations

1. That the proposal be developed in conformance with the letter of intent included in the packet dated 6/20/08
2. That all fire department requirements stipulated at the recent code review meeting for the site be met.
3. That the Conditional Use Permit be reviewed in one (1) year.
4. That a Certificate of Occupancy be obtained that would be contingent on Fire Department and Building Department approval.
5. Any other stipulations the Commission deems appropriate.

Chairperson Gillespie asked if the commission could hear the two applications together and take separate actions. Mr. Horton said they could.

The commission members asked the following questions or made comments and received from staff the answers indicated.

- Lovett - how long has the boarding house been in operation? Staff could not determine that exactly but staff received a complaint on it one and a half years ago. There was back-and-forth with Council and attorneys on how to treat it. A decision was reached 3 or 4 months ago.
- Gillespie – did a complaint initiate enforcement and has there been more than one complaint? Staff answered both questions in the affirmative. Mr. Gehlert provided additional history. After the first complaint staff realized the applicant had a number of facilities around town where they received clients from a number of human services agencies on a short-term rental situation. Staff characterized them as boarding operations, which the R-3 and R-4 zones allow. Staff encouraged the applicant to go through the Code Review process at that time. Then, staff realized there were a couple of them operating in single-family zones where, per staff interpretation, they are not entitled to do so. Staff asked the applicant to stop the use or file for a conditional use permit and that is where we are now.

- Smith – said he had done a lot of research and it appeared this was occurring since 2003. He had looked at police reports going back to 2003 and he offered to place copies of them in the record. Mr. Smith asked how many people would be in each house. Mr. Gehlert said that and the question if the use falls under the FFHA exemption were issues staff had difficulty determining. The numbers and the clientele change periodically so staff does not know the status of them and is not entitled to the backgrounds. Mr. Smith said he checked and they have four people to a room in at least one house.
- Smith – this applicant was caught in violation of city codes; then came to the Commission requesting to be cured of her violations. He reviewed some of the police statistics noting 62 calls and 1 suicide. Mr. Ballew said not all calls were associated with the houses under consideration.

Mr. Horton said the proposed use is in an R-1 (Single Family) zone. The proposed use – a boarding house – is a category he and staff used to evaluate the application but it is not a permitted use in an R-1 zone nor is it a conditional use in an R-1 zone. There is a category of conditional uses for uses determined by the zoning administrator, Mr. Gehlert. That must be overlaid with the Fair Housing Act (FHA) amendments of 1988, which imported disabled/handicapped people to the list of parties that government and private parties cannot discriminate against. The active addiction to alcohol and drugs is not a disability but the state of being in recovery is. You cannot discriminate. If you were to allow a similar number of non-disabled people to have a particular use – either under a conditional use permit or as an entitled use – you may not treat people with disabilities, including people in recovery, differently. In addition, the FHA and many courts have said that, in some cases, you might have to suspend, modify, or ignore valid local law so as not to violate the Federal law. You need to have your discussion within this legal framework.

Commissioners Smith, Kevin, and Lovett made/asked the following comments/questions.

- Re: “burden” (in the FHA), Commissioner Smith sees a burden on the police department and questions if there is any benefit to the city and the residents. Mr. Horton explained that it is not a cost/benefit analysis. The question is if it would pose a substantial burden to accommodate the use in that particular area. He offered an analogy of adult uses and how you cannot zone them out of existence as further illustration of his point.
- Is this coming to the commission under the Fair Housing Act or as a business? This initiated a discussion that this was the equivalent of a zone change. Mr. Gehlert said staff would encourage yearly reviews and it is not rezoning. Mr. Horton said the commission must view it as a request of a conditional use permit or a suspension of the typical restrictions on an R-1 zone. Either action would not change the underlying zone.
- These are both business enterprises that were started in the wrong place. Are there other permit requirements? Mr. Gehlert said they did a code review on the request and other permit requirements were limited. However, there were some building safety and fire code requirements that they looked at. Staff would require a certificate of occupancy to be certain the applicant meets those requirements. There could be performance standards such as parking. A conditional use permit would allow the freedom for the commission to craft it to accommodate the use in the appropriate fashion – i.e. if no one is allowed to drive vehicles, it would be reasonable to reduce the parking requirement.
- Kevin – there is a valid need for this type of operation, however, this is the wrong place. He said it also “grates” with him that city codes were ignored. Residents that are recovering are considered handicapped and that has one flavor to it. However, it appears not all residents

are recovering. Some were recently incarcerated. He could not envision starting something like this in an R-1 zone.

- Lovett – do people under the FHA who are recovering require a certain level of supervision by a person with a certain educational level?

Mr. Horton – that would be part of your evaluation as to the credibility, or of the certainty, of the kind of use that would entitle the residents to the protection of the FHA. There are no rules specific enough to determine that the clients are in recovery. He explained that the definition of family in the zoning ordinance is unusual. Since this is a “single-family” zone, we need to determine what constitutes a family. He read the definition from the ordinance that indicates people related by blood or marriage - or any number of people not related by blood or marriage - constitutes a family.

- Smith – it says right here that “guests” are responsible for their food and transportation. The request says there would be no visitors or vehicles allowed onsite. He questioned how they can be responsible for food and transportation and stated that the applicant has no credibility. The applicant has approximately 24 properties and obviously knows what the zoning laws are. This person has been running these (homes) since 2003 and the only reason that person is here is because she was caught. He reiterated what he said previously about police statistics.

Mr. Horton – suggested the commission hear from the applicant. He said the question the commission needs to ask itself before it comes to a vote – is this a use for which you would recommend or deny approval if it was a boarding house of any other kind of non-disabled people. He advised they treat this as if it were any group of people living in a boarding house situation and use that as the basis for their recommendation in order to comply with the Fair Housing Act.

Chairperson Gillespie invited the applicant to speak.

Rudy Stadelman addressed the commission, representing the applicant. He identified Angela Lozano as the applicant and said she would also address the commission. Mr. Stadelman made opening comments as follows.

- Proposed use is a necessary element in any community.
- Although started in an R-1 zone, the use began before his client purchased the property and that is why she thought it was a permitted use.
- A group of people living together could happen in any single-family neighborhood.
- The program is structured and monitored by a 24-hour resident manager.
- Clients in the program are model citizens or they go back to jail.
- Gainful employment and random drug tests are required of the clients.
- These groups are better controlled than any other group living together.
- The suicide mentioned could happen in any house. A police call because of an epileptic seizure would be logged as a police call and could happen in any neighborhood.
- The applicant complied with staff, building department, and fire department requirements once issues were brought to her attention.
- The program provides a valuable service in a structured, law-abiding, and non-offensive manner.
- The applicant agreed to yearly reviews (as a condition of the use permit).

- The applicant wants to prove the facility is well run and is not blight on the neighborhood.
- Approval of the conditional use permit would give the city and the commission control if there were violations.

Mr. Stadelman invited questions and introduced the applicant, Angela Lozano.

Ms. Lozano provided some history of her program, some problems in the beginning, and adjustments she made to correct the problems. She offered information as follows.

- 13th Street house is for women.
- 12th Street house is for men.
- The central location of those addresses works well for her clients.
- She said she should not have assumed that it was ok to continue the halfway house operation just because the 12th Street property operated for 8 years as a halfway house before she purchased it in 2004.

Questions, answers, and additional comments between the commission and Ms. Lozano provided the following information.

- There are up to eight in one house.
- The manager stays with the clients in a 2-bedroom house.
- Ms. Lozano provides bikes for clients' transportation.
- Ms. Lozano elaborated about the clients', the meetings they must attend, job requirements, etc.
- Ms. Lozano does not provide food or cooking for the clients. She helps them arrange for meals-on-wheels and other services.
- The boarding house definition encompasses provisions with and without meals. (Mr. Horton read from the ordinance to support that statement.)
- Ms. Lozano has always had the provision for an onsite manager.
- Management by caseworkers is a different level of management.

Ms. Lozano:

- Believes in her program.
- Loves this town.
- Instituted a program to allow clients to become fully functional and independent.
- Described successes of some of her clients.
- Program is part of Northern Arizona Housing Association.
- There were houses on the Prescott side but none here.
- The Association monitors the halfway houses.

Ms. Lozano added that a formerly homeless man moved into the 12th Street house six months ago. He now has a job at Wal-Mart and is clean and sober.

Chairperson Gillespie opened the floor to the public.

Members of the public who spoke against the request and their addresses were as follows.

Terri Gage – 1411 E. Gila

Donna Castillo – 1227 E. Cochise Street

S. M. Castillo – 1227 E. Cochise Street

Dr. Bob Richards – 1495 E. Crestview Dr.

Bob Oliphant – 330 Desperado

Barbara Watkins – 601 Elmersville Rd. Sedona (owns 2 houses in Cottonwood)

In summary, their primary opposition appeared to be:

- Boarding houses are directly detrimental to the health, safety, and welfare of the neighborhood.
- Boarding houses is not an appropriate use in a single-family zoning district.
- The applicant operated boarding houses for several years without proper permits and until she was caught.
- Approval of a conditional use permit would set a precedent that could turn many rentals into halfway houses all over town.

Their specific comments and reasons for opposition are listed below (condensed and paraphrased).

- Opposed because the use is directly detrimental to the health, safety, and welfare of the neighborhoods.
- Ms. Lozano owns other houses operating as halfway houses.
- Questioned the credibility of the applicant.
- Belief that the intent of the zoning ordinance was to prevent expansion of the mixed-use areas and to promote their elimination.
- Citizens do not know who is in charge at the boarding houses.
- Citizens do not know who to complain, which reduces the number of complaints.
- Would like to see the boarding house issue removed from the books for future clarity and because it is outdated.
- Believed there was obviously a code violation.
- The use is in the wrong place and the Commission should deny it.
- Questioned if the business is licensed. Assumed they must be licensed by the state.
- Questioned if the courts are involved
- Believes it is no more than housing for transients.
- Prescott has a track record with this type of facility, we do not.
- Before considering approval, we should have people from Prescott come over with information on the proper operation of these facilities to find out what is required and if the applicant meets those requirements.
- Perhaps, consider writing a new ordinance to cover this type facility.
- Regarding discussion about broadness of ordinance that seems to define a family as anyone – these clients pay to be put in this facility. That removes them from the “family” classification.
- No one disagrees that facilities such as these are needed.
- However, the property should be located where there is proper zoning.
- There is no issue of discrimination before this commission.
- There is no issue of reasonable accommodation.
- What is being considered is an application from an applicant who has shown, since 2004, the propensity to not properly come before the city and apply for any proper license.
- Police reports show 69 police calls to these homes. That kind of police involvement and the way the applicant has run the boarding houses indicates that granting the conditional use permit is not in the general welfare of the citizens of Cottonwood.

- Applicant said she was not aware of the city requirements. There are nearly 2 dozen real estate transactions listed to the applicant in the Yavapai County records over the years. Conclusion - the applicant was an experienced real estate person who should have known the zoning requirements of the city.
- Drove through the neighborhood and noted several poorly maintained rental units but believed granting the conditional use permit for a boarding house would place more pressure to the detriment of the owners of that property.
- Fear that because this was not an area like Cottonwood Ranch or Crestview it might be given treatment different from what would be given in those areas.
- Disagreed with Mr. Gehlert and Mr. Horton that Section 416 of the zoning ordinance does not apply to this application. However, if it did not, the intent of the Council was clear about preventing this type of use in an R-1 zone.
- The General Plan does not suggest this as an appropriate use in an R-1 district.
- The facts are overwhelming. The applicant ignored the law and ran at least two businesses (and more were suggested tonight) for several years. This alone should cause the commission to reject this application because it is not in the general best interests of the citizens of Cottonwood.
- Concern about how this would “play out” in other areas, particularly those without deed restrictions.
- Would there be more and more of these boarding homes in residential areas?
- As you drive around Cottonwood, you see homes with dumpsters and numerous cars out front and you know someone is renting out rooms.
- Do boarding houses pay sales taxes like other rentals?

Comments regarding another of Ms. Lozano’s properties at 1215 E. Cochise (note: that property was not part of this hearing but immediate neighbors wanted the commission to know about perceived problems there).

- Demographics from the Main and Mingus neighborhood compiled by Colin Phipps when he was with the Community Development Department indicate that the percentages of younger and larger families in that neighborhood are greater than in the rest of the city
- Constant turnover of clients takes away the ability to get to know your neighbor.
- It takes away the ability of Block Watch to be the eyes and ears of the police department.
- When visitors come to this house, they cannot go inside the house so all visiting is done outside beside vehicles.
- There is excessive kissing, fondling, and groping in plain view of neighbors, including children.
- Increased litter.
- Constant profanities.
- Increased traffic with short stays - especially late at night and in the alley, which can be indicative of a drug house.
- One resident who was wanted on an outstanding warrant was arrested when an officer recognized him while investigating a non-related traffic accident in the area.
- Concerned about health, safety, and welfare of Cottonwood residents, especially children, who have to live next to a “boarding house.”
- If the conditional use were allowed, it would set a precedent for landlords and property managers throughout the city to go to all “boarding houses” on their properties until our whole city, which has the highest rental rate in the state, is “boarding houses.”

- This is a business, not just rentals.
- The more money they can make out of these decaying homes before they become uninhabitable, the better.
- Concerned with occupancy limit. Noted the house at 1215 is a small 2-bedroom, 1-bath house housing 8 people.
- Some of these homes used as transitional, or halfway, houses were brought to the attention of the Planning and Zoning Commission as sub standard housing during meetings on the rental code.
- The speaker asked Mr. Stadelman how many “model citizens” live one house away from him.

Chairperson Gillespie invited others opposed to speak. No one responded and he invited those in favor to speak.

Rick Schultz (224 S. 12th Street) introduced himself as manager of Ms. Lozano’s house at 224 S. 12th Street. He said he would speak only about that unit and said the following.

- The parking area is the same size as the footprint of the house.
- The house has 3 full-sized baths and 6 bedrooms.
- Mr. Schultz has been there a year.
- Probation officers visit monthly.
- He is in contact with the Guidance Clinic regarding the clients’ appointment attendance and medications.
- All residents are employed – usually within 2 weeks of their arrival.
- 80-90% stay employed.
- It is a 6-month program.
- He controls their medications.
- Medications are locked up in a locker in his bedroom. The room is locked if he is not there.
- He is a certified emergency room technician.
- There were no police calls in the last year except for medical reasons, according to his recollection.

Angela Lozano (819 S. Tigress Trail), the applicant, said her address is exactly 45 seconds away from the 12th Street address and 60 seconds away from 13th Street.

In summary, Ms. Lozano’s position appeared to be as follows.

- Her boarding houses are well managed.
- They are necessary to the community.
- People in her houses are recovering.
- She runs a successful program.
- She has made numerous efforts to appease the Main and Mingus Block Watch group.
- She did not know she was in violation.
- When she was informed, she cooperated fully with the city departments.
- Neighbors on 12th and 13th streets do not oppose her houses and say they are glad they are there.

Details of Ms. Lozano’s comments and support of her position follow (condensed and paraphrased).

- She does not pass judgment on what the clients did the month before they came to her.
- She has a success rate of about 98%.
- She disputed comments made about the police log and explained that the log represented the last three years. She reported that the police came mostly for medical emergencies. Most arrests consisted of probation violations and she cooperates with the probation department 100%. There were 2 arrests on 13th Street and 1 on 12th Street for probation violations. She said there were, maybe, 3 calls since she split up the men and the women. If something goes on in the house such as something being stolen, she allows the residents to call the police. One time, residents called because they found a dog outside. Animal Control responded and that was a police call.
- Ms. Lozano closed down the halfway house at 1215 E. Cochise (the one in the Main and Mingus neighborhood) after receiving neighborhood complaints. Because the complaints stated that the men living there were “scary,” she now rents it to four women who had graduated from her program and are ordinary tenants. She believed this was a good situation because the women are clean and sober and they allow her to come in and out of the house to follow up on their sobriety. She talked about numerous steps she has taken to appease the Main and Mingus Block Watch group.
- Ms. Lozano said she talked to the local neighbors on 12th and 13 streets. They told her they were glad her houses were there and she said it is the cleanest and soberest house on the block.
- If the houses were in disrepair, adult probation would not contract with her. They make sure things are run properly and they are the same organization that contracts the halfway houses in Prescott.
- The probation department does not have licensing requirements.
- The probation department requires that they be clean and sober and that there is an actual program.
- The probation department prefers that they are part of the Northern Arizona Housing Association.
- The Guidance Clinic provides counseling services.
- Probation comes in every year and inspects before renewing her contract.
- The house managers and she submit to drug tests, as do the clients.

Director Gehlert reminded the commission that this was purely a land use issue for them. The subject of backgrounds of the clientele was off-limits. Staff considered the exempt/non-exempt issue (from the Fair Housing Act) and determined that this use is not exempt and, therefore, the use permit is required (for the use to continue). Deliberations must be about land use only. He advised that the commission’s task is to decide if a boarding house is an appropriate use in a single-family zone.

Commissioner Smith noted that the legal notice refers to “boarding house” and not “recovery house.” It also says it is a “business.” Mr. Smith felt that should be the end of the discussion. Mr. Gehlert clarified that the ad says “boarding house.” Mr. Smith said it is a boarding house and that has nothing to do with recovery, sobriety, or probation. He believed the code was clear “no boarding houses.” Commissioner Smith asked the City Attorney to provide clarification in writing as to the “boarding house” status and if it is in violation of the city code. Chairperson Gillespie said that is what the commission would decide that night.

No one else from the public asked to speak and Chairperson Gillespie closed the floor to the public.

Chairperson Gillespie reiterated that, regardless of the clientele, these are boarding houses. You could have the same emergency calls if it were a single-family occupied house. However, he said boarding houses in an R-1 zone are inappropriate for the neighborhood because, typically, single-family residents have more responsibility with their own property and interactions with neighbors than in a boarding house situation where someone rents a room only. He said boarding houses should not be allowed in an R-1 zone. It is the wrong place and inappropriate.

Commissioner Smith agreed. He emphasized that it has nothing to do with recovery – it has to do only with zoning. He said he was against having a boarding house in R-1 zoning. Commissioners Lovett and Gonzales expressed agreement.

Chairperson Gillespie directed the following comments to the city. The city had this in violation and it was up for a hearing in April but was put off until now for this hearing stating that the conditional use permit would be the resolution. However, he said he was appalled that there was no enforcement action and no signal sent to other violators. He said he believed approving the conditional use permit that night would send a signal to others that they do not have to get permits or do anything until they are caught. Once they are caught, it is all right. They will submit it for a conditional use permit and they will be on their way with no fines, punishment, or anything. That is appalling. Mr. Gillespie said he thinks that enforcement or the code should be changed so that something happens when you have a violation and it is not dependent upon submitting for a conditional use permit or zoning change if you were put in violation.

Commissioner Gonzales moved to deny PCU 08-029. Commissioner Smith seconded and the motion carried unanimously.

PCU 08-030 Consideration of a Conditional Use Permit to allow operation of a boarding house in an R-1 (Single Family Residential) zone in a 3,408 square foot residence on .34 acres at 224 S. 12th Street. APN 406-42-092L. (Use typically allowed in an R-4 Single Family/Multiple Family/Manufactured Home zone.) Applicant: Angela M. Lozano. Agent: Rudy Stadelman.

PCU 08-030 was presented and discussed with PCU 08-029. Refer to minutes for PCU 08-029. However, the commission took separate action on PCU 08-030 as follows.

Commissioner Gonzales moved to deny PCU 08-030. Commissioner Lovett seconded and the motion carried unanimously.

Commissioner Smith requested that the police records be made part of the official record.

ZO 045 Discussion and possible action regarding proposed amendments to the Zoning Ordinance, Section 406.C.2.b (Parking and Loading Requirements / Design and

Location of Parking Spaces) to allow backing into public streets under specific circumstances.

Director Gehlert presented the staff-generated suggestion for an amendment to the zoning ordinance and subdivision regulations (as described above). He said it was in response to a recent development at the airpark with the grouping of a series of hangars onto a single, somewhat larger, parcel at the end of a cul-de-sac. There was no way to accommodate backing, turning, or a conventional parking system onto the road because there is only one-way in and out. Looking at that and some other situation around the city, staff wondered if there were certain circumstances that would warrant the allowances proposed.

Presently, the parking code prohibits any backing into the public right-of-way. The suggestion is that up to 10 parking spaces may be approved by the Public Works Director for direct loading where located at the end of a dead end street or a cul-de-sac.

Director Gehlert invited commission members' comments. Some of these comments/questions were as follows.

- The end of Airpark Road is a current example.
- Lovett - are not ten spaces a lot on a supposedly low-traffic street? Gehlert - that was the number suggested by the city engineer and is similar to the threshold for parking lot improvements.
- Lovett - it seems as though we are creating a new ordinance as an action to one request. Gehlert - the alternative is a variance and where is the hardship? Staff is looking for commission input about when this ordinance would be appropriate and how many spaces should be involved.
- Gillespie – not sure backing onto any public street is advisable but we could look at it on a case-by-case basis. Gehlert – that would require a variance and the problem with that is showing the hardship. The question is if the code should be changed. Lovett – likes it the way it is.
- Gillespie – agreed and added his concern about liability if they change the ordinance and an accident occurs. Believed it should be dealt with on an as-need basis.

Other commission members offered no comment. Chairperson Gillespie recommended that the ordinance stay the same.

Director Gehlert summarized the current Airpark Road situation and asked the commission if they saw any circumstances where this (backing into the right-of-way) should be allowed. He advised the commission that he doubted a variance could be achieved. There was brief discussion about possible ways to accommodate backing into the right-of way on an as-needed basis but Director Gehlert felt they all ended in a variance situation.

The commission did not take action but gave staff clear direction to leave the ordinance as it was.

DISCUSSION regarding possible amendments to the Zoning Ordinance Sign regulations Section 405.G.1. Size; and Section 405.G. 4. Height that would allow an increase for the

maximum height and size of freestanding signs located in commercial zones on arterial streets in Cottonwood.

Director Gehlert presented the proposal noting this was an addendum to the recent recommendation on the sign code changes having to do with sign definitions, temporary use permits, legal non-conforming signs, etc. We left the issue of freestanding signs “hanging” and were directed to take a closer look at the issue and what other communities were doing with it.

Planner Scully looked at local jurisdictions and provided a chart that maps out some of the examples. Mr. Gehlert said the current standard is a 15-foot maximum height and a 40 square foot sign. Several of the jurisdictions had smaller freestanding signs - some had taller signs. Staff’s thoughts were that on major arterials they were allowing larger and taller signs. Staff’s suggestion, if the commission were to consider a change, was to increase the standards on major arterials (state highways) to a 20-foot maximum height and 60 square foot maximum sign face. He requested the commissions’ thoughts and comments.

Commissioners Kevin, Gonzales, and Smith said it sounded good to them.

Commissioner Lovett asked if DRB restricted the Food City shopping center to fifteen feet high signs. Director Gehlert said DRB specifically restricted the height of the signs by the street. He discussed the proposal and the Development Review Board's recommendations.

Chairperson Gillespie said he agrees with the 20-foot height limit but sometimes disagrees with the up-to-15-foot wording. He said some of the shorter signs obstruct a driver’s view.

Commission members provided staff direction to move forward with the proposal.

Update regarding bicycle plan.

Planner Ballew said that last fall the Council asked staff to begin a process of developing a bicycle plan for the City of Cottonwood. Since then, we have put together a small committee of bicycle advocates to give input into the process of developing a bicycle plan and route map. He said there was a committee meeting last week and proceeded to report on the current state of the plan. He said the following.

After beginning to write a standard plan that would have been much longer, the Committee and the Planning Commission asked him to aim for a much shorter plan, probably in the neighborhood of 15-20 pages. The committee suggested last week that a shorter plan, such as 8-10 pages, would be better for Cottonwood. The plan would still hit the four Es - education, engineering, encouragement, and enforcement. It would also include some design guidelines, a vision statement, and general policy guidelines but not a lot of specifics. The committee believes the specifics could be developed later and they just want to plan.

Mr. Ballew said he would like to see more detail, specifics on design, etc. He asked for the commission members’ thoughts.

Commission members comments/questions and Mr. Ballew’s answers follow.

- A document that is too brief leaves a lot to interpretation.
- A plan should include goals, objectives, and timelines.
- The plan would designate certain thoroughfares as bike routes.
- Coordinate with the County and Clarkdale.
- Keep it simple.

Mr. Ballew emphasized that he is not arguing against the committee. The committee agreed on needs; they differed on how to get there.

Dr. Bob Richards addressed the commission stating that the committee has met over the past six months. They developed a map that outlines what streets/roads would have bike routes/lanes, etc. That is a master plan of designated routes. No one would look at a 60-page document. Keep it concise but provide more specifics in certain areas. That would be easier to put on a timetable.

Chairperson Gillespie said he is not in favor of a 60-page document but wants one that is definitive enough that they would not have to go back later and change it.

Director Gehlert explained that the plan would result in a recommendation for new bicycle routes/lanes throughout the city, which would be a tangible recommendation regarding capital improvements and would mesh with the Capital Improvement Plan process. The plan would also be an appendage to the General Plan. He said this is the commission's chance for input.

Commissioner Lovett suggested the bike routes could be coordinated with urban trail routes.

Commissioner Smith said it is a wonderful idea.

Possible discussion of monthly Departmental reports, such as Building Department and Code Enforcement reports

Commissioner Smith inquired about the enforcement report regarding 404 N. Main Street. Director Gehlert said the case went before the hearing officer, staff recorded a judgment of \$4,000 against the property, and the next step is to proceed with a criminal enforcement action as directed by the city manager.

Commissioner Smith expressed displeasure with what he perceived as the lack of enforcement on the 404 N. Main Street case and the Lozano boarding houses case. There was further miscellaneous discussion on the enforcement subject.

Informational Reports and Updates

Director Gehlert reported on the following.

- Joint session with Council on September 11.
- The DRB agenda.
- The planning and zoning items scheduled on the September 2 Council agenda.
- September 9 Council work session regarding the airport area. He noted that the Airport Commission wants to be formerly involved in (copied on) zoning and land use requests.
- Staff is reviewing a Regional Multi-modal Transportation Study.

- He recently met with ADOT regarding the scope of services for the traffic study for Bella Montana. The second access is no longer on board.
- Still looking for applicants for the Board of Adjustment.
- He will be attending the Governor's Housing Forum September 9-11 and return just in time for the joint session.
- The Governor's Rural Development Conference is September 24-26.

Call to the Public

There was no response.

Adjournment

Chairperson Gillespie adjourned the meeting at 8:07 p.m.

Minutes prepared by: Carol Hulse

Date Approved: _____